bodman

A Workplace Law Update

Bodman PLC **November 17, 2026**

Sixth Circuit: IT Employees Who Help Design and Document Systems Can Be Exempt from Overtime

By: John T. Below, Member, Workplace Law Group

A federal appeals court has confirmed that IT employees can be exempt from overtime even when part of their job involves following set instructions. What matters is the employee's main duty: if it centers on designing, developing or documenting how a computer system works, overtime generally is not owed. The decision helps employers classify IT staff with more confidence, but it also makes clear that job duties, not job titles, drive the answer.

In *Bennink v. Cincinnati Bell Tel. Co. LLC* (6th Cir., decided and recommended for publication Oct. 29, 2026) the Sixth Circuit Court of Appeals ruled that an IT employee whose primary duty centered on design and development of a computer system should be classified as exempt under the computer-employee exemption from FLSA overtime, whereas IT workers who mainly follow "pre-determined steps" likely would be viewed as non-exempt and entitled to overtime.

The plaintiff claimed Cincinnati Bell failed to pay him overtime in violation of the FLSA and breached its contract with him. The Southern District of Ohio granted summary judgment to the employer, finding he was an exempt computer employee and that no contract existed. The Sixth Circuit affirmed, holding Cincinnati Bell "met its burden to show that [Bennink's] responsibilities were intimately intertwined with the design, development, and documentation of [its] IVR system, making him an exempt computer employee."

The court stressed that the statute lacks "any requirement of a particular degree, level of education, or job title. That textual absence is a meaningful one." It looked to the employee's "primary duty," meaning the "principal, main, major or most important duty that the employee performs," based on "the character of the employee's job as a whole." The court had "little trouble concluding that an IVR system is" a computer system, being "complex and technical." Bennink "extensively documented the IVR system, mapping out where and how [it] routed

Copyright 2026 Bodman PLC. Bodman has prepared this for informational purposes only. Neither this message nor the information contained in this message is intended to create, and receipt of it does not evidence, an attorney-client relationship. Readers should not act upon this information without seeking professional counsel. Individual circumstances or other factors might affect the applicability of conclusions expressed in this message.

callers based on their needs," and his documentation "bled over into 'design' and 'development.'" By gathering "inputs and proposing the flow of the IVR, Bennink was designing and developing the system." Although not all of his "work fell cleanly within the exemption [,]" the IVR duties were central to his hiring and workload, so "they were his primary duty." The court also observed that "several District Courts have similarly distinguished between IT employees who merely follow *predetermined steps* to resolve technological issues and those who contribute to decisions about how pieces of a system should work together."

Key Takeaways for Employers

- **Focus on duties, not titles or degrees.** The law sets no education or job-title requirement for the computer-employee exemption.
- **Identify the primary duty.** Ask what the employee's most important work is, looking at the job as a whole.
- **Mixed duties can still qualify.** Following set steps or instructions for some tasks does not defeat the exemption if the main role involves system design, development or documentation.
- **Routine support roles carry more risk.** IT workers who mainly follow pre-determined steps to fix technical issues are likely entitled to overtime.
- **Document the work.** Keep current job descriptions and records showing what each IT employee actually does, since the employer bears the burden of proving the exemption.
- **Review your classifications.** Audit IT positions now and consult employment counsel on any borderline roles.

Please contact the author, John T. Below (jbelow@bodmanlaw.com | 248-743-6035), or any member of Bodman's Workplace Law Group if you have questions about employee classification, the lessons learned from the *Bennink* case, or any other employment issue facing your workplace. Bodman cannot respond to your questions or receive information from you without establishing an attorney-client relationship and clearing potential conflicts with other clients. Thank you for your patience and understanding.

Copyright 2026 Bodman PLC. Bodman has prepared this for informational purposes only. Neither this message nor the information contained in this message is intended to create, and receipt of it does not evidence, an attorney-client relationship. Readers should not act upon this information without seeking professional counsel. Individual circumstances or other factors might affect the applicability of conclusions expressed in this message.