No. 26-295

In the Supreme Court of the United States

FORENSIC PATHOLOGY SERVICES, P.C.;
CAROL A. TERRY, M.D.,

Petitioners,

v.

ROBERT BUMGARDNER; LESLIE BURETA;
ASHLEY BRYANT; SHANNON BYERS;
LARRY LEON HARRISON; AND,
VICTOR LONG,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

The Fair Labor Standards Act's administrative exemption requires an employee's primary duty to involve office or nonmanual work directly related to the management or general business operations of the employer or its customers. 29 C.F.R. § 541.200(a)(2). Although qualifying work may include "legal and regulatory compliance," §541.201(b), the employee's primary duty must be determined from all the circumstances, with emphasis on the character of the job as a whole. §541.700(a).

Respondents performed death investigations for petitioners' medical-examiner business. Their responsibilities included determining whether reported deaths fell within the office's statutory jurisdiction. In an unpublished decision reviewing the denial of respondents' renewed motion for judgment as a matter of law, the court of appeals held that the trial evidence did not support application of the administrative exemption. It concluded that respondents' primary duty was investigative factfinding and that, even assuming their jurisdictional determinations qualified as administrative work, at trial, petitioners had not established that those determinations were respondents' primary duty. Pet. App. 9a, 18a–20a. The court reversed the denial of the motion, vacated the judgment for petitioners, and remanded for further proceedings. Id. at 22a.

The question presented is: whether the court of appeals correctly held, on this trial record, that petitioners failed to establish the administrative exemption for death investigators whose work included

determining statutory jurisdiction, where the evidence was insufficient to establish that such determinations were their primary duty.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, Respondents, Robert Bumgardner, Leslie Bureta, Ashley Bryant, Shannon Byers, Larry Leon Harrison, and Victor Long discloses the following: There is no parent or publicly held company owning 10% or more of Respondents' stock.

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RESPONSE TO PETITIONERS' STATEMENT OF THE CASE

The central premise of Petitioners' Statement is that Respondents' "first, primary, and threshold responsibility" was determining whether reported deaths fell within the medical examiner's statutory jurisdiction, while their investigative work was merely "secondary." Pet. 12–13. That characterization assumes the very proposition the court of appeals concluded Petitioners had failed to establish. The court expressly considered whether jurisdictional determinations could support the administrative exemption and held that, even assuming those determinations qualified as administrative work, the evidence did not establish that they were Respondents' primary duty. Pet. App. 18a–20a. Petitioners' disagreement with that conclusion does not make their preferred characterization an established premise from which this Court should consider the question presented.

FPS provides medical-examiner services to Gwinnett County. Respondents were investigators who collected the information Dr. Terry needed to determine the cause and manner of death. Their work included photographing death scenes, interviewing witnesses and law-enforcement personnel, examining bodies, arranging transportation, communicating with families, and preparing reports incorporated into the medical examiner's report. Pet. App. 4a–5a. Dr. Terry described the investigators as her "eyes and ears," collecting information on her behalf to assist her determinations. Id. at 19a–20a. These were the services Respondents performed in carrying out FPS's death-investigation business.

Respondents also determined, at the outset of a reported death, whether the matter fell within the office's statutory jurisdiction. The court of appeals acknowledged both that responsibility and the fact that only approximately one-third of reported deaths fell within that jurisdiction. Id. at 4a–5a. But the sequence in which a task occurs does not itself establish its primacy under the administrative exemption. Nor does the proportion of calls screened out establish the relative importance of screening to the employees' jobs as a whole. The regulation calls for consideration of all the circumstances, including the relative importance of duties, time devoted to them, freedom from supervision, and comparative compensation. 29 C.F.R. § 541.700(a)–(b). Describing screening as "threshold" work therefore does not answer the regulatory inquiry.

The petition's account of that work also requires context. Petitioners describe the "green sheet" as a means of recording basic demographic information before an investigator independently evaluated statutory jurisdiction. Pet. 12. The opinion explains that the jury heard unrebutted testimony that investigators were required to ask the reporting person a list of mandatory questions on that sheet. Pet. App. 18a. The investigators also followed written guidelines in the sheet and their employment manual, and Dr. Terry testified that she retained the ultimate decision about jurisdiction. Id. at 18a, 21a. Neither supervisory review nor the use of guidelines automatically defeats an exemption. See 29 C.F.R. §§ 541.202(c), 541.704. These circumstances nevertheless belong in the account of the work Petitioners now characterize as independent legal gatekeeping.

The procedural history likewise does not establish the specific factual finding Petitioners attribute to the jury. Respondents sued for unpaid overtime, and Petitioners asserted the administrative exemption as an affirmative defense. After the district court denied Respondents' motion for judgment as a matter of law, the jury returned verdicts for Petitioners. Respondents renewed their motion, the district court denied it, and six plaintiffs appealed. Pet. App. 6a–8a.

Petitioners characterize the verdicts as findings that jurisdictional determinations were Respondents' primary duty. Pet. 17, 33. But the verdict question reproduced in the petition asked whether each Respondent "was an administrative employee" and therefore ineligible for overtime compensation; it did not separately ask the jury to identify that employee's primary duty. Pet. 15. The court of appeals likewise described each verdict as a single finding that the administrative exemption applied. Pet. App. 8a. The verdicts were entitled to the protections of the governing sufficiency standard, including reasonable inferences in Petitioners' favor. Their general form, however, does not supply an express subsidiary finding that jurisdiction screening, considered separately from investigative work, was Respondents' primary duty.

The court of appeals expressly recognized the applicable standard. It stated that the evidence and logical inferences must be evaluated in the nonmoving party's favor, without resolving evidentiary conflicts or making credibility determinations. Id. at 7a. It then held that the evidence was legally insufficient to establish the exemption's requirement that Respondents' primary duty directly relate to management or general business operations. Id. at 9a. Petitioners

contend that the court misapplied that standard. That contention should be evaluated as a challenge to the decision actually rendered, rather than through a description of the verdict as resolving separately a factual question the verdict form did not ask.

The petition also overstates the breadth of the panel's treatment of legal compliance. According to Petitioners, the court "refused to consider" Respondents' gatekeeping role as administrative work. Pet. 16. The court did consider that role. After rejecting the contention that compliance with Georgia law transformed Respondents' investigative work generally into administrative work, the court separately addressed their initial jurisdictional determinations. Pet. App. 16a–18a. It then assumed that those determinations could qualify as administrative work and concluded that Petitioners still had not established their primacy. Id. at 18a–20a. Thus, an answer favorable to Petitioners on the abstract classification of jurisdiction screening would not, by itself, resolve the basis on which the panel rejected the exemption.

Petitioners do challenge that additional reasoning, particularly the panel's reference to a "majority share" of investigators' time. Pet. 33–37; Pet. App. 20a. The governing regulation makes clear that time is not the sole measure and that a duty may be primary even when it occupies less than half an employee's working time. 29 C.F.R. § 541.700(b). The opinion also recited the qualitative primary-duty standard and discussed testimony identifying investigative factfinding as Respondents' central function. Pet. App. 19a–20a. The dispute therefore requires examination of the panel's reasoning and this trial record; it cannot be resolved by assuming, as the

petition's question does, that jurisdiction screening was already established as Respondents' primary duty.

Finally, the decision did not resolve every issue bearing on Respondents' entitlement to overtime. The panel did not reach their separate arguments concerning discretion and independent judgment or the first-responder regulation. Id. at 9a. It reversed the denial of their renewed motion on the administrative-exemption defense, vacated the judgment, and remanded for further proceedings. Id. at 22a.

Petitioners ultimately acknowledge that the opinion rests on the panel's conclusion that investigative work, rather than jurisdictional screening, was Respondents' primary duty. Pet. 37–38. Their Statement nevertheless presents the case as though the court had categorically denied an exemption to employees whose primary duty was legal gatekeeping. The distinction matters at the certiorari stage. The asserted disagreement over the classification of a particular task does not eliminate the separate, record-dependent primary-duty issue presented here. Whether Petitioners have shown a conflict warranting this Court's intervention must be assessed against that actual decision, mindful that certiorari is rarely granted to correct erroneous factual findings or the misapplication of a properly stated rule of law. Sup. Ct. R. 10.

REASONS FOR DENYING THE PETITION

I. The Petition Does Not Establish A Circuit Conflict Warranting Review Of This Judgment.

A. The asserted conflict does not resolve the separate, record-dependent dispute over respondents' primary duty.

The Petition's asserted circuit conflict depends on a premise the decision below rejected. Petitioners ask whether an employee whose primary duty is determining the employer's legal authority to accept incoming matters qualifies for the administrative exemption. Pet. i. The Eleventh Circuit did not hold that respondents were nonexempt notwithstanding such a primary duty. It held that their principal work was investigative factfinding and, separately, that even assuming their jurisdictional determinations qualified as administrative work, petitioners had not established that those determinations were their primary duty. Pet. App. 18a–20a. An affirmative answer to petitioners' question would therefore leave unresolved a separate basis for the judgment.

That distinction follows from the regulations themselves. Section 541.201(b) identifies functional areas in which work may be administrative, including legal and regulatory compliance. Section 541.200(a)(2) separately requires that qualifying administrative work be the employee's primary duty. Identifying an administrative component of a job does not establish that the job satisfies that requirement. Petitioners' characterization of respondents as "gatekeepers" does not eliminate the distinction.

The appellate record confirms that the dispute concerned the character of respondents' work as a whole. Petitioners argued that respondents spent most of their time determining jurisdiction, drafting reports, and taking calls, and that their investigative work collectively related to compliance with the Georgia Death Investigation Act. Appellees' Answer Br. 41–43, No. 25-10673. The panel rejected that broad characterization, then separately considered whether jurisdictional screening itself could support the exemption. Pet. App. 16a–20a. Petitioners renewed their primary-duty argument on rehearing. Pet. for Panel Reh'g 3–9. The issue is thus disputed, not conceded. But that dispute cannot be resolved merely by classifying jurisdictional screening as administrative.

The trial testimony illustrates why. Bumgardner agreed that jurisdictional decisions were important and occurred whenever he received a death call. Trial Tr. II 121–22. Bryant was initially asked whether the investigator's role was primarily to determine jurisdiction, but requested that counsel rephrase the question. She then agreed that the role involved legal compliance. Id. at 193. Byers described her primary responsibilities as taking the initial call, determining jurisdiction, and, when jurisdiction was accepted, investigating the death scene. Trial Tr. III 198–99. She also explained that an investigator sometimes visited a scene before ultimately declining jurisdiction. Id. at 199. Those descriptions do not establish the Petition's premise as an undisputed fact about a discrete administrative function.

Petitioners also presented stronger evidence: Terry testified that nothing was more significant to the medical examiner's office than the initial

jurisdictional determination. Trial Tr. VI 68. Respondents do not disregard that testimony. Its significance, however, must be assessed in the context of the job as a whole under § 541.700(a), and under the standard governing review of the jury's verdict. Whether the panel properly assessed that evidence is a separate question from whether another circuit would classify a particular screening duty as administrative. None of petitioners' cited decisions resolves that evidentiary dispute.

Nor does the verdict establish a separate, express finding that jurisdictional screening, considered apart from respondents' other investigative responsibilities, was their primary duty. The jury answered the ultimate administrative-exemption question for each plaintiff; it did not return subsidiary findings identifying the particular duty it regarded as primary. Trial Tr. VII 155–56, 165. Petitioners remain entitled to the reasonable inferences supporting those verdicts. But determining whether those inferences sustain the exemption requires examination of this trial record. The verdict does not transform petitioners' preferred characterization into a premise this Court must accept when evaluating their asserted circuit conflict.

The Fifth Circuit decisions do not supply the missing conflict. In *Zannikos v. Oil Inspections (U.S.A.), Inc.*, 605 F. App'x 349, 354–56 (5th Cir. 2015), marine superintendents performed oversight, quality-control, safety, and compliance functions for their employer's customers. The court relied expressly on the provision covering work related to customers' management or general business operations. It explained that producing the employer's own service did not defeat the exemption's second element when the employees' work

served those customers' business operations. Id. The panel here expressly noted that no party asserted that theory. Pet. App. 9a n.3. *Zannikos* consequently does not establish conflicting treatment of the theory actually presented below.

Smith v. Ochsner Health System, 956 F.3d 681 (5th Cir. 2020), is likewise distinguishable. Petitioners describe it as holding that a threshold regulatory determination constitutes administrative legal compliance. Pet. 23–24. The Fifth Circuit's analysis instead identified the employee's work as procurement—facilitating the acquisition of organs for transplant services. 956 F.3d at 686–87. Moreover, the court applied the highly compensated employee exemption, under which customary and regular performance of an exempt duty can suffice without satisfying the standalone administrative exemption's corresponding primary-duty requirements. Id. at 684–85. That difference is decisive to the proposed comparison: the panel here assumed the screening duty could qualify as administrative but held that petitioners had not established its primacy.

The mortgage-underwriter cases present a genuine disagreement, but not one this case cleanly resolves. The Sixth Circuit classified the underwriting work in *Lutz v. Huntington Bancshares, Inc.*, 815 F.3d 988, 993–96 (6th Cir. 2016), as servicing the bank's business. The Second and Ninth Circuits reached different conclusions about the underwriting work before them. *Davis v. J.P. Morgan Chase & Co.*, 587 F.3d 529, 534–35 (2d Cir. 2009); *McKeen-Chaplin v. Provident Savings Bank, FSB*, 862 F.3d 847, 851–54 (9th Cir. 2017). Respondents do not ask this Court to overlook that disagreement. They ask the Court to

recognize that resolving it would not determine whether screening was respondents' primary duty on this record.

Petitioners nevertheless attribute to the panel a categorical rule excluding compliance work whenever it is integrated into an employer's operations. Pet. 26–28. The opinion does not announce that rule. It recognizes supporting functions ancillary to production and expressly assumes that respondents' jurisdictional determinations could qualify as administrative work. Pet. App. 13a, 18a. Petitioners' proposed categorical conflict is therefore broader than the holding necessary to the judgment.

Finally, petitioners challenge the panel's emphasis on the absence of evidence that screening consumed a majority of respondents' time. Pet. 33–37. Section 541.700(b) does not impose an inflexible majority-of-time requirement, and respondents do not defend such a requirement. The panel recited the broader standard and discussed the relative importance of respondents' functions, although its majority-share language furnishes petitioners an argument about the application of that standard. Pet. App. 19a–20a. Even accepting that criticism, it does not establish grounds for granting a petition for a writ of certiorari.

Rule 10 ordinarily reserves review for compelling reasons beyond alleged factual error or misapplication of an articulated legal rule. Petitioners cannot avoid that limitation by incorporating their disputed characterization of respondents' primary duty into the question presented. The cited decisions do not resolve that characterization, and answering the proposed

question would not alone dispose of the judgment below. The asserted conflict does not warrant review.

II. The Decision Below Does Not Establish A Conflict With This Court's Precedent.

A. Icicle Seafoods preserves review of the legal sufficiency of an exemption defense; it does not insulate a jury's verdict from that review.

Petitioners invoke *Icicle Seafoods, Inc. v. Worthington*, 475 U.S. 709 (1986), to characterize the decision below as an impermissible substitution of appellate factfinding for the jury's verdict. Pet. 38. But *Icicle Seafoods* distinguishes the facts concerning employees' work from the legal consequences of those facts. It does not make a verdict sustaining an FLSA exemption immune from review for evidentiary sufficiency. The panel expressly undertook that review under a standard requiring deference to petitioners' evidence and reasonable inferences. Pet. App. 7a, 9a n.4. Petitioners' disagreement concerns the panel's application of that standard, not an announced rule incompatible with this Court's decisions.

Icicle Seafoods arose from a bench trial concerning the FLSA's seaman exemption. The court of appeals independently determined the employees' dominant work and the proportion of time devoted to maritime duties without properly reviewing the district court's findings under Rule 52(a). This Court rejected that approach. 475 U.S. at 713–14. But it also expressly recognized that an appellate court could accept the findings and reverse because the governing law had been misapplied. Id. at 714. Respect for the factfinder and

judicial review of the exemption's legal requirements therefore coexist.

Here, the procedural question was whether petitioners' evidence supplied a legally sufficient basis for the verdicts. Under Rule 50, the court must consider the record, draw reasonable inferences for the nonmoving party, and refrain from weighing evidence or deciding credibility. *Reeves v. Sanderson Plumbing Products, Inc.*, 530 U.S. 133, 149–51 (2000). Those protections are substantial. They nevertheless permit judgment as a matter of law when the evidence, assessed under that standard, cannot support the verdict.

The panel stated those protections expressly. It required consideration of the evidence and logical inferences in the nonmoving party's favor and prohibited resolving evidentiary conflicts or making credibility determinations. Pet. App. 7a. It also acknowledged *Icicle Seafoods* and expressly declined to decide whether the parties were correct to frame the exemption question as one of factual sufficiency. Id. at 9a n.4. That reservation did not authorize fresh factfinding. It confined the decision to whether the verdict could survive the framework the parties had presented.

The opinion's central analysis concerned the regulatory significance of respondents' work. The panel described their investigative responsibilities and explained why performing FPS's investigative service did not, without more, constitute managing or servicing its general business operations. Id. at 12a–17a. It also assumed that respondents might exercise greater discretion than the investigators in *Fowler*, but explained that discretion addressed a separate element

of the exemption and did not itself establish the business-operations element. Id. at 21a. That reasoning does not depend on disbelieving testimony that respondents exercised judgment or performed important work. It concerns whether those characteristics satisfy the particular regulatory requirement at issue.

Petitioners' reliance on witnesses' descriptions of their work as "legal compliance" does not eliminate that inquiry. Testimony concerning what employees do is evidence; a witness's characterization of those activities does not conclusively establish their classification under the regulation. Likewise, the importance of an employee's responsibilities does not itself establish that those responsibilities concern management or general business operations. The panel's consideration of those distinctions is consistent with the fact-law distinction recognized in *Icicle Seafoods*.

Respondents do not contend that reciting the correct standard necessarily establishes that every subsequent passage applied it correctly. Nor do they contend that the absence of subsidiary jury findings permits an appellate court to disregard reasonable inferences supporting the verdict. Petitioners may challenge whether the panel crossed that boundary in evaluating this record. But establishing such an error would require examining the particular evidence and inferences, not resolving a disagreement about the governing allocation of judicial and factfinding responsibilities.

The Petition identifies no holding that appellate courts may reweigh testimony, make credibility determinations, or disregard supported factual findings

in FLSA cases. It instead asks this Court to conclude that the panel misapplied acknowledged limits in this case. Rule 10 makes clear that such claims ordinarily do not warrant certiorari. The citation to *Icicle Seafoods* supplies no additional compelling reason for review.

III. This Case Is An Unsuitable Vehicle For Resolving Petitioners' Proposed Question.

A. Unresolved challenges to other requirements of the exemption could independently defeat petitioners' defense.

Even if petitioners' proposed question otherwise warranted review, this case would be an unsuitable vehicle for resolving it. The Eleventh Circuit expressly declined to decide additional challenges to the administrative exemption that respondents presented on appeal. Those challenges concern the discretion-and-independent-judgment requirement, the first-responder regulation, and the office-or-nonmanual-work requirement. Pet. App. 9a, 11a n.5. A ruling accepting petitioners' characterization of jurisdictional screening would not resolve those issues or necessarily establish that respondents were exempt.

These are existing disputes in this litigation, not hypothetical objections to a future application of the Court's ruling. Respondents presented them in their principal appellate brief. Appellants' Principal Br. 26–30, No. 25-10673. The panel identified the alternative arguments and declined to reach them because its resolution of the business-operations requirement was dispositive. Pet. App. 9a, 11a n.5. Petitioners' contention that the case squarely presents whether respondents qualify for the exemption therefore

overstates what an answer to their proposed question would accomplish.

First, petitioners would still have to establish the separate requirement that respondents' primary duty included discretion and independent judgment concerning matters of significance. 29 C.F.R. § 541.200(a)(3). Classifying a task as legal compliance does not establish the nature or extent of the employee's discretion in performing it. Section 541.202(e) distinguishes qualifying discretion from skill in applying established techniques, procedures, or standards. The panel expressly left this element unresolved. Pet. App. 21a.

The record makes that distinction consequential. The opinion describes mandatory questions used to determine jurisdiction and Terry's ultimate authority over those decisions. Id. at 18a. Respondents' testimony also addressed consultation with supervisors and the constraints governing investigative decisions. See, e.g., Trial Tr. IV 138–39. Supervisory review alone does not defeat the exemption, as § 541.202(c) makes clear. But neither does the importance of a jurisdictional determination establish the requisite independent judgment. Resolving this issue would require analysis beyond the proposed classification of screening as administrative work.

Second, respondents invoked §541.3(b), which excludes specified investigative and first-response work from the executive, administrative, and professional exemptions. The regulation identifies investigators and similar employees performing enumerated activities, including interviewing witnesses and preparing investigative reports. Its application depends on the

employees' actual work; the title "investigator" does not alone resolve the question. Respondents argued that their duties brought them within that provision, and the panel expressly reserved the issue. Pet. App. 9a. A ruling about the administrative character of preliminary screening would not determine whether the regulation nevertheless excludes respondents from the exemption.

Third, the parties disputed whether respondents' primary duty satisfied the office-or-nonmanual-work component of § 541.200(a)(2). The panel likewise declined to decide that dispute. Pet. App. 11a n.5. Respondents' appellate argument addressed their physical work at death scenes and during examinations, while petitioners emphasized telephone calls, reports, and other nonmanual activities. Appellants' Principal Br. 26–27; Appellees' Answer Br. 41–43. That controversy would remain even if this Court accepted petitioners' position concerning legal compliance.

Respondents do not suggest that these reserved issues are already adjudicated alternative holdings. Their significance is that petitioners must overcome them before obtaining the exemption they seek. This Court would be reviewing one component of a defense whose other disputed requirements have not received appellate resolution. The jury's verdict does not eliminate those questions: respondents challenged its evidentiary sufficiency on those additional grounds, and those challenges remain undecided.

The petition's proposed answer consequently would neither resolve the exemption defense nor necessarily change the ultimate outcome. Taken together with the record-dependent dispute addressed in Argument

I, these unresolved issues make this case a poor vehicle for the broad ruling petitioners request.

IV. Petitioners Have Not Demonstrated A Question Of Exceptional National Importance.

A. The importance of death investigations and regulatory compliance does not establish the nationwide consequences attributed to this decision.

Petitioners devote substantial attention to the national importance of regulatory compliance and medicolegal death investigations. Pet. 28–31. Respondents do not dispute that either serves important public purposes. But the importance of an industry's work does not itself establish that a particular overtime-classification dispute presents a question warranting this Court's review.

The petition's aggregate regulatory-cost figures do not bridge that gap. An estimate of the cost of federal regulation across the economy does not identify the employees affected by this decision, establish that their duties resemble respondents' duties, or demonstrate that the decision alters their exempt status. Pet. 28. Nor does the nationwide number of death referrals establish that investigators in other offices perform the same combination of duties, under the same allocation of authority, as the employees in this record. Pet. 29–30. Those figures establish scale, not the reach of the judgment below.

The asserted workforce shortage is similarly insufficient. Petitioners explain that forensic pathologists depend heavily on investigators and that the work has serious consequences for families, public health,

and criminal investigations. Pet. 29–31. Those considerations demonstrate the value of the services respondents perform. They do not establish that the services are administrative within the meaning of the governing regulations. The overtime inquiry concerns the character of the employee's duties, not whether the employer can readily dispense with them.

Petitioners' predicted consequences for other occupations depend on an overstatement of the decision. They assert that it would strip the exemption from mortgage underwriters, insurance claims adjusters, financial-compliance analysts, customs brokers, title examiners, and others whose compliance duties are integrated into operations. Pet. 31. But the panel did not decide the status of those occupations or adopt a rule requiring a separate compliance department. It recognized that supporting functions can qualify as administrative without involving policymaking. Pet. App. 13a. Its decision addressed the work of the investigators before it.

The regulations themselves confirm why petitioners' occupational list proves little. They provide specific examples concerning insurance claims adjusters and financial-services employees, identifying duties relevant to administrative status. 29 C.F.R. § 541.203(a)–(b). Those examples call for examination of actual responsibilities; they do not establish a general exemption for every employee who makes a preliminary decision under legal or professional standards. Applying the regulations to respondents does not eliminate their application to materially different jobs.

Petitioners acknowledge that the opinion is unpublished and nonprecedential, but contend that its

reliance on *Fowler* gives it broader significance. Pet. 32. Respondents do not rely on publication status as a categorical obstacle to review. The relevant point is narrower: petitioners must demonstrate that the reasoning actually necessary to this judgment produces the sweeping consequences they predict. Reliance on a published decision involving investigative work does not establish that every occupation performing some compliance function will receive the same treatment.

Finally, petitioners' argument that this record is a better vehicle than an earlier petition cannot substitute for a showing that this petition independently warrants review. Pet. 32–33. The Court's discretionary inquiry concerns the question and judgment now presented. General statistics, the acknowledged importance of the work, and comparisons to another petition do not supply the missing connection between this judgment and the claimed nationwide disruption. Petitioners have not demonstrated a compelling reason to review this particular dispute.

V. The Regulatory Framework Supports The Judgment Below.

A. The governing text requires examination of the employee's actual functions, not automatic exemption of work performed under statutory authority.

The regulatory text supports the central distinction drawn below. The administrative exemption requires a primary duty directly related to management or general business operations. 29 C.F.R. §541.200(a)(2). Section 541.201(a) distinguishes assisting with running or servicing the business from producing the

goods or services the business supplies. Although § 541.201(b) identifies legal and regulatory compliance as a qualifying functional area, that reference must be read within the requirement it explains. It does not establish a separate exemption for all work involving the application of law.

Respondents' reading gives the exemption the fair construction required by *Encino Motorcars, LLC v. Navarro*, 584 U.S. 79, 89 (2018). It does not depend on construing exemptions narrowly. A fair reading preserves both the inclusion of genuine administrative compliance work and the requirement that the employee's functions relate to management or general business operations.

The regulatory examples reinforce that distinction. Public-sector inspectors and investigators generally do not qualify when they apply established standards and prescribed procedures. 29 C.F.R. §541.203(j). Respondents' private employment does not make that example directly dispositive, but the example demonstrates that applying external legal requirements does not automatically establish administrative status. Otherwise, work expressly described as generally nonexempt would become exempt precisely because it implements legal standards.

The same point follows from the distinction between human-resources managers and personnel clerks who screen applicants against minimum qualifications. Id. §541.203(e). A screening function may precede and condition later business activity without necessarily constituting exempt administration. The relevant inquiry remains what the employee actually does and how that work relates to the business.

Petitioners' proposed distinction between preliminary jurisdictional decisions and subsequent investigation is therefore not self-executing. The record shows that determining jurisdiction could itself require investigative factfinding. Byers explained that investigators sometimes visited a scene, located medical information, and then declined jurisdiction. Trial Tr. III 198–99. Terry likewise testified that investigators sometimes needed to examine a scene and obtain additional information before deciding whether to accept a case. Trial Tr. VI 26. These examples undermine the premise that a jurisdictional determination necessarily constitutes a discrete administrative authorization function merely because it governs what happens next.

The opinion accordingly examined the relationship between respondents' activities and FPS's investigative service. Respondents interviewed witnesses, preserved evidence, photographed scenes, and prepared reports under prescribed procedures. Pet. App. 14a. The fact that those activities served obligations imposed by the Georgia Death Investigation Act did not compel their classification as administrative compliance. The panel could recognize the legal importance of respondents' work while rejecting petitioners' characterization of all investigative activity as servicing the business's general operations.

B. The primary-duty inquiry does not impose a majority-of-time requirement, but neither does it make a preliminary duty primary merely because later work depends on it.

Petitioners' strongest criticism concerns the panel's statement that the testimony did not establish the primacy of jurisdictional screening without evidence that it occupied a majority of respondents' time. Pet. 33–37; Pet. App. 20a. Respondents do not defend a categorical fifty-percent requirement. Section 541.700(b) expressly permits exempt work to constitute an employee's primary duty even when it occupies less than half the employee's time.

The controlling inquiry considers the employee's job as a whole, including the relative importance of duties, time devoted to them, freedom from supervision, and the pertinent compensation comparison. Id. § 541.700(a). The panel recited that broader framework. Pet. App. 19a. Its discussion also considered testimony concerning the investigators' central fact-finding function and the significance attributed to jurisdictional determinations. Id. at 19a–20a. The majority-share passage should therefore be considered in that context, rather than treated as a freestanding amendment to the regulation.

That does not remove the need to address petitioners' evidence. Terry's testimony that nothing was more significant than the jurisdictional determination supports their relative-importance argument. Trial Tr. VI 68. But the legal consequence petitioners seek does not follow automatically from that testimony. The significance of the decision must be evaluated alongside the nature of the work performed to make it and the

character of the investigator's responsibilities as a whole. A consequential threshold determination does not necessarily convert the factfinding through which it is made into administrative work.

Nor does the proportion of calls on which jurisdiction is declined supply a substitute for that analysis. Petitioners emphasize that screening occurs on every reported death and ends the office's involvement in many matters. Pet. 25–27. Frequency is relevant, but counting matters does not itself establish the relative importance of the functions performed across the job. Likewise, the fact that further investigation depends on an initial determination establishes sequence and necessity; it does not conclusively establish administrative character or primacy.

The judgment thus rests on a substantive distinction the regulations require: performing an investigative service in accordance with law is not necessarily administering the business that provides that service. To the extent petitioners contend that the panel gave insufficient weight to particular testimony or excessive weight to time, their argument seeks correction of the application of an existing multifactor standard to this record. The regulatory text already supplies the governing rule. That disagreement does not justify the broad, categorical ruling the Petition requests.

CONCLUSION

Petitioners have not established a conflict warranting this Court's review. Their proposed question assumes a disputed characterization of respondents' primary duty, leaves additional challenges to the exemption

unresolved, and attributes consequences to the decision that its holding does not support. Their remaining objections seek correction of the application of settled principles to this trial record. Those objections provide no compelling reason to grant certiorari. Accordingly, Petitioners' petition for a writ of certiorari should be denied.

Respectfully submitted,

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