

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-30639  
Summary Calendar

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ROBERT GENE MICKEL,

Plaintiff-Appellant,  
Cross-Appellee,

versus

CITY OF PINEVILLE,

Defendant-Appellee,  
Cross-Appellant.

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Appeal from the United States District Court for  
the Western District of Louisiana  
(USDC No. 99-CV-867)

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March 1, 2001

Before REAVLEY, JOLLY and JONES, Circuit Judges.

PER CURIAM:\*

Plaintiff-appellant Robert Gene Mickel appeals from summary judgment against him on his claim for overtime wages under the Fair Labor Standards Act

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\*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

(FLSA), 29 U.S.C. §§ 201-219 (FLSA). We agree with the district court and defendant-appellee City of Pineville that he is an exempt employee under the short tests promulgated by the Secretary of Labor pursuant to 29 U.S.C. § 213(a). *See* 29 C.F.R. §§ 541.1(f), 541.2(e)(2); *see also* *Lott v. Howard Wilson Chrysler-Plymouth, Inc.*, 203 F.3d 326, 331-33 (5th Cir. 2000) (applying the short tests for executive and administrative employees).

As Pineville's Superintendent of Public Works, Mickel was responsible for supervising the work of more than 100 employees, preparing and assigning work orders, making recommendations as to hiring, firing, and purchasing decisions, and completing annual evaluations of supervisors in his area. As a matter of law, his position qualifies him as an executive and administrative employee who is exempt from the overtime provisions of the FLSA.

Because we deny Mickel's appeal, we do not reach Pineville's alternative cross-appeal regarding vacation hours.

**AFFIRMED.**