

PROFESSIONAL - Teaching

To be classified as an FLSA exempt Teaching Professional, the only exemption category where the employee is not subject to a weekly minimum salary, the employee must be employed in a bona fide professional capacity in a position with the primary duties of teaching, tutoring, instructing or lecturing in the activity of imparting knowledge; requiring advanced, very specialized education and training, or a prolonged course of specialize intellectual instruction; and, who is employed and engaged in this activity as a teacher in an educational establishment by which the employee is employed.

<p>1. Does the employee’s primary duty meet all of the following requirements for a “teaching” professional?</p> <ul style="list-style-type: none">• Employed in a bona fide professional capacity in a position with the primary duties of teaching, tutoring, instructing or lecturing in the activity of imparting knowledge.• Employed and engaged to perform in this activity as a teacher in an educational establishment by which the employee is employed.• The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>If no, stop. The employee does not qualify for FLSA exemption under this category.</p>
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If the answer to any of this questions is “no”, then the employee does not qualify for exemption under this category and must be paid in accordance with the Fair Labor Standards Act (FLSA).

Do you recommend that this position be exempt from the overtime provisions of the Fair Labor Standards Act?

Yes No

If the answer is “Yes”, please provide justification below:

PROFESSIONAL - Learned or Creative

To be classified as an FLSA exempt Learned or Creative Professional employee, the employee must be paid a weekly salary of \$~~7~~ or higher; hold a position with duties requiring advanced or very specialized education and training and that require the exercise of discretion and judgment, or; consist of work requiring invention, imagination or talent in a recognized field of artistic or creative endeavor.

<p>1. Does the employee receive a salary of at least \$7 per week and receive this pay on a consistent salary basis?</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO If no, stop. The employee is not FLSA exempt.</p>
<p>2. Does the employee’s primary duty meet all of the following requirements for a “learned” professional?</p> <ul style="list-style-type: none"> • The employee performs work requiring advanced knowledge, defined as work which is predominantly intellectual in character. • The work requires the consistent exercise of discretion and judgment. • The advanced knowledge must be in a field of science or learning. • The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction. 	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>3. Does the employee’s primary duty qualify for a “creative” professional because it requires invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor?</p> <ul style="list-style-type: none"> • The exemption of the creative professional is highly dependent on the degree of invention, originality or talent that is exercised by the employee. As such, the exemption has to be done on a case-by-case basis (rather than by the job classification). • The work that is performed typically has to be highly conceptual where only a concept may be the starting point and must require a high degree of originality. • The creative professional exemption generally applies to actors, musicians, composers, painters, essayists, and screenwriters. 	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>

If the answer to questions number 1 and 2 or 1 and 3 is “no”, then the employee is non-exempt and must be paid in accordance with the Fair Labor Standards Act (FLSA).

Do you recommend that this position be exempt from the overtime provisions of the Fair Labor Standards Act?

Yes **No**

If the answer is “Yes”, please provide justification below:

ADMINISTRATIVE

To be classified as an FLSA exempt administrative employee, the employee must be paid a weekly salary of \$684 or higher; hold a position where primary position duties require the exercise of discretion and independent judgment and the performance of office or non-manual work related to the management policies or general business operations of the employer or the employer’s customers.

<p>1. Does the employee receive a salary of at least \$684 per week and receive this pay on a consistent salary basis?</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO If no, stop. The employee is not FLSA exempt.</p>
<p>2. Does this employee perform work that is directly related to assisting with the running of the business or act as an advisor or consultant to the employer’s clients or customers?</p> <p>Consider the following factors and definitions when determining whether an employee performs administrative duties:</p> <ul style="list-style-type: none"> • Administrative operations of the business include advising management, planning, negotiating, representing the company, purchasing, promoting sales, and business research and control. • These activities frequently include: tax, finance, accounting, audit, insurance, quality control, purchasing, advertising, marketing, research, safety and health, personnel management, employee benefits, labor relations, public relations, and government relations. • Administrative duties do not include routine or structured tasks such as bookkeeping, data tabulation, or clerical duties. 	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>3. Does the employee customarily and regularly exercise discretion and independent judgment related to management policies or the general business operations of the employer or the employer’s customers?</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>

If the answer to any of these questions is “no”, then the employee is non-exempt and must be paid in accordance with the Fair Labor Standards Act (FLSA).

Do you recommend that this position be exempt from the overtime provisions of the Fair Labor Standards Act?

Yes **No**

If the answer is “Yes”, please provide justification below:

COMPUTER

To be classified as an exempt computer employee, an employee must be paid an hourly rate of \$27.63 or \$57,470 annual or higher; hold a position where primary position duties require work in computer systems analysis, computer programming, software engineering or similarly skilled work in the computer field.

1. Does the employee receive a salary of at least \$27.63 per hour or \$57,470 per year?	<input type="checkbox"/> YES <input type="checkbox"/> NO If no, stop. The employee is not FLSA exempt.
2. Does the employee's primary duty consist of the application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3. Does the employee's primary duty consist of the design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications?	<input type="checkbox"/> YES <input type="checkbox"/> NO
4. Does the employee's primary duty consist of the design, documentation, testing, creating, or modification of computer programs related to machine operating systems?	<input type="checkbox"/> YES <input type="checkbox"/> NO
5. Does the employee's primary duty consist of a combination of the aforementioned duties, the performance of which requires the same level of skills?	<input type="checkbox"/> YES <input type="checkbox"/> NO

If the answer to any of these questions is "no", then the employee is non-exempt and must be paid in accordance with the Fair Labor Standards Act (FLSA).

Do you recommend that this position be exempt from the overtime provisions of the Fair Labor Standards Act?

Yes No

If the answer is "Yes", please provide justification below: