

Employee Name: _____

Job Title: _____

Department: _____

Date: _____

INSTRUCTIONS:

Complete this form after reviewing the employee's current job description and consulting with the employee's supervisor.

Employees can be classified as exempt under one or more of the following exemption categories: Professional, Administrative, Executive, Outside Sales, and Computer-Related.

To qualify under any of these exemptions, all items must be checked in the affirmative for the respective exemption test.

Note that only salaried employees are eligible for executive, administrative, and professional exemptions. All positions must meet the salary threshold requirement of \$455 per week minimum. Computer professionals must earn either \$455 weekly OR an hourly rate of at least \$27.63 to be eligible for an FLSA exemption. Outside salespersons need not be paid any salary if their compensation is based solely on commission.

EXEMPTION TESTS:**Professional Exemption Duties Test (Learned or Creative)**

To qualify for the **Learned Professional** employee exemption, all the following tests must be met:

- The employee must be compensated on a salary or fee basis (as defined in the regulations) at a rate not less than \$455 per week;
- The employee's primary duty must be the performance of work requiring advanced knowledge, defined as work which is predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgment;
- The advanced knowledge must be in a field of science or learning; and
- The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.

To qualify for the **Creative Professional** employee exemption, all the following tests must be met:

- The employee must be compensated on a salary or fee basis (as defined in the regulations) at a rate not less than \$455 per week; and
- The employee's primary duty must be the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.

Administrative Exemption Duties Test

To qualify for the Administrative employee exemption, all the following tests must be met:

- The employee must be compensated on a salary or fee basis (as defined in the regulations) at a rate not less than \$455 per week;
- The employee's primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; and
- The employee's primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

Document History:	Document Type: Compensation	Implementation Date: 01/01/2018	Version: 1.0	Last Revised: 01/01/2018	Page Number: 1
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Executive Exemption Duties Test:

To qualify for the executive employee exemption, all the following tests must be met:

- The employee must be compensated on a salary basis (as defined in the regulations) at a rate not less than \$455 per week;
- The employee's primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise;
- The employee must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent; and
- The employee must have the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees must be given particular weight.

Outside Sales Exemption Duties Test:

To qualify for the outside sales employee exemption, all the following tests must be met:

- The employee's primary duty must be making sales (as defined in the FLSA), or obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer; and
- The employee must be customarily and regularly engaged away from the employer's place or places of business.

Computer Employee Exemption Duties Test:

To qualify for the computer employee exemption, the following tests must be met:

- The employee must be compensated either on a salary or fee basis (as defined in the regulations) at a rate not less than \$455 per week or, if compensated on an hourly basis, at a rate not less than \$27.63 an hour;
- The employee must be employed as a computer systems analyst, computer programmer, software engineer or other similarly skilled worker in the computer field performing the duties described below;
- The employee's primary duty must consist of:
 1. The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;
 2. 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;
 3. The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
 4. A combination of the aforementioned duties, the performance of which requires the same level of skills.

CLASSIFICATION:

Based on the above duties analysis, the employee is classified as (check one):

- Exempt
- Non-Exempt

ACKNOWLEDGMENT:

Reviewer Signature: _____

Date: _____

Supervisor Signature: _____

Date: _____

Document History:	Document Type: Compensation	Implementation Date: 01/01/2018	Version: 1.0	Last Revised: 01/01/2018	Page Number: 2
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