

FLSA CHECKLIST

This questionnaire serves as a basic outline for determining the appropriate FLSA exemption. **Job titles are insufficient to determine the exempt status.**

Position: _____

Employee: _____

Date: _____

Completed by: _____

Completion of this questionnaire helps determine the exemption status of a position. Check the appropriate exemption (Executive, Administrative, Professional, Computer-Related, and Highly Compensated). Then check all boxes under the selected exemption that are applicable. **To qualify for an exemption, ALL boxes must be checked for that exemption.**

EXECUTIVE:

- _____ Regularly receives a predetermined amount constituting all or part of the employee's salary, which is not subject to reduction because of variations in the quality or quantity of work performed.
- _____ Is paid at least \$23,660 annually (\$455 weekly).
- _____ Primary duty consists of managing the enterprise or a customarily recognized department or subdivision.
- _____ Customarily and regularly directs the work of two or more full-time employees or their equivalents (for example, one full-time and two half time employees).
- _____ Has the authority to hire or fire other employees OR makes recommendations that carry particular weight as to the hiring, firing, advancement, promotion or any other change in status of other employees.

ADMINISTRATIVE:

- _____ Regularly receives a predetermined amount constituting all or part of the employee's salary, which is not subject to reduction because of variations in the quality or quantity of work performed.
- _____ Is paid at least \$23,660 annually (\$455 weekly).
- _____ Primary duty consists of performing office or non-manual work directly related to the management or general business operations.
- _____ Work includes the exercise of discretion and independent judgment with respect to matters of significance.

PROFESSIONAL: LEARNED AND CREATIVE:

- _____ Regularly receives a predetermined amount constituting all or part of the employee's salary, which is not subject to reduction because of variations in the quality or quantity of work performed.
- _____ Is paid at least \$23,660 annually (\$455 weekly).

Learned Professional

- _____ Primary duty consists of the performance of work that requires advanced knowledge (beyond high school) and that is predominantly intellectual in character and consistently includes the exercise of discretion and independent judgment.
- _____ The advanced knowledge is in a field of science or learning.

_____ The advanced knowledge was acquired by a prolonged course of specialized intellectual instruction (position possesses the appropriate academic degree or has substantially the same knowledge level and performs substantially the same work as degreed employees but possesses advanced knowledge only through a combination of work experience and intellectual instruction).

Creative Professional

_____ Primary duty consists of the performance of work requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor as opposed to routine mental, manual, mechanical, or physical work.

_____ Is the employee paid the equivalent of at least \$455 per week on a salary basis?

COMPUTER-RELATED:

_____ Is paid at least \$23,660 annually (\$455 weekly) **OR** \$27.63 per hour.

_____ Primary duty consists of:

- The application of system-analyst techniques and procedures, including consulting with users to determine hardware, software or systems functional specifications, **OR**
- The design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, **OR**
- The design, documentation, testing, creation, or modification of computer programs related to machine-operating systems, **OR**
- A combination of these duties which requires the same level of skills.

HIGHLY COMPENSATED EMPLOYEES PERFORMING EXECUTIVE, PROFESSIONAL OR ADMINISTRATIVE DUTIES:

_____ Is paid an annual total compensation of \$100,000 or more, which includes at least \$455 per week paid on a salary basis. The required total annual compensation does not include credit for board or lodging, payments for medical or life insurance, or contributions to retirement plans or other fringe benefits.

_____ Primary duty consists of performing office or non-manual work.

_____ Customarily and regularly performs at least one of the exempt duties or responsibilities of the Executive, Professional, or Administrative exemption.

Additional information can be found at CFR 29, Part 541 and the US Department of Labor Fair Pay website <http://www.dol.gov/esa/regs/compliance/whd/fairpay/main.htm>