



Most Common Exempt Criteria

- Payment method
- Payment amount - changing
- Primary duty

strengthening the organizations that help our communities succeed



Executive Exemption Duties Test

- Manages the enterprise or a customarily recognized department or subdivision
- Customarily and regularly directs the work of at least two FTE employees
 - Has the authority to hire, fire, etc. or recommendations are given particular weight
- If concurrent work, who decides?

strengthening the organizations that help our communities succeed

Carol Rovello

Strategic Workplace Solutions



Administrative Exemption Duties Test

- Performs office or non-manual work directly related to the management or business operations of the employer or the employer's customers
- Exercises discretion and independent judgment regarding matters of significance – has authority – makes decisions

strengthening the organizations that help our communities succeed

Carol Rovello

Strategic Workplace Solutions



Learned Professional Duties Test

- Performs work requiring advanced knowledge
 - Field of science or learning
 - Customarily acquired by a prolonged course of specialized instruction
- Performs work that is intellectual in character and requires the consistent exercise of discretion and judgment

strengthening the organizations that help our communities succeed

Carol Rovello

Strategic Workplace Solutions



Creative Professional Duties Test

- Performs work requiring invention, imagination, originality, and talent
- The work is in a recognized field of artistic or creative endeavor

strengthening the organizations that help our communities succeed

Carol Rovello

Strategic Workplace Solutions



Highly Skilled Computer Professional Duties Test

- Can be paid hourly if at least \$27.63
- Must be a computer systems analyst, computer programmer, software engineer, or other similarly skilled employee in the computer field
- Does not just manufacture or repair computer hardware or related equipment or rely on computers to perform work; not help desk

strengthening the organizations that help our communities succeed

Carol Rovello

Strategic Workplace Solutions



Common Questions Related to Nonexempt Employees

- What is Work Time?
 - Time Reporting
- Can our organization pay compensatory time instead of overtime payments
 - Only public organizations can do this

strengthening the organizations that help our communities succeed

8



Online Resource

- FLSA Fact Sheets Topical Index: Search by Exempt Category
 - <https://www.dol.gov/whd/fact-sheets-index.htm>

strengthening the organizations that help our communities succeed

