

## FLSA Compliance Checklist

- EXECUTIVE EXEMPTION
- ADMINISTRATIVE EXEMPTION
- COMPUTER EXEMPTION
- CREATIVE EXEMPTION
- NON-EXEMPT

Job Title:	Department:
<p>Employees must meet both the salary and duties tests to be exempted from the overtime provisions of the Fair Labor Standards Act (FLSA). Employees who do not meet the duties tests or do not meet the salary test will be assigned an exemption status of non-exempt.</p> <p style="text-align: center;"><u>Salary Test Section</u></p> <p>If no employee within a class meets the salary test, the class will be designated as non-exempt.</p> <p>If some employees do not meet the salary test (due to part-time employment status), these employees will be classified as non-exempt. However, if the duties tests are met by all and some employees meet the salary test, the class will be assigned one of the exempt options on this form.</p> <p>Employees are compensated on a salary basis at a rate of not less than \$913 per week exclusive of board, lodging or other facilities.</p> <p style="text-align: center;"> <input type="checkbox"/> Yes, Some or All Employees             <span style="margin-left: 200px;"><input type="checkbox"/> No Employees (Class will be assigned as non-exempt, no need to Complete duties test section)</span> </p> <p style="text-align: center;"><u>Duties Test Section</u></p> <p>Employees must meet the duties test requirements as specified below to be considered exempt from the Fair Labor Standards Act (FLSA) and assigned to one of the exemption types indicated below. Where "and" is indicated after a statement, all statements within that section must be checked to meet the duties requirements.</p>	
<p style="text-align: center;"><b>EXECUTIVE EXEMPTION DUTIES TEST</b> <i>(Check all that apply)</i></p> <p><input type="checkbox"/> The employee's primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise;</p> <p><input type="checkbox"/> The employee must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent; and</p> <p><input type="checkbox"/> 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.</p>	<p style="text-align: center;"><b>ADMINISTRATIVE EXEMPTION DUTIES TEST</b> <i>(Check all that apply)</i></p> <p><input type="checkbox"/> Either performs office or non-manual work directly related to business operations or management policies, or administers an educational system or subdivision thereof, in work relating to academic instruction; and</p> <p><input type="checkbox"/> The employee's primary duty includes the exercise of discretion and independent judgment with respect to matters of significance</p> <p><input type="checkbox"/> 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</p>
<p style="text-align: center;"><b>PROFESSIONAL EXEMPTION DUTIES TEST</b> <i>(Check all that apply)</i></p> <p><input type="checkbox"/> 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;</p> <p><input type="checkbox"/> The advanced knowledge must be in a field of science or learning; and</p> <p><input type="checkbox"/> The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction. To qualify for the creative professional employee exemption, all of the following tests must be met:</p> <p><input type="checkbox"/> The employee must be compensated on a salary or fee basis (as defined in the regulations) at a rate not less than \$913 per week;</p> <p><input type="checkbox"/> 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.</p>	<p style="text-align: center;"><b>COMPUTER EXEMPTION DUTIES TEST</b> <i>(Check all that apply)</i></p> <p><input type="checkbox"/> The employee must be compensated either on a salary or fee basis (as defined in the regulations) at a rate not less than \$913 per week or, if compensated on an hourly basis, at a rate not less than \$27.63 an hour;</p> <p><input type="checkbox"/> 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;</p> <p><input type="checkbox"/> The employee's primary duty must consist of:</p> <ol style="list-style-type: none"> <li>1) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;</li> <li>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;</li> <li>3) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or</li> <li>4) A combination of the aforementioned duties, the performance of which requires the same level of skills.</li> </ol>