

TEST FOR EXEMPTION FROM PROVISIONS OF FAIR LABOR STANDARDS ACT

Employee Name _____ Social Security Number _____

Job Title _____ Department _____

Basis for Exemption: _____ Executive _____ Administrative _____ Professional
_____ Outside Salesperson _____ Computer Programmer

EXECUTIVE POSITION TEST (Supervisory)

LONG TEST

(Must qualify in all seven categories listed below)

- 1. Manages an enterprise or a customarily recognized department or subdivision; AND
*a. What percent of time is spent in supervision of these employees? _____
*b. What types of work are performed by subordinates? _____
- 2. Customarily and regularly directs work of two or more employees; AND
- 3. Hires or fires employees, or whose recommendations regarding such are given particular weight; AND
- 4. Customarily and regularly exercises discretion and independent judgement; AND
*a. Does anyone assist in supervising the work of subordinates? _____
*b. What position supervises this position? _____
- 5. Devotes no more than 20% of weekly hours to work not closely related to above; AND
*a. Does the incumbent perform work of a similar nature to that of non-exempt subordinates?
*b. Does the incumbent perform manual or routine clerical work? _____
- 6. Is compensated at a rate of \$155 or more per week; AND
*a. Approximately how many hours does the incumbent work in normal weeks? _____
A busy week? _____
- 7. Receives a salary which is not reduced for quality or quantity of work.

SHORT TEST

- 1. Must qualify under the first two categories listed above; AND
- 2. Must be compensated at a rate of \$250 or more per week.

*Asterisks indicate material that could be required by the Wage and Hour Division of the Department of Labor to determine validity of a claim for an exempt position.

ADMINISTRATIVE POSITION TEST

LONG TEST

(Must qualify in categories 1,2,4,5, and 6 and one item in category 3)

- 1. Performs office or non-manual work directly related to management policies or general business operations; AND
*a. Describe briefly each major responsibility the position carries in addition to those in description.
Daily _____
Periodically _____
Occasionally _____
- 2. Customarily and regularly exercises discretion and independent judgement; AND
*a. What important types of decisions are normally made that affect the work, policies, or management of the company or the incumbent's department? _____
*b. What work does the incumbent perform or review that is not approved or further reviewed by someone else?
- 3.1 Regularly and directly assists an employee in a bona fide executive capacity; OR
*a. Who assigns the work to the incumbent? _____
*b. Who reviews this work? _____
- 3.2 Performs specialized or technical work requiring special training, experience or knowledge under only general supervision; OR
- 3.3 Executes special assignments and tasks under only general supervision; AND
- 4. Devotes no more than 20% of weekly hours to work not directly or closely related to above; AND
- 5. Is compensated at a rate of \$155 or more per week; AND
- 6. Receives a salary which is not reduced for quality or quantity of work.
*a. Approximately what percentage of each workweek is spent on the duties described in item 1.a of this section?
*b. Is any of this work of a similar nature to that of non-exempt co-workers? _____

SHORT TEST (for an Administrative Position)

- 1. Must qualify under categories 1 and 2 above; AND
- 2. Must be compensated at a rate of \$250 or more per week.

PROFESSIONAL POSITION TEST

LONG TEST (Must qualify in categories 2,3,4,5,6, and one item in category 1)

- 1.1 Primary duty requires knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized instruction and study; OR
- 1.2 Performs work which is original and creative in character, in a recognized field of artistic endeavor, requiring invention, imagination, or talent of employee; OR
- 1.3 Imparts knowledge through teaching, tutoring, instructing, or lecturing as a recognized or certified teacher; AND
- 2. Requires consistent exercise of discretion and judgement in performance of work; AND
- 3. Performs work predominantly intellectual and varied and is of a character that the output or results cannot be standardized in terms of time; AND
- 4. Devotes no more than 20% of weekly hours to work not closely related to the performance of work described in 1 through 3 above; AND
- 5. Is compensated at a rate of not less than \$170 per week; AND
- 6. Receives a salary which is not reduced for quality or quantity of work.

SHORT TEST (for a Professional Position)

- 1. Must qualify under the second category and one of the three items in the first category shown above; AND
- 2. Must be compensated at a rate of not less than \$250 per week.

OUTSIDE SALESPERSON TEST

- 1. Customarily and regularly engaged away from place of business and employed to:
 - a. Sell, or
 - b. Obtain orders or contracts for services or for use of facilities, AND
- 2. Does not perform work other than that described above which exceeds 20% of the hours worked in the work week by non-exempt employees who perform that kind of work.
(NOTE: Work performed incidental to and in conjunction with employees own outside sales or solicitations will not be regarded as non-exempt work.)

COMPUTER PROGRAMMER TEST

- 1. Is compensated at a rate of not less than \$27.63 per hour; AND
- 2.1 Applies systems analysis techniques, including user consultation, to determine hardware and software functional specifications; OR
- 2.2 Designs computer systems to user specifications; OR
- 2.3 Creates or modifies computer programs on the basis of system design specifications; OR
- 2.4 Creates or modifies computer programs relating to machine operating systems.

Complete if Appropriate Test Satisfied

An exempt classification, as provided under wage and hour provisions of the Fair Labor Standards Act, is hereby claimed on the position of _____ and any incumbents of such position whose employment conditions may be affected by exempt classification status. The determination to classify this position in exempt status is based on direct observation of work performed, duties and responsibilities of the position as illustrated on the job description and the information provided above.

To Be Completed By Supervisor

I agree to inform the Human Resources Department promptly in writing: (1) if changes in the above statements make an exemption invalid, or (2) if a temporary assignment requires payment for overtime.

Supervisor Signature _____ Date _____

To Be Completed By Employee

I understand and agree with the statements checked above as a basis for my exemption from requirements of the Federal Wage and Hour Law. I agree to inform my Supervisor promptly in writing: (1) if changes in my duties make my exemption invalid, or (2) if a temporary assignment requires me to do non-exempt work.

Employee Signature _____ Date _____

Reviewed by _____ Date _____