Exempt/Non-Exempt Worksheet

(to be completed by all not-teacher employees – keep in personnel file)

In order to clearly identify those employees who are, or are not, exempt from current regulations governing the Fair Labor Standards Act, it is necessary that a worksheet such as this be completed for every non-teacher employee. It is necessary to do this to make certain that your pay practices comply with current federal law. *The fact that you may presently be paying someone on a salaried basis does not mean that the person qualifies as an exempt employee. It is crucial that you complete this worksheet to ensure proper classification of employees.*

Employee:	Job Title:
Salary Test: Annualized wages: _____ Gross weekly wages: _____	If employee's annualized wages total less that **$35,568** per year or **$684** per week and is not employed as a computer specialist, STOP HERE! This employee is non-exempt and is entitled to compensation of 1.5 times his or her hourly wage for all hours worked over 40 hours per week (Sunday through Saturday) If the employee's annualized wages total more than **$35,568** per year or **$684** per week, continue with the duties test.
Note regarding Blue Collar Workers	The exemptions provided by FLSA Section 13 (a)(1) apply only to "white collar" employees who meet the salary and duties tests. The exemptions do not apply to manual laborers or other "blue collar" workers who perform work involving repetitive operations with their hands, physical skill, and energy. Non-management employees in production, maintenance, construction, and similar occupations such as carpenters, electricians, mechanics, plumbers, iron workers, craftsman, operating engineers, dock workers, construction workers, and laborers are entitled to minimum wage and overtime premium pay and are not ever subject to and exemption under the FLSA>
Duties Test: If an employee meets the stated criteria in any one of these areas listed below, that person is exempt from receiving overtime pay.	
Executive Exemption **Meets:** _____ **Does not Meet:** _____	The employee's primary duty must be managing the enterprise, or managing a customarily recognized department; 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 recommend the hiring, firing, advancement, promotion, or any other change of status of other employees.
Administrative Exemption **Meets:** _____ **Does Not Meet:** _____	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 includes the exercise of discretion and independent judgement with respect to matters of significance.

Professional Exemption **Meets:** _____ **Does Not Meet:** _____	The employee's primary duty must be the performance of work regarding advanced knowledge, defined as work which is predominantly intellectual in character, and which includes work requiring the consistent exercise of discretion and judgement; The advanced knowledge must be in the field of science or learning; and involve advanced knowledge customarily acquired by a prolonged course of specialized intellectual instruction.
Creative Professional Exemption **Meets:** _____ **Does Not Meet:** _____	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.
Computer Employee Exemption **Meets:** _____ **Does Not Meet:** _____	The employee's primary duty must be the performance of work as a computer systems analyst, programmer, software engineer or similarly skilled work in the computer field performing a) application of systems analysis techniques and procedures, including consulting with users to determine hardware, software or system functional specifications; or b) design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specification; or c) design, documentation, testing, creation or modification of computer programs based on and related to user or system design specifications; or a combination of the duties described above, the performance of which requires the same level of skills. Examples: system analyst, database analyst, network architect, software engineer, programmer.
Outside Sales Exemption **Meets:** _____ **Does Not Meet:** _____	The employee's primary duty must be the performance of sales work off the company's premises and whose primary duties include making sales or obtaining order or contracts for services or for the use of facilities for which the client or customer pays. This employee is customarily and regularly away from the company's place of business while performing such duties. Examples: sales representative, account manager, business development representative.