

EXEMPTION FROM OVERTIME CRITERIA

Executive Exemption

Does the employee make \$455 or more per week?

YES: _____ NO: _____ EXPLANATION: _____

Is his primary duty the management of the enterprise or a recognized department or subdivision, and does it include the regular direction of the work of two or more employees (or the equivalent of two full time employees)?

YES: _____ NO: _____ EXPLANATION: _____

Does the employee have the authority to hire or fire other employees (or are their recommendations and suggestions as to the hiring, firing, advancement, promotion or any change of status of the employees given particular weight)?

YES: _____ NO: _____ EXPLANATION: _____

(If all of the above questions are answered "Yes", the employee is exempt as an executive.

A "No" answer requires further checking.)

Administration Exemption

Part A

Does the employee make \$455 or more per week?

YES: _____ NO: _____ EXPLANATION: _____

Does his primary duty consist of the performance of office or non-manual work directly related to management policies or general business operation of the company or its customers?

YES: _____ NO: _____ EXPLANATION: _____

Does the employee's primary duty include the exercise of discretion and independent judgment with respect to matters of significance?

YES: _____ NO: _____ EXPLANATION: _____

(If all the above questions are answered "Yes", the employee is exempt as an administrative employee.

A "No" answer requires further checking.)

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Professional Exemption

Part A

Is the employee paid on a salary or fee basis of \$455 or more per week?

YES: _____ NO: _____ EXPLANATION: _____

Does the primary duty consist of the performance of work requiring advanced knowledge (defined as work which is predominantly intellectual in character and which includes work requiring consistent exercise of discretion and Judgment.)?

YES: _____ NO: _____ EXPLANATION: _____

Is the employee's advanced knowledge typically acquired by a prolonged course of specialized intellectual instruction OR gained by specific technical experience equivalent to specialized instruction typically gained through a college degree program (not a trade school or community college program)?

YES: _____ NO: _____ EXPLANATION: _____

If all the above questions in are answered "Yes", the employee is exempt as a learned professional employee. A "No" answer requires further checking.

OR

Is the employee paid on a salary or fee basis of \$455 or more per week?

YES: _____ NO: _____ EXPLANATION: _____

Whose primary duty consists of the performance of work requiring invention, imagination, originality or talents in recognized field of artistic or creative endeavor?

YES: _____ NO: _____ EXPLANATION: _____

If all the above questions in are answered "Yes", the employee is exempt as a creative professional employee. A "No" answer requires further checking.

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Outside Sales Exemption

NOTE: There is no salary requirement for Outside Sales Professionals.

Does the employee's primary duty consist of making sales or in obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer?

YES: _____ NO: _____ EXPLANATION: _____

Is the employee customarily and regularly engaged away from the employer's place of business?

YES: _____ NO: _____ EXPLANATION: _____

If the above questions are answered "Yes", the employee is exempt as an outside sales employee.

A "No" answer requires further checking.

Computer Programmers

Is the employee paid on a salary or fee basis of \$455 or more per week?

YES: _____ NO: _____ EXPLANATION: _____

Are you aware that computer professionals whom you pay by the hour are exempt from federal overtime requirements only if they satisfy the regulatory primary duty requirements and only if their hourly wage rate exceeds six and one half times the federal hourly minimum wage of \$7.40 (or \$48.10 per hour).

(Salaried computer professionals may still be exempt under the current bonafide executive, administrative, and professional exemptions)?

YES: _____ NO: _____ EXPLANATION: _____

Primary duty of (a) application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software of system functional applications; 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 related to machine operating systems; or (d) a combination of duties described in (a), (b), and (c), the performance of which requires the same level of skills.

YES: _____ NO: _____ EXPLANATION: _____

Employees engaged in CAD activities ARE NOT exempt from overtime.