

FLSA Worksheet
Administrative Exemption Test
Please attach current job description

Employee Name	
Job Title and Job Code	
Division/Department	
Date	

INSTRUCTIONS - After reviewing the current Position Description, please complete this form if the Fair Labor Standards Act (FLSA) exemption is based on the Administrative Duties test.

SALARY TEST - Employees must receive a gross pay amount of at least \$455 per week in order to be exempt from FLSA provisions(including overtime pay requirements). *Pay rates cannot be prorated for employees that work less than 40 hours per week.* An employee not meeting the minimum pay requirements must be paid in accordance with the FLSA pay provisions.

	Yes	No *	Comments
Does the employee receive a gross pay amount of at least \$455 per week (or \$23,660.00 per year)			

**If the answer is “no”, then the employee is nonexempt. Do not complete the “Administrative Duties Test” section of this form.*

ADMINISTRATIVE DUTIES TEST - This test should be used for employees whose primary duty is office or nonmanual work related to the management or general business operations of the organization or the organization’s customers. Work involves exercising discretion and independent judgment related to matters of significance.

	Yes	No *	Comments/Examples
Does the employee’s primary duty consist of office or non-manual work directly related to the management or general business operations of the organization? (<i>“Primary duty” means the employee must perform work directly related to assisting with the running or servicing of the business. The primary duty typically means 50% of the time however time alone is not the sole factor.</i>)			
Does the employee customarily and regularly exercise discretion and independent judgment on matters of significance? (<i>see definition and examples attached</i>)			

**If the answer to either question is “no”, then the employee is nonexempt.*

FLSA STATUS DETERMINATION (JOB DESCRIPTION MUST BE ATTACHED)

	Yes	No	Comments
Is this position EXEMPT from the overtime provisions of the Fair Labor Standards Act?			

PRIMARY DUTY - It is a good “rule of thumb” for the primary duty to take about 50% of the worker’s time. However, time alone is not the only consideration. Other factors to consider include:

- The relative importance of the exempt duties compared to the nonexempt duties.

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- The amount of time spent performing exempt duties.
 - The worker's freedom from direct supervision.
 - The relationship between the worker's salary and wage paid to other employees for the same kind of exempt work.
- The Organization would consider exceptions from the 50% rule as rare and would only be reviewed on a case-by-case basis.

DISCRETION AND INDEPENDENT JUDGMENT - The exercise of “**discretion and independent judgment**” must be more than the use of skill in applying well-established techniques, procedures or specific standards described in manuals or other sources. Activities that are clerical or secretarial, recording or tabulating data, or performing other mechanical, repetitive, recurrent or routine work do not meet the “discretion and independent judgment” criteria.

****Examples of discretion and independent judgment include the following:**

- Has authority to formulate, affect, interpret, or implement management policies or operating practices.
- Carries out major assignments in conducting the operations of the business.
- Performs work that affects business operations to a substantial degree.
- Has authority to commit the Organization in matters that have significant financial impact.
- Has authority to waive or deviate from established policies and procedures without prior approval.
- Has authority to negotiate and bind the Organization on significant matters.
- Provides consultation or expert advice to management.
- Plans long- or short-term business objectives.
- Investigates and resolves matters of significance on behalf of management.
- Represents the Organization in handling complaints, arbitrating disputes, or resolving grievances.

Examples of general work areas that are “**directly related to management or general business operations**” include, but are not limited to tax; finance; accounting; budgeting; auditing; quality control; purchasing; EH&S; human resources; public relations; legal and regulatory compliance; computer network, internet, and database administration; and similar activities.

Examples of jobs that may satisfy the administrative exemption include:

- Employees who lead a team of workers assigned to complete a major project for the Organization.
- Executive assistants or administrative assistants who without specific instructions or prescribed procedures, has been delegated authority regarding matters of significance.
- Human Resources managers who formulate, interpret, or implement Human Resources policies.
- Purchasing agents with authority to bind the Organization on significant purchases.