POSITION/EMPLOYEE FLSA STATUS WORKSHEET

| Employee Name (Last, First) | | | |
|---|---|---|---|
| Pos. No. | | ☐ Civil Service | ☐ Exempt from Civil Service |
| Class Code, Class Title, Pay Grade, BU | | | |
| Dept/Division/Branch | | | |

☐ **EMPLOYEE IS FLSA NON-EXEMPT** (COVERED) FOR THE FOLLOWING REASON(S):

| | | |
|---|---|---|
| ☐ Paid on an hourly basis | ☐ Clerical work | ☐ First responder |
| ☐ Paid less than $455/week | ☐ Blue collar work | ☐ Trainee |
| ☐ Other (explain below): | ☐ Technician | ☐ Does not meet exemption tests |

☐ **EMPLOYEE IS FLSA EXEMPT** (NOT COVERED) BASED ON THE FOLLOWING EXEMPTION:

| | | | | | |
|---|---|---|---|---|---|
| ☐ Executive | ☐ Administrative | ☐ Learned Professional | ☐ Creative Professional | ☐ Highly Compensated Wkr | ☐ Computer Employee |

☐ **EMPLOYEE IS EXCLUDED FROM FLSA** BASED ON THE FOLLOWING:

| | | | |
|---|---|---|---|
| ☐ Governor/Lt. Governor | ☐ Department Director/ Deputy Director | ☐ Gov/Lt. Gov Personal Staff Member | ☐ Full-Time National Guard Member |

| **PROGRAM** | **DEPARTMENT PERSONNEL OFFICE** |
|---|---|
| **Contact Name:** | **Reviewed by:** |
| **Job Title:** | **Job Title:** |
| **Phone:**          **E-mail:** | **Phone:**          **E-mail:** |
| **Date:** | **Date:** |

| FLSA EXEMPTION ANALYSIS |
|---|

☐ EMPLOYEE MEETS ALL THREE TESTS FOR <u>ADMINISTRATIVE EXEMPTION</u> AND IS PAID AT LEAST $455 PER WEEK ON A SALARIED BASIS. Indicate employee's gross weekly pay: _____

☐ **Primary duty is the performance of office or non-manual work directly related to the management or general business operations (work directly related to the running or servicing of the business) of the employer.**
Performs work in one of the following areas (check all that apply):

| | | |
|---|---|---|
| ☐ Tax | ☐ Quality control | ☐ Public relations |
| ☐ Finance | ☐ Purchasing and procurement | ☐ Government relations |
| ☐ Accounting | ☐ Human resources | ☐ Research |
| ☐ Auditing | ☐ Labor relations | ☐ Legal and regulatory compliance |
| ☐ Budgeting | ☐ Safety and health | ☐ Insurance adjuster |
| ☐ Computer network, internet and database administration | | ☐ Marketing/advertising |
| ☐ Other (explain): | | |

☐ **Primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.**
Must be responsible for at least 3 of the duties listed below (check all that apply):
☐ Authority to formulate, affect, interpret or implement management policies or operating policies
☐ Carries out major assignment in conducting business operations
☐ Performs work that affects operations to a substantial degree
☐ Authority to commit employer in matters having significant financial impact
☐ Authority to waive or deviate from established policies and procedures without prior approval
☐ Authority to negotiate and bind the State on significant matters
☐ Provides consultation or expert advice to management
☐ Plans long- or short-term business objectives
☐ Authority to investigate and resolve matters of significance on behalf of management
☐ Represents the State in handling complaints, arbitration or resolving grievances (negotiating on behalf of employer with some degree of settlement authority).

☐ **Compares and evaluates possible courses of conduct and acts or makes a decision after various possibilities have been considered and has the authority to make an independent choice, free from immediate direction or supervision.** May be subject to review by higher authority and must be more than the use of skill in applying well-established techniques, procedures or specific standards described in manuals or other sources.

☐ EMPLOYEE MEETS ALL THREE TESTS FOR <u>EXECUTIVE EXEMPTION</u> AND IS PAID AT LEAST $455 PER WEEK ON A SALARIED BASIS.  Indicate employee's gross weekly pay: _____

    ☐ **Customarily and regularly directs the work of 2 or more FTE employees.**
    Position numbers, titles and pay grades of employees directly supervised:

    ☐ **Primary duty is management of a department or subdivision thereof.**  Must actually be in charge of a recognized unit (e.g., division, branch, section) with a continuing function in the organization.
    Name of department/subdivision managed:

    Must perform at least 3 of the duties listed below (check all that apply):
    ☐ Interviews, selects and trains employees.
    ☐ Sets and adjusts rates of pay and work hours.
    ☐ Directs employees' work.
    ☐ Appraises employee productivity and efficiency (evaluates performance).
    ☐ Handles employee complaints and grievances.
    ☐ Disciplines employees.
    ☐ Plans and apportions the work among employees.
    ☐ Determines the techniques to be used.
    ☐ Determines types of materials, supplies, equipment or tools to be used.
    ☐ Provides for the safety and security of employees or property.
    ☐ Plans and controls the budget.
    ☐ Monitors or implements legal compliance issues.
    ☐ **Recommendations pertaining to changes in employee status are given "particular weight."**

☐ EMPLOYEE MEETS EXEMPTION AS A <u>LEARNED PROFESSIONAL</u> AND IS PAID AT LEAST $455 PER WEEK ON A SALARIED BASIS.  (Salary basis requirement does not apply to teachers and employees who practice medicine or law.)  Indicate employee's gross weekly pay: _____

    ☐ **Primary duty is the performance of work requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction.**
    Indicate the field of science or learning:
    Describe the work that requires advanced knowledge, including consistent exercise of discretion and judgment.

☐ EMPLOYEE MEETS EXEMPTION AS A <u>CREATIVE PROFESSIONAL</u> AND IS PAID AT LEAST $455 PER WEEK ON A SALARIED BASIS.  Indicate employee's gross weekly pay: _____

    ☐ **Primary duty involves performing work requiring invention, imagination, originality or talent.**
    Briefly describe the invention, imagination, originality or talent required in performing the job.

☐ EMPLOYEE MEETS EXEMPTION AS A <u>HIGHLY COMPENSATED</u> EMPLOYEE.

    ☐ **Total annual compensation is at least $100,000 per year.**
    ☐ **Performs one or more duties identified in the**
    ☐ Executive exemption      ☐ Administrative exemption      ☐ Professional exemption
    Identify the duty/duties performed in the appropriate exemption section(s) above.

☐ EMPLOYEE MEETS EXEMPTION AS A <u>COMPUTER</u> EMPLOYEE AND IS PAID AT LEAST $455 PER WEEK ON A SALARIED BASIS, OR $27.63 PER HOUR.
Indicate employee's gross weekly/hourly pay: _____

    ☐ **Primary duty** includes:
    ☐ Application of system analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional applications.
    ☐ Design, development, analysis, creating, testing or modifying computer system or programs, including prototypes, based on and related to user or system design specifications.
    ☐ A combination of the duties described above, the performance of which requires the same level of skills.