

FLSA: Exemption Test Questionnaire

Incumbent's Current Job Title:		Pay Band:
Incumbent Salary:		
Incumbent Name:		
Department:		
Supervisor's Name:		
Supervisor's Title:		
Date Completed:		
Completed by:		

Please note that an employee must meet the salary basis test to be exempt under the FLSA. If the incumbent in the position earns less than the minimum required salary (\$23,660 per year or \$455 per week), the position is considered non-exempt and is subject to the overtime provisions of the FLSA.

Instructions:

1. Read the criteria for each exemption category (executive, administrative, computer, learned professional, or creative professional).
2. Place an x in each box that applies to this position. You may check boxes in more than one exemption category. Give specific and detailed answers to the questions asked.
3. After checking the relevant boxes and providing detailed answers, please go to the last page and make a recommendation in the exempt or non-exempt box. Add any final comments or supporting remarks in the space reserved for additional comments.
4. Please submit the completed form as an email attachment to Rontreal Tyler in the Salary Administration office at Tylerrj@mailbox.sc.edu.

Executive Employee Exemption

Exempt executive employees generally are responsible for the success or failure of business operations under their management. Other critical elements are (1) whether management is the employees primary duty, (2) whether the employee directs the work of two or more full-time equivalent employees, and (3) whether the employee has the authority to hire/fire other employees or, alternatively, whether the employees suggestions and recommendations as to the hiring, firing, advancement, promotion or other change of status of other employees are given particular weight.

	YES	NO
Is the employee compensated on a <u>salary basis</u> at a rate not less than \$455 per week?		If no, stop. The employee is not exempt.
Does the incumbent's primary duty consist of managing the enterprise or a customarily recognized department or division thereof? If yes, please describe:		If no, the employee is not exempt under this test.
Does the incumbent regularly and customarily supervise two or more employees who are employed in the department or subdivision that the employee manages?		
Does the incumbent interview, select and train employees? Coach employees in proper job performance techniques and procedures?		
Does the incumbent direct the work of employees and set/adjust their rates of pay and hours of work?		
Does the incumbent maintain records on employee productivity for use in supervision or control?		
Does the incumbent appraise employees' productivity and efficiency to recommend promotions or other changes in status?		
Does the incumbent handle employee complaints and grievances and discipline employees when necessary?		
Does the incumbent plan other employees' work and determine the techniques used in their work?		
Does the incumbent apportion work among different employees?		
Does the incumbent determine the types of materials, supplies, or tools to be used by other employees? Control the flow and distribution of materials and supplies?		
Does the incumbent provide for the safety of employees and the property of the employer?		

Does the incumbent control the budget? If yes, please explain:		
Does the incumbent monitor or implement legal compliance measures?		
Does the incumbent have shared responsibility for the supervision of the same employees in the same department? If yes, please describe:		
Does the incumbent have the authority to hire or fire other employees?		
If no, is it part of the incumbent's job to make recommendations on hiring, firing, advancement, promotion, or other change of status?		
Are the incumbent's recommendations frequently relied upon?		
What percent of working time does the incumbent spend providing the leadership duties and responsibilities described above?	_____ %	
<p>List the employees whose work is customarily and regularly directed by the incumbent.</p> <p>Last Name:</p> <p>Title:</p> <p>Weekly Work Hours:</p>		

Administrative Employee Exemption

The duties portion of the administrative exemption test establishes a two-part inquiry for determining whether an employee performs exempt administrative duties. First, what *type* of work is performed by the employee? Is the primary duty the performance of work directly related to management or general business operations? Second, what is the *level* or *nature* of the work performed? Does the employee's primary duty include the exercise of discretion and independent judgment with respect to matters of significance? All of the relevant factors must be considered when determining whether an employee in an administrative position is exempt.

	YES	NO
Is the employee compensated on a <u>salary basis</u> at a rate not less than \$455 per week?		If no, stop. The employee is not exempt.
Please describe the incumbents primary duty :		
Is this primary duty directly related to the management or general business operations of the university or its customers?		If no, the employee is not exempt under this test.
Does the incumbent's <u>primary duty</u> require the exercise of discretion and <u>independent</u> judgment with respect to matters of significance? If yes, does the employee:		If no, the employee is not exempt under this test.
Have the authority to formulate, affect, interpret, or implement management policies or operating practices? If yes, please provide an example:		
Carry out major assignments in conducting the operations of the university?		
Perform work that affects business operations to a substantial degree?		
Have the authority to commit the university in matters that have significant financial impact? If yes, please provide an example:		

<p>Have authority to waive or deviate from established policies and procedures without prior approval? If yes, please provide an example:</p>		
<p>Provide consultation or expert advice to management?</p>		
<p>Have authority to negotiate and bind the university on significant matters? If yes, please provide an example:</p>		
<p>Have involvement in planning long or short-term business objectives?</p>		
<p>Investigate and resolve matter of significance on behalf of management? If yes, please provide an example:</p>		
<p>Represent the university in handling complaints, arbitrating disputes or resolving grievances? If yes, please provide an example:</p>		

Computer Employee Exemption

An employee who meets the consolidated duties test for computer professionals will be exempt if he or she meets either the salary or fee basis test or is paid at least \$27.63 hourly. To qualify as an exempt computer employee, a worker must have a primary duty that consists of the four duties described under #3 below. The primary duty requirement applies both to salaried and hourly computer employees.

	YES	NO
Is the incumbent compensated on either a salary or fee basis at a rate not less than \$455 per week, or if compensated on an hourly basis, at a rate not less than \$27.63 per hour?		If no, stop. The employee is not exempt.
Is the incumbent employed as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer field? If yes, please describe the incumbents <u>primary duty</u> (see end note):		If no, stop. The employee is not exempt under this test.
Does the incumbent's primary duty consist of:		
a) The application of systems analysis techniques and procedures, including consulting with users to determine hardware, software, or system functional specifications? If yes, please give an example:		
b) The design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications? If yes, please give an example:		
c) The design, documentation, testing, creation, or modification of computer programs related to machine operating systems? If yes, please give an example:		
d) A combination of the aforementioned duties, the performance of which requires the same level of skills? If yes, please give an example:		

Professional Employee Exemption

The professional exemption actually encompasses two exemptions, one for learned professionals and one for creative professionals. To be an exempt learned professional an employee must have a primary duty that is the performance of work requiring knowledge of an advanced type, including the consistent exercise of discretion and judgment in a field of science or learning where the advanced knowledge is acquired by a prolonged course of specialized intellectual instruction (examples include lawyers, doctors, architects, teachers, etc.). To meet the test for the creative professional exemption, an employee must have a primary duty that involves the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor (examples include actors, musicians, novelists, etc.).

Learned Professional Employee

	YES	NO
Is the employee compensated on either a <u>salary or fee basis</u> at a rate not less than \$455 per week?		If no, stop. The employee is not exempt.
Please describe the incumbent's primary duty:		
Does the incumbent's primary duty involve the performance of work requiring advanced knowledge in a field of science or learning that is customarily acquired by a prolonged course of specialized intellectual instruction?		
Is the incumbent's primary duty predominantly intellectual in character? If yes, please describe:		
Does the incumbent's primary duty require that his or her advanced knowledge be used to analyze, interpret, or make deductions from varying facts or circumstances? If yes, please give an example:		
Does the incumbent's primary duty include the <u>consistent</u> exercise of discretion and judgment?		

Creative Professional Employee		
	YES	NO
1. Is the employee compensated on either <u>salary or fee basis</u> at a rate not less than \$455 per week?		If no, stop. The employee is not exempt.
2. Please describe the incumbent's primary duty:		
3. Does the incumbent's primary duty involve the performance of work requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor?		

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Relevant exemption test:	
Exempt status determination:	
Date finalized:	
Class/Compensation analyst:	