

HIGHLY COMPENSATED EMPLOYEE EXEMPTION WORKSHEET

Job Title: _____ Department: _____

Worksheet Determination: _____ **Exempt** _____ **Non-Exempt**

Important Reminder: The Department of Labor enforces the FLSA and makes the final decision as to whether this position is exempt or non-exempt

Instructions: Review the current job description for this position before answering the questions below. **In order to classify this position as exempt, the answer to each of the questions must be “yes.”**

Note: When completing this worksheet for a position that has two or more incumbents, you must be able to answer all of the questions with a “yes” for each individual employee. If the answer to any question is “no” for one employee, that individual employee should be classified as non-exempt. This would not, however, automatically negate the exemption for the other incumbents so long as their answer is “yes” to the question.

SALARY LEVEL TEST

	Yes	No	Comments
1. Does the employee currently earn \$684 or more per week on a salary basis, exclusive of commissions, bonus, or other incentive pay? Current weekly salary: \$ _____			
2. Is the employee’s current total annual compensation \$107,432 or more? (Total annual compensation can include commissions, nondiscretionary bonuses, and other nondiscretionary compensation earned during a 52-week period, as long as the \$684 weekly salary threshold described under #1 above is met). Current annual compensation: \$ _____			

SALARY BASIS TEST

3. Does the employee regularly receive a predetermined salary each pay period?			
4. Does the employee receive full salary without any deductions even if there are variations in the quality or quantity of the employee’s work?			
5. Does the employee receive full salary for working less than a full workweek due to absences caused by the employer or the operating requirements of the company?			
6. Are only full day salary deductions taken from the employee’s pay (no partial day deductions except for FMLA absences)?			
7. Are unpaid suspensions for full weeks only unless for major safety or workplace conduct rules?			

DUTIES TEST

8. The employee's primary duty ¹ is office or non-manual work Primary duty: _____			
9. The employee customarily and regularly ² performs any one or more of the exempt duties of an: (check one, if applicable) <p style="text-align: center;"><u>Exempt Duty Performed</u></p> <input type="checkbox"/> executive employee _____ <input type="checkbox"/> administrative employee _____ <input type="checkbox"/> professional employee _____			

¹"Primary duty" means the principal, main, major, or most important duty the employee performs. Determination of an employee's primary duty must be based on all the facts in a particular case, with the major emphasis on the character of the employee's job as a whole.

²"Customarily and regularly" means greater than occasional but less than constant. Includes work normally and recurrently performed every workweek but does not include isolated or one-time tasks.

This worksheet was completed by

Name: _____ Date: _____