

ADMINISTRATIVE 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 \$937.50* (NY State) or more per week? Current weekly salary: _____ <small>*\$1,125 NYC employers; \$1,050 Downstate employers (Nassau, Suffolk, Westchester Counties)</small>			
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SALARY BASIS TEST

2. Does the employee regularly receive a predetermined amount of compensation each pay period?			
3. Does the employee receive full salary without any deductions even if there are variations in the quality or quantity of the employee’s work?			
4. 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?			
5. Are only full day salary deductions taken from the employee’s pay (no partial day deductions except for FMLA absences)?			
6. Are unpaid suspensions for full weeks only unless for major safety or workplace conduct rules?			

DUTIES TEST

7. Is the employee’s primary duty ¹ office or non-manual work directly related to the management or general business operations ² of the employer or of the employer’s customers? Primary duty: _____			
8. Does the employee exercises discretion and independent judgment ³ regarding matters of significance ⁴ ?			

OR Duties Test for Employees Who Perform Administrative Functions

In An Educational Establishment

Yes

No

Comments

1. Is the employee's primary duty ¹ the performance of administrative functions that are directly related to academic instruction or training in an educational establishment? Primary duty: _____	Yes	No	Comments

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"Directly related to management or general business operations" means work directly related to assisting with the running or servicing of the organization, as distinguished from working on a production line or selling a product in a retail or service establishment. Examples include, but are not limited to, work in the following functional areas: accounting, purchasing, insurance, marketing, public relations, computer network, and human resources.

³"Discretion and independent judgment" means comparing and evaluating possible options and acting on/making a decision after the possibilities have been considered. The term must be applied in light of all the facts involved in the employee's particular situation, and implies that the employee has authority to make an independent choice, free from immediate direction or supervision. Factors to consider include, but are not limited to, whether the employee:

- Has the 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 the authority to commit the employer in matters that have significant financial impact; and
- Is able to waive or deviate from the employer's established policies and procedures without authorization.

If an employee's decisions are revised or reversed, it does not necessarily mean that the employee is not exercising discretion and independent judgment. The employee must use more than skill in applying well-established techniques, procedures, or specific standards described in manuals or other reference materials.

⁴"Matters of significance" means the level of importance or consequence of the work performed.

This worksheet was completed by

Name: _____ Date: _____