



FLSA EXEMPTION WORKSHEET

This worksheet serves as an outline for an employer's initial analysis of positions being considered for exemption under the Fair Labor Standards Act, and is meant to serve as one of several tools in such an analysis. The determination that an employee is exempt can be very fact intensive. It is highly recommended that counsel review FLSA analysis efforts.

Date of Evaluation: _____

Employee Name: _____

Job Title: _____

	Outcome	Describe
Salary Basis Test	Yes No	
Non-Manual Work?	Yes No	
Executive Exemption		
Is it employee's primary job duty to manage the company or a department?	Yes No	
Does employee regularly direct the work of 2 FTES?	Yes No	
Does the employee hire, fire or make recommendations regarding same?	Yes No	
<i>Does Exemption apply?</i>	Yes No	
Administrative Exemption		
Does employee's primary job duty consist of work directly related to company or customer management or general business operations?	Yes No	

Does employee's primary job duty include the exercise of discretion and independent judgment with respect to matters of significance?	Yes No	
<i>Does Exemption apply?</i>	Yes No	
Learned Professional Exemption		
Does employee's primary job duty include performing work that requires advanced knowledge in an intellectual field (learning or science)? <i>*Advanced knowledge is defined as work which is predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgment</i>	Yes No	
Was advanced knowledge acquired by prolonged course of specialized intellectual instruction?	Yes No	
<i>Does Exemption apply?</i>	Yes No	
Creative Professional Exemption		
Does employee's primary job duty consist of work requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor?	Yes No	
<i>Does Exemption apply?</i>	Yes No	

Name and title of employee who completed evaluation: _____

Name

Title

****Attach employee's job description to this evaluation.**