



Minnesota
STATE COLLEGES
& UNIVERSITIES

FLSA Compliance Checklist

- EXECUTIVE EXEMPTION
- PROFESSIONAL EXEMPTION
- ADMINISTRATIVE EXEMPTION
- OUTSIDE SALES EXEMPTION
- NON-EXEMPT

Job Class Title:	Agency:
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Employees must meet both the salary and duties tests to be exempted from the overtime provisions of the Fair Labor Standards Act (FLSA). Employees who do not meet the duties tests or do not meet the salary test will be assigned an exemption status of non-exempt.

Salary Test Section

If no employee within a class meets the salary test, the class will be designated as non-exempt.

If some employees do not meet the salary test (due to part-time employment status), these employees will be classified as non-exempt. However, if the duties tests are met by all and some employees meet the salary test, the class will be assigned one of the exempt options on this form.

Employees are compensated on a salary basis at a rate of not less than **\$455** per week exclusive of board, lodging or other facilities.

- Yes, Some or All Employees No Employees (Class will be assigned as non-exempt, no need to Complete duties test section)

Duties Test Section

Employees must meet the duties test requirements as specified below to be considered exempt from the Fair Labor Standards Act (FLSA) and assigned to one of the exemption types indicated below. Where **"and"** is indicated after a statement, all statements within that section must be checked to meet the duties requirements.

EXECUTIVE EXEMPTION DUTIES TEST

(Check all that apply)

- Manages and supervises a department of at least two full-time people; **and**
- Has authority to hire or fire or suggest changes in employees' status; **and**
- Regularly exercises discretionary powers; **and**

Either

- Devotes less than 20 percent of time worked to non-exempt work; **or**
- Has sole charge of an independent or branch establishment.

PROFESSIONAL EXEMPTION DUTIES TEST

(Check all that apply)

Either:

- Performs work requiring advanced knowledge in a field of learning customarily acquired by prolonged specialized intellectual study, not a general academic education, an apprenticeship, or training in routine mental or physical processes; **or**
- Performs original work dependent on the person's own creativeness in a recognized field of artistic endeavor.

And:

- Consistently exercises judgment and discretion; **and**
- Performs predominately intellectual work so varied that the output cannot be standardized by time necessary for accomplishment; **and**
- Devotes less than 20 percent of the hours worked to activities not essential to the person's professional work.

ADMINISTRATIVE EXEMPTION DUTIES TEST

(Check all that apply)

- Either performs office or non-manual work directly related to business operations or management policies, **or** administers an educational system or subdivision thereof, in work relating to academic instruction; **and**
- Regularly exercises discretion and independent judgment and makes important decisions; **and**
- Devotes less than 20 percent of time worked to non-exempt work; **and**

Either:

- Directly assists owner or bona fide executive or administrative employee; **or**
- Performs supervised work only along lines requiring special training or experience; **or**
- Executive special assignments.

OUTSIDE SALES EXEMPTION DUTIES TEST

(Check all that apply)

NO SALARY TEST REQUIRED

- "Salesperson" is defined as one who makes sales of, or obtains orders or contracts for, materials, services or the use of facilities for which payment will be made. Incidental deliveries, collections, and other non sales or non solicitation work that is directly related to the primary sales duties shall be consider the work of a salesperson; **and**
- An outside salesperson is hired for the express purpose of performing such duties away from the Employer's place(s) of business and conducts no more than 20 percent of sales on those premises. The hours of non outside sales work may not exceed 20 percent of the hours worked by employees who are not outside salespersons.

COMMENTS:

HR Office Signature _____ Date: _____