

## Overtime Eligibility Review and Recommendation

Complete each section below to show the analysis was done to make a proper determination, as more than one exemption may apply. If none apply, the position will be considered overtime eligible. Disclaimer: This worksheet does not replace the position's full analysis of duties on file.

For more information see Fair Labor Standards Act (FLSA) Sections 13(a) (1) and (17) at:  
[http://www.dol.gov/whd/overtime\\_pay.htm](http://www.dol.gov/whd/overtime_pay.htm) and <https://www.dol.gov/whd/flsa/>.

| Position Information  |              |  |
|---|--------------|--|
| Date:   | Class Title: | Position Number:   |
| Incumbent's Name (If filled position):  |              | Supervisor's Name:                                       |
| Salary Test   |              |  |
| Is the employee paid on a salary basis of at least \$684 per week, regardless of the number of hours worked? (See Overtime Eligibility Guidance on page 3.) If the answer is <b>no</b> , the analysis is complete. Sign and date on page 2.   |              | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Administrative Exemption – Answer to all questions must be yes to qualify for this exemption.   |              |  |
| Do the employee's primary <sup>①</sup> duties consist of office or non-manual work directly related to the management or general business operations of the agency?   |              | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Is the employee's office or non-manual work directly related to management policies or general business operations <sup>②</sup> of the employer?  |              | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Does the position require the exercise of discretion and independent judgment <sup>③</sup> with respect to matters of significance? (See Overtime Eligibility Guidance on page 3.)  |              | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Professional Exemption – Is the primary <sup>①</sup> duty (See Overtime Eligibility Guidance on page 3.) one or more of the following?  |              |  |
| Performance of work requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study <sup>④</sup> . (Work which is predominantly intellectual and requires consistent exercise of discretion and judgment.)  |              | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Work requiring invention, imagination or talent in a recognized field of artistic endeavor.   |              | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Executive Exemption – Answer to all questions must be yes to qualify for this exemption.  |              |  |
| Does the employee regularly supervise at least two employees? (If the employee supervises part-time employees, they must aggregate to at least two full-time employees.)  |              | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Is the employee in charge of a department, division, or other permanent organizational unit?  |              | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Are the employee's primary <sup>①</sup> duties managerial or supervisory in nature?   |              | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Does the employee have the authority to hire or fire other employees; or, are they an individual whose suggestions and recommendation as to the hiring, firing, advancement, promotion, or any other change of status of other employees are given particular weight?   |              | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Computer Worker Exemption – The answer to the first two questions must be yes.  |              |  |
| Does the employee meet the salary basis as identified above or, if compensated on an hourly basis, is compensated at a rate not less than \$27.63 an hour? If the answer is <b>no</b> , the analysis is complete.   |              | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Is the employee employed as a computer systems analyst, computer programmer, software engineer or other similarly skilled worker in the computer field? If <b>yes</b> , the primary <sup>①</sup> duty must consist of one or more of the following? (See FLSA section 13(a) (17)) If the answer is <b>no</b> , the analysis is complete. If <b>yes</b> , they must also meet at least one of the items below: |              | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Application of systems analysis techniques and procedures, including consulting with users to determine hardware, software or system functional specifications.   |              | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design  |              | Yes <input type="checkbox"/> No <input type="checkbox"/> |

|  |  |
|--|--|
| specifications.  |  |
| Design, documentation, testing, creation or modification of computer programs related to machine operations systems. | Yes <input type="checkbox"/> No <input type="checkbox"/> |

|       |                             |                         |
|-------|-----------------------------|-------------------------|
| Date: | HR Designee's Name & Title: | HR Designee's Signature |
|-------|-----------------------------|-------------------------|

Include information used in the analyses along with an explanation of their relevance and/or applicability. Indicate if the employee, supervisor, manager or deputy assisted with the evaluation.

Exemption Determination and Rationale:

Exemption Status:

OT Exempt If **yes**, select categories from the Primary Exemption and Secondary Exemption, if applicable.

Primary Exemption

Secondary Exemption

OT Eligible

## Overtime Eligibility Guidance

### Additional considerations for the salary test:

- The salary basis of at least \$684 per week, goes into effect January 1, 2020.
- The employee's salary must be free from reduction for absences caused by witness service, jury duty, or temporary military service.
- The employee's salary must be free from reduction based on quantity or quality of work performed.
- The employee's salary is free from deduction for disciplinary suspensions of less than a full workweek (except for infractions involving matters of major safety significance).

① **Primary** is defined as the principal, main, major, or most important duty that the employee performs.

② **Directly Related to Management or General Business Operations:** an employee must perform work directly related to assisting with the running or servicing of the business. This includes, but is not limited to, quality control; purchasing & procurement; computer network, internet and database administration; tax, finance, accounting, auditing & budgeting; advertising, marketing & research; safety & health; personnel management, human resources, employee benefits & labor relations; public relations & government relations; legal & regulatory compliance.

③ **Discretion and Independent Judgment:** The following ten factors were developed for guidance on whether an employee exercises "discretion and independent judgment with respect to matters of significance".

1. Does the employee have authority to formulate, effect, interpret or implement management policies or operating practices?
2. Does the employee carry out major assignments in conducting the operations of the business?
3. Does the employee perform work that affects business operations to a substantial degree, even if the employee's assignments are related to operations of a particular segment of the business?
4. Does the employee have authority to commit the employer in matters that have significant impact?
5. Does the employee have authority to waive or deviate from established policies or procedures without prior approval?
6. Does the employee have authority to negotiate and bind the company on significant matters?
7. Does the employee provide consultation or expert advice to management?
8. Is the employee involved in planning long-term or short-term business objectives?
9. Does the employee investigate and resolve matters of significance on behalf of management?
10. Does the employee represent the company in handling complaints, arbitrating disputes or resolving grievances?

④ **Work requiring knowledge of an advanced type:** Department of Labor provides the following two factors for consideration

1. The standard prerequisite for trained entry into the job must be "specialized academic training", and
2. Employees who work in such a profession must either possess an advanced degree or have substantially the same knowledge level and perform substantially the same work as the degreed employees.

The learned professional exemption is *not* available for occupations that may be performed with:

- Only the general knowledge acquired by an academic degree.
- Knowledge acquired through an apprenticeship.
- Training in the performance of routine mental, manual, mechanical or physical processes.

The exemption also does not apply to occupations in which most employees acquire skill by experience.