FLSA EXEMPTION DETERMINATION CHECKLIST

Statutory Non-Exemption Checklist

		YES	NO
1.	**FEDERAL WAGE SYSTEM EMPLOYEES:** The employee is in a non-supervisory position in the Federal Wage System or in another comparable wage system. *See 5 CFR 551.204.*	☐	☐
2.	**CERTAIN NON-SUPERVISORY EMPLOYEES:** The employee is in the following non-supervisory, white-collar positions:		
	a. Equipment operating and protective occupations, and most clerical occupations.	☐	☐
	b. Technician work positions properly classified below GS-9 (or equivalent), and many, but not all, of those properly classified above GS-9 (or equivalent).	☐	☐
	c. Occupations requiring highly specialized technical skills and knowledge that can be acquired only through prolonged job training and experience. This is different from performing predominantly administrative functions. *See 5 CFR 551.204.*	☐	☐
3.	**PRIMARY DUTY:** An employee in positions described in question #2 spend more than 50% of work time performing the work indicated above, <u>or</u> a duty constituting less than 50% may be credited if such work: 1) constitutes a substantial, regular part of the work assigned and performed; 2) is the reason for the existence of the position; <u>and</u> 3) is clearly exempt work in terms of the basic nature of the work, the frequency with which the employee must exercise discretion and independent judgment, and the significance of the decisions made. *See 5 CFR 551.104.*	☐	☐
4.	Does an exception apply to these employees? a. Temporarily perform different work duties? b. Fulfill the foreign exemption criteria?	☐	☐

Statutory Non-Exemption

		NON-EXEMPT
5.	Mark these employees as non-exempt if you answered: YES to Question 1 **OR** YES to Questions 2 and 3; and NO to Question 4.	☐