

FLSA EXEMPTION DETERMINATION CHECKLIST

Executive Exemption Checklist

		YES	NO
1.	<p>SALARY THRESHOLD: The annual rate of basic pay for this position is equal to or greater than \$23,660?</p> <p>(Rate of basic pay includes any locality payments under 5 CFR part 531, Subpart F, and special rate supplements under 5 CFR part 530, Subpart C, or other similar legal authorized payments or supplement, before any deductions. The pay rate does not include any other kinds of pay, such as premium payments, differentials, and allowances. See 5 CFR 551.203.)</p>	<input type="checkbox"/>	<input type="checkbox"/>
2.	<p>If the answer to Question 1 is YES, move to the remaining questions to determine whether the employees qualify for exemption.</p> <p>If the answer to Question 1 is NO, go to # 8</p>	If YES, go to # 3	If NO, go to # 8
3.	<p>PRIMARY DUTY OF MANAGEMENT: The primary duty of an employee in this position is management (as defined in 5 CFR 551.104) of a federal agency or any subdivision thereof, including the lowest-recognized organizational unit with a continuing function. See 5 CFR 551.205.</p> <p>a. MANAGEMENT: An employee in this position performs work that is directly related to activities such as interviewing, selecting, and training employees; setting and adjusting rates of pay and hours of work; directing the work of employees; maintaining production or financial records for use in supervision or control; appraising employee productivity and efficiency for the purpose of recommending promotions or other changes in status; handling employee complaints and grievances; disciplining employees; planning the work; determining techniques to be used; apportioning the work among employees; determining the type of materials, supplies, machinery, equipment, or tools to be used or merchandise to be bought, stocked and sold; controlling the flow and distribution of materials or merchandise and supplies; providing for safety and security of the employees or property; planning and controlling the budget; monitoring or implementing legal compliance measures. See 5 CFR 551.104.</p> <p style="text-align: center;">AND:</p> <p>b. PRIMARY DUTY: An employee in this position spends more than 50% of his/her 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.</p>	<input type="checkbox"/>	<input type="checkbox"/>
4.	<p>If the answer to question 3a AND b is YES, then move on to the remaining questions to determine whether the employees qualify for exemption.</p> <p>If any answer in Question 3 is NO, go to # 8.</p>	If YES, go to # 3	If NO, go to # 8

		YES	NO
5.	<p>Directs the work of two or more other employees: An employee in this position customarily and regularly directs the work of two or more other employees. See 5 CFR 551.205.</p> <p>CUSTOMARILY AND REGULARLY DIRECTS THE WORK OF TWO OR MORE OTHER EMPLOYEES: An employee in this position customarily and regularly directs the work of two or more other employees. The employee does <u>not</u> merely assist the manager of a department and supervise other employees only in the manager's absence. If the employee shares supervisory responsibilities with other supervisors, the employee must at least have the equivalent of full-time supervisory responsibility over two employees (e.g., the employee supervises four full-time employees for four hours a day).</p>	<input type="checkbox"/>	<input type="checkbox"/>
6.	If the answer to Question 5 is YES, then move on to the remaining questions to determine whether the employees qualify for exemption. If the answer to Question 5 is NO, go to # 8.	If YES, go to # 7	If NO, go to # 8
7.	<p>Has particular influence regarding hiring, firing, etc.: The employees in this position either have the authority to hire and fire, or have particular influence regarding the hiring, firing, promotion, etc. of other employees, as those concepts are defined in 5 CFR 551.205.</p> <p>a. AUTHORITY TO HIRE AND FIRE: An employee in this position has the authority to hire or fire other employees.</p> <p style="text-align: center;">OR:</p> <p>b. RECOMMENDATIONS ARE GIVEN PARTICULAR WEIGHT: The suggestions and recommendations of an employee in this position as to the hiring, firing, advancement, promotion, or any other change of status of other employees, are given particular weight by higher-level management (e.g., it is part of the employee's job duties to make such suggestions or recommendations, the employee frequently makes or is frequently requested to make such suggestions or recommendations, the employee's suggestions or recommendations are frequently relied upon, etc.)</p>	<input type="checkbox"/>	<input type="checkbox"/>

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8.	<p>The employee meets the definition of FLSA-exempt executive and should be marked as exempt only if you answered YES to <u>all</u> questions.</p> <p>If you answered NO to any of the questions, then the employee does not meet the definition for the executive exemption, and you must mark the employee as non-exempt.</p>	<p>EXEMPT</p> <input type="checkbox"/> <p>NON-EXEMPT</p> <input type="checkbox"/>
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