

FLSA EXEMPTION DETERMINATION CHECKLIST

Computer Employee Professional 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, or the employee is compensated on an hourly basis at a rate of basic pay not less than \$27.63 per hour? See 5 CFR 551.203 and 5 CFR 551.210.</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. If the answer to Question 1 is NO, go to # 6</p>	If YES, go to # 3	If NO, go to # 6
3.	<p>Computer systems or programs analysis, design, and/or development. The primary duties of an employee in this position involve the analysis, design, and/or development of computer systems and programs, as defined in 5 CFR 551.210.</p> <p>a. COMPUTER SYSTEMS: The work involves the <u>application of systems analysis techniques and procedures</u>, including consulting with users, to determine hardware, software, or system functional specifications.</p> <p style="text-align: center;">OR:</p> <p>b. ANALYSIS, DESIGN, AND/OR DEVELOPMENT: The work involves the <u>design, development, documentation, analysis, creation, testing, or modification of computer systems or programs</u>, including prototypes, based on and related to user or system design specifications.</p> <p style="text-align: center;">OR:</p> <p>c. MACHINE OPERATING SYSTEMS: The work involves the <u>design, documentation, testing, creation, or modification of computer programs</u> related to machine operating systems.</p> <p style="text-align: center;">OR:</p> <p>d. COMBINATION OF: The work involves a <u>combination of the above described duties</u>, the performance of which requires the same level of skills.</p>	<input type="checkbox"/>	<input type="checkbox"/>

		YES	NO
4.	If the answer to Question 3a, b, c, OR d is YES, then move on to the remaining questions to determine whether the employees qualify for exemption. If the answers to Question 3a, b, c, and d are NO, go to # 6.	If YES, go to # 5	If NO, go to # 6
5.	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; and 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.	<input type="checkbox"/>	<input type="checkbox"/>

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