

Assessment

Minimum Wage and Overtime Exempt Assessment

EMPLOYEE INFORMATION

Name:	Title:
Employee ID Number:	Company Name and Federal ID (EIN):
Job class or category:	Supervisor name:
Name and title of evaluator (the person filling out this form):	Date of evaluation:

INSTRUCTIONS

There are eight categories under which employees may qualify as exempt. Click on any category to move directly to that section within this form:

- Executive Employee
- Administrative Employee
- Learned Professional Employee
- Creative Professional Employee
- Computer Employee
- Outside Sales Employee
- Highly Compensated Employee
- Business Owner Executive

Employees may fall under more than one category; choose the applicable categories, and respond to each statement in those categories by checking "True" or "False." In general, a response of "True" to every statement supports a determination of exempt status for that category; a response of "False" to one or more statements supports a determination of nonexempt status.

EXECUTIVE EMPLOYEE

	True	False
1. The employee is compensated on a salary basis at a rate not less than \$684 per week, exclusive of board, lodging, or other facilities.	<input type="checkbox"/>	<input type="checkbox"/>
2. The employee's primary duty is managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise.	<input type="checkbox"/>	<input type="checkbox"/>
3. The employee customarily and regularly directs the work of at least two or more other full-time employees or their equivalent.	<input type="checkbox"/>	<input type="checkbox"/>
4. The employee has the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees are given particular weight.	<input type="checkbox"/>	<input type="checkbox"/>

ADMINISTRATIVE EMPLOYEE

True False

- | | | | |
|----|---|-----|-----|
| 1. | The employee is compensated on a salary basis or fee basis at a rate not less than \$684 per week, exclusive of board, lodging, or other facilities. | () | () |
| 2. | The employee's primary duty is the performance of office or nonmanual work directly related to the management or general business operations of the employer or the employer's customers. | () | () |
| 3. | The employee's primary duty includes the exercise of discretion and independent judgment with respect to matters of significance. | () | () |

LEARNED PROFESSIONAL EMPLOYEE

True False

- | | | | |
|----|--|-----|-----|
| 1. | The employee is compensated on a salary or fee basis at a rate not less than \$684 per week, exclusive of board, lodging, or other facilities. | () | () |
| 2. | The employee's primary duty is the performance of work requiring advanced knowledge. | () | () |
| 3. | The advanced knowledge is in a field of science or learning. | () | () |
| 4. | The advanced knowledge is customarily acquired by a prolonged course of specialized intellectual instruction. | () | () |

CREATIVE PROFESSIONAL EMPLOYEE

True False

- | | | | |
|----|---|-----|-----|
| 1. | The employee is compensated on a salary or fee basis at a rate not less than \$684 per week, exclusive of board, lodging, or other facilities. | () | () |
| 2. | The employee's primary duty is the performance of work requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor. | () | () |

COMPUTER EMPLOYEE

True False

- | | | | |
|----|--|-----|-----|
| 1. | The employee is a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer field. | () | () |
| 2. | The employee's primary duty consists of one or more of the following: The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications; The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications; The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or A combination of the aforementioned duties, the performance of which requires the same level of skills. | () | () |

3. The employee is compensated on a salary or fee basis at a rate of not less than \$684 per week or, if compensated on an hourly basis, at a rate not less than \$27.63 an hour.

OUTSIDE SALES EMPLOYEE

- | | True | False |
|--|--------------------------|--------------------------|
| 1. The employee's primary duty is making sales, or obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer. | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. The employee customarily and regularly is engaged away from the employer's place or places of business. | <input type="checkbox"/> | <input type="checkbox"/> |

HIGHLY COMPENSATED EMPLOYEE

- | | True | False |
|---|--------------------------|--------------------------|
| 1. The employee is paid total annual compensation of \$107,432 or more which includes at least \$684 per week. | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. The employee performs office or nonmanual work. | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. The employee customarily and regularly performs at least one of the duties of an exempt executive, administrative, or professional employee identified in the standard conditions for exemption. | <input type="checkbox"/> | <input type="checkbox"/> |

BUSINESS OWNER EXECUTIVE

- | | True | False |
|---|--------------------------|--------------------------|
| 1. The employee owns a bona fide 20 percent (or more) equity interest in the business in which he or she is employed. | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. The employee is actively engaged in managing the enterprise in which he or she is employed. | <input type="checkbox"/> | <input type="checkbox"/> |

DETERMINATION

A response of "True" to every statement supports a determination of exempt status for that category; a response of "False" to one or more statements supports a determination of nonexempt status. Remember that an employee may fall under more than one category of exemption. Choose all that apply.

EXEMPT. On the basis of all relevant factors, this employee qualifies for the selected exemption(s):

- Exempt Executive Employee
- Exempt Administrative Employee
- Exempt Learned Professional Employee
- Exempt Creative Professional Employee
- Exempt Computer Employee
- Exempt Outside Sales Employee
- Exempt Highly Compensated Employee
- Exempt Business Owner Executive

NONEXEMPT. On the basis of all relevant factors, this employee does not qualify for any exemption.