

SHEEHAN PHINNEY

#1 of 9 Checklists in Series

Overtime Exemption Worksheets

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Introduction

With the changes to the Fair Labor Standards Act (FLSA) overtime exemptions (effective December 1, 2016) we prepared the following checklists for use by clients as they evaluate their overtime exemptions in their workplace. These checklists are intended as general outlines and guides to the Final Rule to update FLSA overtime white collar exemptions. These checklists are not intended as a substitute for specific legal advice.

FLSA EXECUTIVE EXEMPTION CHECKLIST¹

Employee is employed in a bona fide executive capacity which means:

Check if Applicable:

- 1. Employee is compensated, on a ***salary basis***,² in the gross amount of not less than \$913.00 per week, not including board, lodging or other facilities.
- 2. Employee's ***primary duty*** consists of the ***management of the enterprise in which the employee is involved*** **OR** of a customarily recognized ***department*** or ***subdivision*** of the employer.
- 3. Employee ***customarily*** and ***regularly directs the work*** of ***two or more*** other employees.
- 4. Employee has the **authority** to ***hire or fire other employees*** **OR** whose ***suggestions and recommendations*** as to the hiring, firing, advancement, promotion or any other change of status of other employees are given ***particular weight***.

*If **ALL FOUR** boxes are checked in this section then the employee qualifies for the exemption from the FLSA's minimum wage and overtime requirements as an executive employee.*

Note: *If possible, attach recent copy of job description or analysis of job functions to support the exemption assessment.*

¹ If employee does not qualify for the Executive Exemption, he or she may qualify for the Administrative, Business Owner, or Highly Compensated Employee Exemptions. (See checklists #2, #6 and #8)

² A maximum of 10% of the annual salary basis may be satisfied by incentive (e.g. bonus) payments.

CERTIFICATION/ACKNOWLEDGMENT

We certify that the information contained in this checklist is true and correct.

Employer's Signature

Employee's Signature

Title

Title

Date

Date