

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 PROFESSIONAL EXEMPTION CHECKLIST¹

Check if Applicable:

A.

- 1. Employee must be compensated on a salary² or fee basis at a rate of not less than **\$913.00 per week**.
- 2. Employee's **primary duty** must be the performance of work requiring advanced knowledge, in a field of *science* or *learning* customarily acquired by a *prolonged course of specialized intellectual instruction*.

OR

B.

- 1. Employee must be compensated on a salary or fee basis at a rate of not less than **\$913.00 per week**.
- 2. Employee's **primary duty** must be the performance of work requiring invention, imagination, originality or talent in a recognized field of *artistic or creative endeavor*.

*If **both boxes 1 and 2** are checked **in either section A or B** then the employee qualifies for the exemption from the FLSA's minimum wage and overtime requirements as a professional employee.*

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

¹ If employee does not qualify for the Professional Exemption, he or she may qualify for the Administrative, Computer Employee, or Highly Compensated Employee Exemptions. (See checklists #2, #5 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