

Overtime Exemption Worksheets

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Introduction

With the changes to the Fair Labor Standards Act (FLSA) overtime exemptions (effective August 23, 2004) 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 new Fair Play exemptions and related amendments to the FLSA. These checklists are not intended as a substitute for specific legal advice.

FLSA COMPUTER EMPLOYEE EXEMPTION CHECKLIST

Check if Applicable:

- 1. Employee is compensated, on a **salary basis or fee basis** at a rate not less than ***\$455.00 per week*** **OR**, if compensated on an hourly basis, at ***a rate not less than \$27.63 an hour***.
- 2. Employee must be employed as a ***computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer field*** performing whose **primary duty** consists of **at least one** of the following:
 - a. The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;
 - b. 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;

- c. The design, documentation, testing, creation or modification of computer programs related to machine operating systems; **or**
- d. A combination of the duties described above, the performance of which requires the same level of skills.

*If **BOTH** of the boxes are checked in this section then the employee qualifies for the exemption from the FLSA's minimum wage and overtime requirements as a computer professional.*

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

*If employee does not qualify for the computer professional exemption, he or she may qualify as a **BUSINESS OWNER** (see below)*

BUSINESS OWNER O.T. EXEMPTION CHECKLIST

*(**BOTH** boxes below must be checked for the employee to qualify for the exemption as a business owner.)*

Check if applicable:

- 1. Employee **owns at least 20% equity interest in the business** in which the employee is employed; **AND**
- 2. Employee is **actively engaged in management of the business**.

*Note: Salary requirements **do not** apply to business owners.*

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

[Employee may also qualify under Executive Professional or Administrative Exemptions. See those exemption checklists.]

CERTIFICATION/ACKNOWLEDGMENT

We certify that the information contained in this report is true and correct, to the best of our knowledge and ability.

Employer's Signature

Employee's Signature

Title

Title

Date

Date

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