



## Fair Labor Standards Act (FLSA) Exemption Checklist

| ADMINISTRATIVE EXEMPTION   |
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| <p>Exempt administrative employees are relatively high level employees whose main job is to “keep the business running.” Exempt administrative primary job duties (principal, main, major, most important) are (1) office or non manual work, which is (2) directly related to the management or general business operations of the employer or employer’s customers, and (3) a primary component of which involves the exercise of independent judgment and discretion about (4) matters of significance. <b>Independent judgment and discretion</b> involves the comparison and evaluation of possible courses of conduct and having the authority to make an independent choice, free from immediate direction, with respect to matters of significance. It does not include the use of manuals, guidelines, or software packages to make determinations.</p> |

| POSITION INFORMATION        |  |
|-----------------------------|--|
| Position Title:             |  |
| Position Number:            |  |
| Division and Department:    |  |
| Department/Office Director: |  |
| Incumbent:                  |  |
| Immediate Supervisor:       |  |
| Preparer/Business Officer:  |  |

**Directions:** Click on each box that applies to this position to mark it with an “x”. Only select the boxes that are applicable to this position. Give **specific** and **detailed** answers where an explanation or description is requested. Upload the completed form under the Supplemental Documents tab to attach it to the position action request in NinerTalent.

| CHECKLIST  |   |  |
|--|---|--|
| Is the employee compensated on a salary basis at a rate not less than \$684 per week?                                      | YES <input type="checkbox"/><br>If Yes, please provide specifics below.     | NO <input type="checkbox"/><br>If not, stop. The employee is not exempt. |
| <u>Please describe the employee’s primary duty.</u>  |   |  |
| Is this primary duty directly related to the management or general business operations of the university or its customers? | YES <input type="checkbox"/><br>If Yes, please select all applicable below. | NO <input type="checkbox"/><br>If not, stop. The employee is not exempt. |
| <input type="checkbox"/> Tax   |   |  |

|   |   |  |
|---|---|--|
| <input type="checkbox"/> Finance<br><input type="checkbox"/> Accounting<br><input type="checkbox"/> Budgeting<br><input type="checkbox"/> Auditing<br><input type="checkbox"/> Insurance<br><input type="checkbox"/> Quality Control<br><input type="checkbox"/> Purchasing<br><input type="checkbox"/> Procurement<br><input type="checkbox"/> Advertising<br><input type="checkbox"/> Marketing<br><input type="checkbox"/> Research<br><input type="checkbox"/> Safety and Health<br><input type="checkbox"/> Human Resources Management<br><input type="checkbox"/> Employee Benefits<br><input type="checkbox"/> Labor Relations<br><input type="checkbox"/> Public Relations<br><input type="checkbox"/> Government Relations<br><input type="checkbox"/> Computer Network<br><input type="checkbox"/> Internet and Database Administration<br><input type="checkbox"/> Legal and Regulatory Compliance |   |  |
| <p>Does the employee's primary duty require the exercise of <b>high levels of discretion and independent judgment</b> with respect to matters of significance binding the university on legal/financial matters?<br/>Please see definition/examples at the end of this form.</p>  | <p>YES <input type="checkbox"/><br/>If Yes, please provide specifics below.</p> | <p>NO <input type="checkbox"/><br/>If not, stop. The employee is not exempt.</p> |
| <p>Does the employee have the authority to formulate, affect, interpret or implement management policies or operating practices?</p>  | <p>YES <input type="checkbox"/><br/>If Yes, please provide specifics below.</p> | <p>NO <input type="checkbox"/><br/>If not, stop. The employee is not exempt.</p> |
| <p><u>If yes, give specific details.</u></p>  |   |  |
| <p>Does the employee carry out assignments in conducting the operations of the university?</p>  | <p>YES <input type="checkbox"/><br/>If Yes, please provide specifics below.</p> | <p>NO <input type="checkbox"/><br/>If not, stop. The employee is not exempt.</p> |
| <p><u>If yes, give specific details.</u></p>  |   |  |
| <p>Does the employee perform work that affects the business operations to a substantial degree?</p>   | <p>YES <input type="checkbox"/><br/>If Yes, please provide specifics below.</p> | <p>NO <input type="checkbox"/><br/>If not, stop. The employee is not exempt.</p> |
| <p><u>If yes, give specific details.</u></p>  |   |  |
| <p>Does the employee have the authority to commit the university in matters that have significant financial impact?</p>   | <p>YES <input type="checkbox"/><br/>If Yes, please provide specifics below.</p> | <p>NO <input type="checkbox"/><br/>If not, stop. The employee is not exempt.</p> |
| <p><u>If yes, give specific details.</u></p>  |   |  |
| <p>Does the employee have authority to waive or deviate from established policies and procedures without prior approval?</p>  | <p>YES <input type="checkbox"/><br/>If Yes, please provide specifics below.</p> | <p>NO <input type="checkbox"/><br/>If not, stop. The employee is not exempt.</p> |
| <p><u>If yes, give specific details.</u></p>  |   |  |
| <p>Does the employee provide consultation or expert advice to management?</p>   | <p>YES <input type="checkbox"/></p>   | <p>NO <input type="checkbox"/></p>   |

|   |   |                             |
|---|---|-----------------------------|
| Does the employee have authority to negotiate or bind the university on significant matters?  | YES <input type="checkbox"/><br>If Yes, please provide specifics below. | NO <input type="checkbox"/> |
| <u>If yes, give specific details.</u>   |   |                             |
| Does the employee have involvement in planning long or short-term business objectives?  | YES <input type="checkbox"/>  | NO <input type="checkbox"/> |
| Does the employee develop guidebooks, manuals, or other policies and procedures for the employer or the employer's customers?   | YES <input type="checkbox"/>  | NO <input type="checkbox"/> |
| Does the employee investigate and resolve matters of significance on behalf of management?  | YES <input type="checkbox"/><br>If Yes, please provide specifics below. | NO <input type="checkbox"/> |
| <u>If yes, give specific details.</u>   |   |                             |
| Does the employee represent the university in handling complaints, arbitrating disputes, or resolving grievances?   | YES <input type="checkbox"/><br>If Yes, please provide specifics below. | NO <input type="checkbox"/> |
| <u>If yes, give specific details.</u>   |   |                             |
| Does the employee's primary duty consist of the performance of office or non-manual work, directly related to academic instruction or training in an educational institution? | YES <input type="checkbox"/><br>If Yes, please provide specifics below. | NO <input type="checkbox"/> |
| <u>If yes, give specific details.</u>   |   |                             |

| <b>CERTIFICATION</b>     |   |
|--------------------------|---|
| <input type="checkbox"/> | By checking this box, I certify that all information provided on this form is to the best of my knowledge is true, accurate, and complete. I understand that this information will be used to determine overtime eligibility or ineligibility for any incumbent assigned to this position |
| <input type="checkbox"/> | By checking this box, I certify that I uploaded this completed form under the Supplemental Documents tab to attach it to the position action request in the NinerTalent system for HR review and approval.  |

**DISCRETION AND INDEPENDENT JUDGMENT**

The exercise of high levels of discretion **and independent judgment** involves the comparison and the evaluation of possible courses of conduct and acting or making a decision after the various possibilities have been considered. The term must be applied in the light of all the facts involved in the employee's particular employment situation, and implies that the employee has authority to make an independent choice, free from immediate direction or supervision.

**Factors to Consider When Determining High Levels of Discretion and Independent Judgment include but are not limited to the following:**

- Whether the employee has authority to formulate, affect, interpret, or implement management policies or operating practices.
- Whether the employee carries out major assignments in conducting the operations of the business.
- Whether the employee performs work that affects business operations to a substantial degree, even if the employee's assignments are related to operation of a particular segment of the university.
- Whether the employee has authority to commit the employer in matters that have significant financial impact.
- Whether the employee has authority to waive or deviate from established policies and procedures without prior approval.
- Whether the employee provides consultation or expert advice to management;
- Whether the employee has authority to negotiate and bind the business on significant matters.
- Whether the employee is involved in long or short-term business objectives.
- Whether the employee investigates and resolves matters of significance on behalf of management.
- Whether the employee represents the business in handling complaints, arbitrating disputes or resolving grievances.

**Note:** The fact that an employee's decisions are revised or reversed after review does not mean that the employee is not exercising discretion and independent judgment.

**Note:** Exempt employees may use manuals, guidelines or other established procedures if they contain highly technical, scientific, legal, financial or other similarly complex matters that can be understood or interpreted only by those with advanced or specialized knowledge or skills.

**Discretion and Independent Judgment does not include:**

- Applying well-established techniques, procedures or specific standards described in manuals or other sources to determine the correct response to an inquiry or set of circumstances
- Clerical or secretarial work
- Recording or tabulating data
- Performing mechanical, repetitive, recurrent or routine work
- For Example: An employee who enters, compiles, records, maintains, or tabulates data is not exempt as an administrative employee, even if they are called a "statistician".