Technical College System of Georgia
Fair Labor Standards Act Classification Form
Computer Exemption

The Fair Labor Standards Act (FLSA) of 1938 is a federal law that sets minimum wage, overtime compensation, equal pay, recordkeeping, and child labor standards. Employers who do not comply with FLSA provisions are subject to large fines and payment of back wages. In 1974, Congress expanded the coverage of the FLSA to include most state and local government employees; as a result, this law covers employees of the Technical College System of Georgia.

Due to FLSA, each employee must be designated as either **non-exempt** from the FLSA overtime requirements, and therefore entitled to earn time and a half for hours worked over forty during a workweek, or **exempt** from earning time and a half. (A workweek consists of seven consecutive 24-hour periods, or 168 consecutive hours, designated by the employer.) Employers are not legally required to compensate exempt employees for hours worked over forty.

Those employees designated as exempt from the overtime requirements generally fall into one of three major categories: *executive*, *administrative*, or *professional*. Each category is defined by the FLSA, and its appropriateness in regard to specific employees can be determined via a **duties test**. This form serves as a checklist for applying the duties test for the *computer* exemption.

Position Number	Job Title	Yes/No
1. Employee is paid at least $684/week ($35,568 annually); OR, and compensated on an hourly basis, at a rate not less than $27.63 an hour		Yes
2. is the employee employed as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer field performing the duties described below? 1) **The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;** 2) **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;** 3) **The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or** 4) **A combination of the aforementioned duties, the performance of which requires the same level of skills.** *The computer employee exemption does not include employees engaged in the <u>manufacture or repair of computer hardware and related equipment</u>. Employees whose work is highly dependent upon, or facilitated by, the use of computers and computer software programs (e.g., engineers, drafters and others skilled in computer-aided design software), but who are not primarily engaged in computer systems analysis and programming or other similarly skilled computer-related occupations identified in the primary duties test described above, are also <u>not exempt</u> under the computer employee exemption.*		Yes

NOTES/COMMENTS:

Person providing information on this position:	Relationship to position:	Date

Person completing form (if different):	Signature
Signature of Human Resources Director	Date

Note: All criteria must be marked "Yes" in order to qualify for the exemption.