

Technical College System of Georgia Fair Labor Standards Act Classification Form

Executive 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 *executive* exemption.

Position Number	Job Title	Yes/No
1.	Employee is paid at least \$684/week (\$35,568 annually).	Yes
2.	Employee is paid on "salary basis".	Yes
3.	Primary duty of position is managing the enterprise or a recognized department or subdivision. If Yes, identify the department or subdivision:	
4.	Employee in this position regularly directs the work of two or more other full time employees or their equivalent (e.g., one full-time and two half-time employees) or four half-time employees.	
5.	Employee in this position has the authority to hire or fire other employees or to make suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees that are given <u>particular weight</u> .	
NOTES/COMMENTS:		
Person providing information on this position		Relationship to position
Person completing form (if different)		Date
Signature		
Signature of Human Resources Director		Date

For Human Resources Office use only:	
Executive exemption is appropriate for this position: <input type="checkbox"/> YES <input type="checkbox"/> NO	
Date designation changed/verified in PeopleSoft	Date employee notification sent

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