

**Technical College System of Georgia**  
**Fair Labor Standards Act Classification Form**  
**NON-EXEMPT Salaried (i.e. eligible for time-and-a-half)**

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.)

Those employees designated as **non-exempt** from the overtime requirements receive FLSA Compensatory time up to a maximum of 240 hours. (Generally, hours over 240 not used during the next pay period are paid out at the end of the month. This form serves as a checklist for establishing a position as *non-exempt*.)

Position Number	Job Title	Yes/No
1.	Employee is paid at least \$684/week (\$35,568 annually).	Yes
2.	Primary duty of position involves the performance of office or non-manual work related to the management or general business operations of the employer or the employer's customers <b>AND</b> Employee in this position regularly exercises discretion and independent judgement with respect to matters of significance.	
3.	Primary duty of this position is the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction <b>OR</b> Primary duty of this position is the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.	
4.	Primary duty of position is managing the enterprise or a recognized department or subdivision <b>AND</b> Employee in this position regularly directs the work of two or more other employees <b>AND</b> Employee in this position has the authority to hire or fire other employees <b>OR</b> 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> .	
<b>NOTES/COMMENTS</b>		
Person providing information on this position:		Relationship to position:
Person completing form (if different):		Signature: <span style="float: right;">Date</span>
Signature of Human Resources Director		Date

For Human Resources Office use only:		
Non-exempt status 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.**