

## Technical College System of Georgia Fair Labor Standards Act Classification Form

### Professional 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 *professional* 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 or fee basis".		Yes
3. <b>LEARNED PROFESSIONAL</b>  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; OR		
4. <b>CREATIVE PROFESSIONAL</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.		
<b>NOTES/COMMENTS:</b>		
Person providing information on this position	Relationship to position	Date
Person completing form (if different)	Signature	

<b>For Human Resources Office use only:</b>	
Professional exemption is appropriate for this position: <input type="checkbox"/> YES <input type="checkbox"/> NO	
Signature of Human Resources Director	Date
Date designation changed/verified in Peoplesoft	Date employee notification sent

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