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Fresno USD DIVISION OF HUMAN RESOURCES  
 HR 2503  
 FAIR LABOR STANDARDS ACT EXEMPT / NON-EXEMPT STATUS

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The Fair Labor Standards Act (FLSA) gives guidelines for placing employees in exempt or non-exempt status **for overtime**. The following is a brief description and comparison of responsibilities that will help determine eligibility for overtime compensation.

EXEMPT EMPLOYEES	NON-EXEMPT EMPLOYEES
Must meet the current minimum salary requirement	Is paid to work at a job or task for a defined period of time
Must meet the primary duties test for exempt status for: Executive, Administrative, Learned or Creative Professional, Computer Professional, Highly Compensated Employee, Outside Sales	Does not meet the duties test for an exemption category
The Learned Professional must meet the advanced knowledge requirement	Does not regularly exercise discretion and independent judgment
Does not qualify for overtime pay or overtime comp time off	Must be paid a minimum overtime pay of 1.5 times the hourly wage for hours over 8 hours in a day or over 40 hours in a week
Vacation and sick days are taken in whole or half days	Vacation and sick time are taken in hours of a day
Does not qualify for call back pay	Does qualify for call back pay

The FLSA does include formal definitions for the various categories of exempt employees. Those definitions include the following:

1. Executive: primary duty is managing an enterprise or a customarily recognized department or subdivision; must customarily & regularly direct work of two (2) or more other FTE employees or their equivalent; must have authority to hire or fire, or suggestions/recommendations must be given particular weight; must meet the current minimum salary requirement.
2. Administrative: primary duty must be to perform office or non-manual work directly related to the management or general business operation of the employer or employer's customers; primary duty includes exercise of discretion & independent judgment with respect to matters of significance. Must meet the current minimum salary requirement.
3. Computer Professional: must perform the application of one of the following – systems analysis techniques & procedures; design, development, documentation, analysis, creation, testing, or modification of computer systems or programs; design documentation, testing, creation or modification of computer programs related to machine operating systems; a combination of the previously listed duties. The work must require a high level of proficiency in the theoretical & practical application of specialized knowledge in computer system analysis, programming, & software engineering, and must require the expertise & skill to work independently. Must meet the minimum salary requirement of the executive category or hourly rate.

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4. Learned or Creative Professional (includes teachers, nurses, etc.): requires knowledge of an advanced type in a field or science of learning customarily acquired by a long course of specialized instruction. A teacher's primary duty is teaching, tutoring, instructing or lecturing.
5. HCE's (Highly Compensated Employees): must satisfy the minimal duties test; must meet the current minimum salary requirement for this category.

Policy Fresno Unified School District  
DIVISION OF HUMAN RESOURCES  
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Fresno, California