

How to Determine FLSA Exemption Status

Check your employees' **Position Description** or SF-50, Block 35

35. FLSA Category

E - Exempt

N - Nonexempt

BLOCK 35 of the SF-50

7. Fair Labor Standards Act

Exempt

Non-exempt

BLOCK 7 of the Position Description
Cover Sheet (OF 8)

If the SF-50 and the PD do not match, contact **HRO**

EXEMPT vs NONEXEMPT

Positions are classified based on duties expected to be performed. The FLSA Exemption Status is determined based on the duties actually performed. Supervisors are responsible for certifying the PD accurately reflects duties performed.

NONEXEMPT = Covered by the FLSA

EXEMPT = NOT covered by the FLSA

FLSA NONEXEMPT v EXEMPT

Overtime Comparison

FLSA NONEXEMPT

- Must ALWAYS offer OT pay
- All OT is paid at 1 ½ times regular pay
- Pre-approval for some OT (“suffer or permit”) is NOT required
- Must be paid for all hours required or allowed to be worked

FLSA EXEMPT

- Comp Time can be compelled (if pay exceeds GS-10 Step 10)
- 1 ½ times salary OT pay is capped (GS-10 Step 1 OT Rate)
- OT MUST be approved in advance
- Subject to pay limit (GS-15 Pay Cap)

QUESTIONS? CONTACT HRO

FLSA EXEMPTIONS

Exemptions are based on the actual duties performed by the employees.

Executive Exemption

Management personnel responsible for the hiring, firing, advancement, promotion and directing the work of at least 2 full time employees.

Administrative Exemption

Personnel whose work relates to the management or general business operations and who exercise discretion and independent judgment.

For example, a Contract Specialist.

Professional Exemption

Personnel who perform work requiring advanced knowledge typically acquired by high level education.

For example, a lawyer or an engineer.

Computer Employee Exemption

Only applies to certain high level personnel meeting specific requirements.