Fair Labor Standards Act (FLSA) Overtime Regulations

**CHECKLIST # 4 – SALARY AND DUTIES TESTS FOR
COMPUTER PROFESSIONAL EXEMPTION FROM OVERTIME**

Effective August 23, 2004

If questions A and B are answered "yes," the employee meets the computer exemption test.

A.   Does the employee receive a salary of at least $455 per week, or an hourly rate of not less than $27.63 per hour?

Yes_____No_____

Note: The same criterion for "salary" discussed under the executive exemption, apply to the computer exemption.

B.   Does the employee's primary duty consist of the performance of work that requires the application of one of the following:

   1.   Systems analysis techniques and procedures, including consulting with users to determine hardware, software, or system functional specifications?

Yes_____No_____

   2.   The design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on user or system design specifications?

Yes_____No_____

   3.   The design, documentation, testing, creation or modification of computer programs related to machine operating systems?

Yes_____No_____

   4.   A combination of the duties stated above?

Yes_____No_____

   5.   The work must require a high level of proficiency in the theoretical and practical application of specialized knowledge in computer system analysis, programming, and software engineering.

   6.   The exemption typically requires the expertise and skill to work independently.

   7.   The exemption does not apply to positions involving operation, repair, or maintenance of computer hardware, networks, or equipment.