**Exemption for Learned Professional Employees**

- **Test LP1**: Is the employee’s primary duty the performance of work requiring advanced knowledge?
  - No
  - Yes: Continue to SIDE 2

**Exemption for Administrative Employees**

- **Test A1**: Is the employee’s primary duty the performance of office or non-manual work directly related to the management or general business operations of the institution?
  - No
  - Yes: Continue to SIDE 2

- **Test A2**: If the employee’s primary duty is performing exempt work, does the employee devote no more than 20 percent of work time to activities that are not directly and closely related to exempt work?
  - No
  - Yes: Continue to SIDE 2

- **Test A3**: Does the employee’s primary duty include the exercise of discretion and independent judgment with respect to matters of significance?
  - No
  - Yes: Continue to SIDE 2

**Exemption for Executive Employees**

- **Test E1**: Is the employee’s primary duty managing UW Madison or a Division, Department, or Subunit within the institution?
  - No
  - Yes: Continue to SIDE 2

- **Test E2**: Does the employee customarily and regularly direct the work of at least two full-time employees or the equivalent (i.e. two FTEs)?
  - No
  - Yes: Continue to SIDE 2

- **Test E3**: If the employee’s primary duty is performing exempt work, does the employee devote no more than 20 percent of work time to activities that are not directly and closely related to exempt work?
  - No
  - Yes: Continue to SIDE 2

- **Test E4**: Does the employee have the authority to hire or fire other employees, or are the employee’s recommendations as to the hiring, firing, promotion or any other change in status given particular weight?
  - No
  - Yes: Continue to SIDE 2

**Test #1 (Salary Level)**

- Is the Employee’s salary greater than $455 per week ($23,660 per year)?
  - No
  - Yes

**Test #2 (Salary Basis)**

- Does the employee receive a predetermined, fixed salary that is not subject to reduction due to variations in hours of work?
  - No
  - Yes

**Test #3 (Job Duties)**

- Is this a “Blue Collar” Position? – Blue Collar positions perform work involving repetitive operations with hands, physical skill and energy.
  - No
  - Yes

**FLSA Exempt Status Decision Chart – SIDE 1**

HR Design - Transitional Compensation Job Aid

Revision date: 16dec2014
Exemption for Learned Professional Employees

**Exemption for Creative Professional Employees**

- **Test CP1**
  Is the employee’s primary duty the performance of work requiring advanced knowledge OR the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor?

- **Test CP2**
  If the employee’s primary duty is performing exempt work, does the employee devote no more than 20 percent of work time activities that are not directly and closely related to exempt work? (if yes, person is exempt under creative professional exemption).

**Exemption for Computer-related Employees**

- **Test C1**
  Is the employee employed as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer field performing the duties described below as his or her primary duties?
  - The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, including prototypes, based on and related to user or system design specifications;
  - The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specification;
  - The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
  - A combination of aforementioned duties, the performance of which requires the same of skills.

- **Test C2**
  Does the employee’s primary duty include the exercise of discretion and judgment?

- **Test C3**
  If the employee’s primary duty is performing exempt work, does the employee devote no more than 20 percent of work time activities that are not directly and closely related to exempt work?

- **Test C4**
  If the employee is doing computer related work and is compensated on an hourly basis, is he or she compensated at a rate not less than $27.63 an hour?

**Exemption for Learned Professional Employees**

- **Test LP3**
  Is the employee’s advanced knowledge in a field of science or learning?

- **Test LP4**
  Is the employee’s advanced knowledge customarily acquired by a prolonged course of specialized intellectual instruction?

  Note that for Nurses:
  1. Registered nurses who are registered by the appropriate State examining board generally meet the duties requirements for the learned professional exemption
     a. Many registered nurses, however, are paid by the hour, not on a salary basis, and thus are entitled to overtime pay
  2. Licensed practical nurses generally do not qualify as exempt learned professionals

**Exemption for Learned Professional Employees**

**NON-EXEMPT**