

## CALIFORNIA- SUMMARY TESTS FOR EXEMPT V. NON-EXEMPT STATUS

EXECUTIVE Exemption	ADMINISTRATIVE Exemption	PROFESSIONAL Exemption	COMPUTER Exemption	OUTSIDE SALES Exemption
<p>The executive exemption usually is applied to managerial employees. However, quite often managers do not meet the executive exemption and must be classified as non-exempt.</p>	<p>The administrative exemption applies to a wide variety of employees. However, many employees whose jobs involve production work do not meet the administrative exemption and must be classified as non-exempt.</p>	<p>While an employee may be commonly considered a "professional," there are specific legal requirements that must be met to qualify for the professional exemption.</p>	<p>The computer exemption applies to employees who work in the computer field and fulfill the following requirements.</p>	<p>The outside sales exemption applies to employees who work outside their employer's place of business and meet the following requirements.</p>
<p>A. PRIMARILY ENGAGED (spending at least 50% of time) in management of enterprise or recognized department or subdivision.</p> <p>B. Customarily/regularly directs the work of two (2) or more full-time employees or the equivalent of such.</p> <p>C. Authority to hire and fire, or weight must be given to recommendations. Same for advancement or change of status of those he/she supervises.</p> <p>D. Customarily exercises discretionary powers.</p> <p>E. Must spend 50% or more of time performing exempt duties as outlined above.</p> <p>F. Must earn on a salary basis at least twice the CA state minimum wage, currently \$2773.33 per month.</p>	<p>A. PRIMARILY ENGAGED (spending at least 50% of time) in office or non-manual work directly related to management policies or general business operations of employer or employer's management policies;</p> <p style="text-align: center;">OR</p> <p>Functions in the administration of a school system, or educational establishment or institution, or of one of its departments or subdivisions; in work directly related to its academic instruction or training.</p> <p>B. Customarily/regularly exercises discretion and independent judgment.</p> <p>C. Regularly/directly assists proprietor or other Exempt employees under only general supervision; or performs work requiring special training, experience, knowledge, or special assignments or tasks. Executes special assignments and tasks under only general supervision.</p> <p>D. Must earn on a salary basis at least twice the CA state minimum wage, currently \$2773.33 per month.</p>	<p>A. Must be licensed or certified by the State of California and primarily engaged in the practice of Law, Medicine, Accounting, Teaching, Optometry, Architecture, Engineering, or Dentistry</p> <p style="text-align: center;">OR</p> <p>Primarily engaged (spending at least 50% of time) in an occupation commonly recognized as a learned or artistic profession. "Learned or artistic" is defined as work requiring knowledge of an advanced type in a field of science of learning customarily acquired by a long course of study, or work that is original and creative in character in a recognized field of artistic endeavor, the result of which depends on the talent of the employee, or work that is an essential part of any of the above work; <i>and</i></p> <p>B. Whose work is primarily intellectual and varied, as opposed to routine mental, manual, mechanical, or physical; The work is such that the output or result cannot be standardized in relation to a given period of time, varied in character such that the output produced or the result accomplished cannot be standardized in relation to a given period of time.</p> <p>C. Consistent exercise of discretion and independent judgment.</p> <p>D. Must earn on a salary basis at least twice the CA state minimum wage, currently \$2773.33 per month.</p>	<p>A. PRIMARILY ENGAGED (spending at least 50% of time) in one or more of the following duties: The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications</p> <p style="text-align: center;">OR</p> <p>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 specifications;</p> <p style="text-align: center;">OR</p> <p>The design, documentation, testing, creation or modification of computer programs related to machine operating systems;</p> <p>B. Highly skilled and proficient in the theoretical and practical application of highly specialized information to computer systems analysis, programming, and software engineering.</p> <p>C. Customarily/regularly exercises discretion and independent judgment.</p> <p>D. Primarily engages in work that is intellectual or creative.</p> <p>E. Must spend 50% or more of time performing exempt duties as outlined above.</p> <p>F. Paid at least \$37.94 per hour, effective January 1, 2009</p> <p style="text-align: center;">OR</p> <p>Paid \$6587.50 at least once monthly, and at least \$79,050 annually.</p>	<p>A. Spends 50% or more of time away from employer's place of business selling tangible or intangible items, or obtaining orders or contracts for products, services or use of facilities.</p> <p>B. Is 18 years of age or older.</p> <p>C. There is no salary requirement for this exemption</p>