



The University of Southern Mississippi

The Department of Human Resources

Fair Labor Standards Act Exemption Questionnaire

For

Professional Employees

(April 1998)

Part A - Short Test

1. Is the employee guaranteed a salary of \$250 or more per week?
 Yes No
2. Do the primary duties of the job (at least 50% of work time) require either:
 - a. advanced scientific, academic, or other specialized knowledge, including work that calls for consistent exercise of discretion and judgement; or
 - b. invention, imagination, or talent in a recognized field of artistic endeavor? Yes No

** If the answer to both of the questions in Part A is Ayes”, then the employee is exempt as a “professional employee”. If not, then complete the following:*

Part B - Long Test

1. Is the employee guaranteed a salary of at least \$170 per week?
 Yes No
2. Do the primary duties of the job require either:
 - a. advanced scientific, academic, or other specialized knowledge that customarily is acquired in a prolonged course of specific intellectual instruction and study (as distinguished from a general academic education, and apprenticeship, and training for routine mental, manual, or physical processes); or
 - b. work that is original and creative in character in a recognized artistic field (as opposed to work that can be produced by a person with general manual or intellectual training), and whose result depends primarily on the invention, imagination, and/or talent of the employee? Yes No
3. Does the employee customarily and regularly exercise discretion and independent judgment?
 Yes No
4. Is the employees work predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work); and is it of such a character that the output or the result accomplished cannot be standardized in relation to a given period of time?
 Yes No
5. Does the employee devote at least 80% of the hours in the workweek to activities that are an essential part of, and necessarily incidental to, his or her professional duties?
 Yes No

If the answer to all of the questions in Part B is AYes,@ then the employee is exempt as a Aprofessional employee.@ A ANo@ answer implies non-exempt.