

Request for Exempt Employment Status Packet



**Please Complete and return to
Human Resources
Old Main 207**

FLSA: Employee Duties/Exemption Assessment

Employee's Name:	
Employee's 901#:	
Position Number:	
Employee's Current Title and Pay Grade:	
Department:	
Supervisor's Name:	
Supervisor's Title:	
Date Completed:	
Department Contact Information:	

Please note that an employee must meet the salary basis test to be exempt under the FLSA. If the incumbent in the position earns less than the minimum required salary of \$1,128 per week (equivalent to \$58,656 per year for a full year worker), the position is considered non-exempt and is subject to the overtime provisions of the FLSA.

Instructions:

1. Read the criteria for each exemption category (executive, administrative, computer, learned professional, or creative professional). Select the assessment category that best matches this particular position (i.e. Executive, Administrative, Computer, Professional/Creative). **No more than one category should be completed.**
2. Place an "x" in each box that applies to this position. Give specific and detailed answers to the questions asked.
3. Please submit the completed form as an email attachment to Bruce Felder, Human Resources, by 4:30 p.m. on 12/2/2024

Executive Employee Exemption

Exempt executive employees generally are responsible for the success or failure of business operations under their management. Other critical elements are (1) whether management is the employee's primary duty, (2) whether the employee directs the work of two or more full-time equivalent employees, and (3) whether the employee has the authority to hire/fire other employees or, alternatively, whether the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion or other change of status of other employees are given particular weight.

	YES	NO
Is the incumbent compensated on a <u>salary basis</u> at a rate not less than \$1,128 per week? If not, do you have VP approval and does your budget allow for incumbent's salary to be increased to \$58,656?		If no, stop here – no need to proceed.
Does the incumbent's primary duty consist of managing a recognized department or division of the university? If yes, please describe:		
Does the incumbent regularly supervise two or more employees who are employed in the department?		
Does the incumbent interview, select and train employees? Coach employees in proper job performance techniques and procedures?		
Does the incumbent complete performance evaluations?		
Does the incumbent handle employee complaints and grievances and discipline employees when necessary?		
Does the incumbent plan other employees' work and determine the techniques used in their work?		
Does the incumbent distribute work among different employees?		
Does the incumbent determine the types of materials, supplies, or tools to be used by other employees? Control the flow and distribution of materials and supplies?		
Does the incumbent provide for the safety of employees and the property of the employer?		
Does the incumbent control a budget? If yes, please explain:		

Administrative Employee Exemption

The duties portion of the administrative exemption test establishes a two-part inquiry for determining whether an employee performs exempt administrative duties. First, what **type** of work is performed by the employee? Is the primary duty the performance of work directly related to management or general business operations? Second, what is the **level or nature** of the work performed? Does the employee's primary duty include the exercise of discretion and independent judgment with respects to matters of significance? All of the relevant factors must be considered when determining whether an employee in an administrative position is exempt.

	YES	NO
Is the incumbent compensated on a <u>salary basis</u> at a rate not less than \$1,128 per week? If not, do you have VP approval and does your budget allow for incumbent's salary to be increased to \$58,656?		If no, stop here – no need to proceed.
Please describe the incumbent's primary duty:		
Is this primary duty directly related to the management or general business operations of Marshall University or its customers?		
Does the incumbent's <u>primary duty</u> require the exercise of discretion and <u>independent</u> judgment with respect to matters of significance? If yes, does the employee:		
(a) Have authority to formulate, affect, interpret, or implement management policies or operating practices? If yes, please provide an example:		

(b) Carry out major assignments in conducting the operations of the university? If yes, please provide an example:		
(c) Perform work that affects business operations to a substantial degree? If yes, please provide an example:		
(d) Have the authority to waive or deviate from established policies and procedures without prior approval? If yes, please provide an example:		
(e) Provide consultation or expert advice to management?		
(f) Have authority to negotiate and bind the university on significant matters? If yes, please provide an example:		
(g) Have involvement in planning long or short-term business objectives?		
(h) Investigate and resolve matters of significance on behalf of management? If yes, please provide an example:		

Computer Employee Exemption

An employee who meets the consolidated duties test for computer professionals will be exempt if he or she meets either the salary or fee basis test or is paid at least \$18.24 per hour. To qualify as an exempt computer employee, a worker must have a primary duty that consists of the four duties described under #3 below. The primary duty requirement applies both to salaried and hourly computer employees.

	YES	NO
Is the incumbent compensated on either a salary basis of \$1,128 per week, or compensated on an hourly basis, at a rate not less than \$30.08 per hour? If not, do you have VP approval and does your budget allow for incumbent's salary to be increased to \$58,656?		If no, stop here – no need to proceed.
Is the incumbent employed as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer field? If yes, please describe the incumbent's <u>primary duty</u> :		
Does the incumbent's primary duty consist of:		
a) The application of systems analysis techniques and procedures, including consulting with users to determine hardware, software, or system functional specifications? If yes, please give an example:		
b) 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? If yes, please give an example:		

<p>c) The design, documentation, testing, creation, or modification of computer programs related to user or system design specifications? If yes, please give an example:</p>		
<p>d) A combination of the aforementioned duties, the performance of which requires the same level of skills? If yes, please give an example:</p>		

Professional Employee Exemption

The professional exemption actually encompasses two exemptions, one for learned professionals and one for creative professionals. To be an exempt learned professional, an employee must have a primary duty that is the performance of work requiring knowledge of an advanced type, including the consistent exercise of discretion and judgment in a field of science or learning where the advanced knowledge is acquired by a prolonged course of specialized intellectual instruction (examples include lawyers, doctors, architects, teachers, etc.) To meet the test for the creative professional exemption, an employee must have a primary duty that involves the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor (examples include actors, musicians, novelists, etc.).

Professional Employee Exemption		
Learned Professional Employee		
	YES	NO
Is the incumbent compensated on a <u>salary basis</u> at a rate not less than \$1,128 per week? If not, do you have VP approval and does your budget allow for incumbent's salary to be increased to \$58,656?		If no, stop here – no need to proceed.
Please describe the incumbent's primary duty:		
(a) Does the incumbent's primary duty involve the performance of work requiring advanced knowledge in a field of science or learning that is customarily acquired by a prolonged course of specialized intellectual instruction?		
(b) Is the incumbent's primary duty predominantly intellectual in character? If yes, please describe:		
(c) Does the incumbent's primary duty require that his or her advanced knowledge be used to analyze, interpret, or make deductions from varying facts or circumstances? If yes, please give an example:		

<p>(d) Does the incumbent's primary duty include the <u>consistent</u> exercise of discretion and judgment? If yes, please give an example:</p>		
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Creative Professional Exemption		
	YES	NO
Is the incumbent compensated on a <u>salary basis</u> at a rate not less than \$1,128 per week? If not, do you have VP approval and does your budget allow for incumbent's salary to be increased to \$58,656?		If no, stop here – no need to proceed.
Please describe the incumbent's primary duty:		
<div style="height: 150px;"></div>		
Does the incumbent's primary duty involve the performance of work requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor? If yes, please give an example:		
<div style="height: 150px;"></div>		

For HR Use Only	
Relevant exemption test:	
Exempt status determination:	
Date finalized:	
Class/Compensation Analyst	

Position Justification - FLSA Assessment

Employee's Name:	
Employee's 901#:	
Position Number:	
Employee's Current Title:	
Pay Grade:	
Department:	
Supervisor's Name:	
Supervisor's Title:	
Date Completed:	
Department Contact Information:	

Top three critical duties of this position

- 1.
- 2.
- 3.

Can these duties wait and be completed on the next business day? If no, please explain why the duties are "time sensitive"?

What is the most detrimental outcome of these duties not being accomplished at the end of the business day and/or by the due date?

Do any other employee(s) in your department possess the knowledge, skills, and ability to perform the above listed duties?

Would restructuring your current organizational chart allow for any or all of the above critical duties to be disseminated to other staff members?

Is this position essential in meeting regulatory, legislative, or accreditation requirements? If so, what are the requirements and how many hours of overtime are estimated for performing these tasks?

Is this position essential to health, safety or security of students/staff/faculty? If so, does the position normally work over 37.5 hours per week? What is the risk associated with not allowing or reducing overtime hours worked?

1. Does your employee work over 37.5 hours per week? If so, how often?
2. What is the total estimated number of hours your employee works overtime per year?
 - a. Total hours worked between 37.5 & 40.
 - b. Total hours worked over 40.
3. What is the estimated cost that you project this employee's overtime will cost?
4. What specific duties and/or responsibilities are the most critical reason for this employee working overtime each week?
5. Are there specific isolated events or times of the year in which the employee has to work overtime?
6. What is the estimated overtime cost that you project this employee's overtime work will total?
7. Is the combined total of the employee's estimated overtime cost and the employee's regular salary greater or less than \$58,656?
 - Yes
 - No
8. What is the estimated cost to transition the work to another employee or group of employees?
9. What is the estimated cost to hire additional employee(s) to accomplish the work load?



MARSHALL UNIVERSITY
JOB DESCRIPTION FORM
(Assessment Form)

Submit to Human Resources for Review

Classification

Classification Type	
Classification Title	
Department/ORG	
Reports To (Position)	
Supervision Given To (Position/s)	

Position Details

Employee First Name	
Employee Last Name	
Employee ID	
Position Title	
Position Number	

Essential Job Functions

Job Summary/Purpose	
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Job Specific Duties	
Qualifications	
Required Qualifications:	
Education	
Experience	

Preferred Qualifications:	
Education	
Experience	
Knowledge, Skills, and Abilities	
Knowledge, Skills and Abilities (Include Certifications)	
If this position has supervisory duties, list those you supervise	
Primary Level Supervisor	
Direct Subordinates	

<p><u>Physical Demands</u></p> <p><u>KEY</u></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>N = Not Required</td></tr> <tr><td>R = Rarely(<2%)</td></tr> <tr><td>O = Occasional (3-33%)</td></tr> <tr><td>F = Frequent (34-66%)</td></tr> <tr><td>C = Constant (67-100%)</td></tr> </table>	N = Not Required	R = Rarely(<2%)	O = Occasional (3-33%)	F = Frequent (34-66%)	C = Constant (67-100%)	<ul style="list-style-type: none"> Physical Demands (The nature of physical effort leading to physical fatigue) <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr style="background-color: #008000; height: 15px;"><td></td><td></td></tr> <tr><td style="background-color: #d3d3d3;">Standing</td><td></td></tr> <tr><td></td><td></td></tr> <tr><td style="background-color: #d3d3d3;">Walking</td><td></td></tr> <tr><td></td><td></td></tr> <tr><td style="background-color: #d3d3d3;">Sitting</td><td></td></tr> <tr><td></td><td></td></tr> <tr><td style="background-color: #d3d3d3;">Squatting</td><td></td></tr> <tr><td></td><td></td></tr> <tr><td style="background-color: #d3d3d3;">Bending</td><td></td></tr> <tr><td></td><td></td></tr> <tr><td style="background-color: #d3d3d3;">Pulling</td><td></td></tr> <tr><td></td><td></td></tr> <tr><td style="background-color: #d3d3d3;">Pushing</td><td></td></tr> <tr><td></td><td></td></tr> <tr><td style="background-color: #d3d3d3;">Lift/Carry</td><td style="text-align: center;">lbs.</td></tr> </table>			Standing				Walking				Sitting				Squatting				Bending				Pulling				Pushing				Lift/Carry	lbs.
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Signatures

I am submitting this job description assessment form for review by Human Resources. I believe that the changes in my essential job functions are significant enough to warrant a classification review

Employee

Date

I have reviewed this job description assessment form and discussed with incumbent employee. I am in full agreement that this document represents significant changes in the essential functions of the position, and we requesting a review by Human Resources to determine the proper classification.

Immediate Supervisor

Date

I have reviewed this job description assessment form with the incumbent's immediate supervisor. After discussion with the supervisor, I am in agreement that the changes in the essential functions of this position are significant and warrant a review by Human Resources to determine proper classification.

Second Level Supervisor

Date

I have reviewed the information contained in this document, discussed this issue with the respective supervisors, and agree that the changes in the essential functions of this position are significant. Therefore, we are requesting a review by Human Resources to ensure it is properly classified.

Vice President

Date