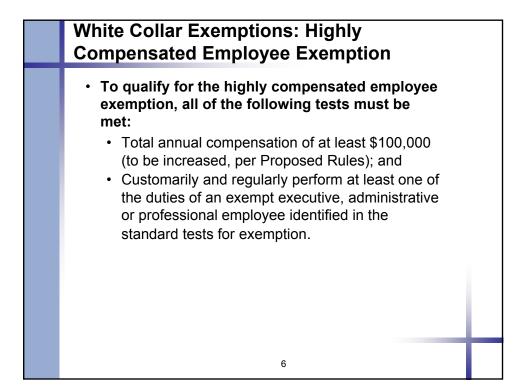


Focus	
Recent Focus of FLSA Actions:	
<ul> <li>Whether an employee has been properly classified as exempt or as an independent contractor</li> </ul>	
<ul> <li>Whether an employee has received all overtime to which he/she is entitled</li> </ul>	
Whether an employee is entitled to overtime pay for preliminary and/or	
postliminary "off the clock" work	

White Collar Exemptions: Executive Exemption	
<ul> <li>To qualify for the executive employee exemption, all of the following tests must be met:</li> </ul>	
<ul> <li>Must be compensated on a salary basis at a rate not less than \$455 per week (to be increased, per Proposed Rules);</li> </ul>	
<ul> <li>Primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise;</li> </ul>	
<ul> <li>Must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent; and</li> </ul>	
<ul> <li>Must have the authority, or opinion must be given weight, in decision to hire or fire other employees</li> </ul>	
3	

White Collar Exemptions: Administrative Exemption	
<ul> <li>To qualify for the administrative employee exemption, all of the following tests must be met:</li> <li>Must be compensated on a salary basis at a rate not less than \$455 per week (to be increased, per Proposed Rules);</li> <li>Primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; and</li> <li>Primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.</li> </ul>	
4	-

White Collar Exemptions: Professional Exemption	
<ul> <li>To qualify for the professional employee exemption, all of the following tests must be met:</li> </ul>	
<ul> <li>Must be compensated on a salary basis at a rate not less than \$455 per week (to be increased, per Proposed Rules);</li> </ul>	
<ul> <li>Primary duty must be the performance of work requiring advanced knowledge (work that is intellectual in character and which includes work requiring the consistent exercise of discretion and judgment);</li> </ul>	
<ul> <li>Advanced knowledge must be in a field of science or learning, customarily acquired by a prolonged course of specialized intellectual instruction.</li> </ul>	
5	



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## Title search: Strategic Developments Under the FLSA

Also available as part of the eCourse <u>Corporate Counsel 2016: Employment Law Update</u>

First appeared as part of the conference materials for the  $38^{th}$  Annual Corporate Counsel Institute session "FLSA Update"