This document serves as a summary of the Fair Labor Standards Act (FLSA), as integrated with Illinois Minimum Wage Law. Additional exemptions are recognized in different states and industries.

### Primary Duty

*Primary Duty* means the principal, main, major or most important duty that the employee performs.

**This salary level is effective 12/1/16. Employers may satisfy up to 10% of this salary level using nondiscretionary bonus payments made on a quarterly or more frequent basis.**

### Executive Exemption

- Does the employee have the authority to hire or fire other employees or make suggestions and recommendations as to the employment status of others that are given particular weight?  
  - **NO**  
  - **YES**
  
  *Non-exempt*

### Administrative Exemption

- Does the employee's primary duty require exercise of discretion and independent judgment with respect to matters of significance?  
  - **NO**  
  - **YES**
  
  *Non-exempt*

- Does the employee consistently exercise discretion and independent judgment in carrying out primary duties?  
  - **NO**  
  - **YES**
  
  *Non-exempt*

- Does the employee earn at least $913/wk** paid on a salary basis?  
  - **NO**  
  - **YES**
  
  *Non-exempt*

### Learned Professional

- Does the employee perform work requiring advanced knowledge and is the work predominantly intellectual in character?  
  - **NO**  
  - **YES**
  
  *Non-exempt*

- Is the advanced knowledge and occupation in a field of science or learning?  
  - **NO**  
  - **YES**
  
  *Non-exempt*

- Was the advanced knowledge acquired by a prolonged course of specialized intellectual instruction?  
  - **NO**  
  - **YES**
  
  *Non-exempt*

### Creative Professional

- Does the employee perform work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor?  
  - **NO**  
  - **YES**
  
  *Non-exempt*

- Does the employee earn at least $913/wk** paid on a salary basis?  
  - **NO**  
  - **YES**
  
  *Non-exempt*

### Outside Sales Exemption

- Is the employee customarily and regularly engaged away from the employer's place of business?  
  - **NO**  
  - **YES**
  
  *Non-exempt*

- Employee may be classified as exempt.

### Non-exempt

- Does the employee's primary duty require exercise of discretion and independent judgment with respect to matters of significance?  
  - **NO**  
  - **YES**

- Does the employee consistently exercise discretion and independent judgment in carrying out primary duties?  
  - **NO**  
  - **YES**

- Does the employee earn at least $913/wk** paid on a salary basis?  
  - **NO**  
  - **YES**

### Practice Pointer:

- Employees passing this exemption test should perform limited routine work.

### Employee May Be Classified As Exempt

- **Practice Pointer:**
  - Generally recognized fields of "artistic or creative endeavor" include music, writing and acting. Employees passing this exemption test should perform limited routine work.

- **Practice Pointer:**
  - This exemption test does not apply to those performing inside sales work.

- **Practice Pointer:**
  - This exemption test generally requires the job holder to have a specific educational degree in order to competently perform the job. Fields often include law, medicine, accounting, engineering and teaching. Fields do not include mechanical arts or skilled trades. Finally, employees passing this exemption test should perform limited routine work.

### Employee May Be Classified As Non-Exempt

- **Practice Pointer:**
  - Employees passing this exemption test should perform limited routine work.

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