

¶18,015

## White-collar minimum wage and overtime exemption summary chart

The DOL has issued a final rule that, *effective Dec. 1, 2016*, makes changes to the white-collar exemptions. The following quick reference chart summarizes the white-collar exemption rules both before and after *Dec. 1, 2016*.

WHITE-COLLAR EXEMPTIONS - EFFECTIVE DEC. 1, 2016	
<b>Pay and Nonexempt Work</b>	<b>Other Qualifications</b>
EXECUTIVE <a href="#">29 CFR 541.100</a>	
1. Salary of at least \$913 a week. 2. Work not directly and closely related to employee's exempt executive duties cannot exceed 20% of own hours worked in workweek.	All conditions must be met: 1. Primary duty must be managing the enterprise, or a recognized department or subdivision of the enterprise; and 2. Must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent; and 3. The employee must have the authority to hire or fire other employees (or the employee's suggestions as to the hiring, firing, promotion, or other change of status of other employees must be given particular weight).
ADMINISTRATIVE <a href="#">29 CFR 541.200</a>	
1. Salary or fees of at least \$913 a week. 3. Work not directly and closely related to employee's exempt administrative duties cannot exceed 20% of own hours worked in workweek.	All conditions must be met: 1. 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 2. Primary duty includes the exercise of discretion and independent judgement with respect to matters of significance.

PROFESSIONAL 29 CFR 541.300	
<p>1. Salary or fees of at least \$913 a week.</p> <p>2. Work not essential part of and necessarily incident to employee's exempt professional duties cannot exceed 20% of own hours worked in workweek.</p>	<p>For the learned professional, all conditions must be met: 1. Primary duty must be the performance of work requiring advanced knowledge, defined as work which is predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgement; and</p> <p>2. The advanced knowledge must be in a field of science or learning; and</p> <p>3. The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction</p> <p>For the creative professional, the following condition must be met: 1. Primary duty must be the performance of work requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor.</p>
OUTSIDE SALESPERSON 29 CFR 541.500	
<p>1. No salary requirement.</p> <p>2. Work other than making outside sales or obtaining orders or contracts for services of facilities cannot exceed 20% of hours worked in workweek by nonexempt employees.</p>	<p>All conditions must be met: 1. Primary duty must be making sales or obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer; and</p> <p>2. Must be customarily and regularly engaged away from the employer's place or places of business.</p>
COMPUTER PROFESSIONAL 29 CFR 541.400	
<p>1. Must be paid on a salary or fee basis of at least \$913 per week; or</p> <p>2. Paid at an hourly rate of not less than \$27.63 per hour.</p>	<p>Must be employed as a systems analyst, programmer, software engineer, or other similarly skilled worker in the computer field; and Primary duty must consist of:</p> <p>1. the application of systems analysis techniques and procedures including consulting with users to determine hardware, software, or system functional specifications;</p> <p>2. 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>3. the design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or</p> <p>4. a combination of the aforementioned duties, the performance of which requires the same level of skills.</p>

HIGHLY COMPENSATED EMPLOYEES <a href="#">29 CFR 541.601</a>	
Must be compensated at least \$134,004 on an annual basis which must include at least \$913 per week.	Must perform office or non-manual work; and Must perform at least one of the duties of an exempt executive, administrative, or professional employee identified in the standard tests for exemptions.
WHITE-COLLAR EXEMPTIONS - EFFECTIVE AUG. 23, 2004 TO NOV. 30, 2016	
Pay and Nonexempt Work	Other Qualifications
EXECUTIVE <a href="#">29 CFR 541.100</a>	
1. Salary of at least \$455 a week. 2. Work not directly and closely related to employee's exempt executive duties cannot exceed 20% of own hours worked in workweek.	All conditions must be met: 1. Primary duty must be managing the enterprise, or a recognized department or subdivision of the enterprise; and 2. Must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent; and 3. The employee must have the authority to hire or fire other employees (or the employee's suggestions as to the hiring, firing, promotion, or other change of status of other employees must be given particular weight).
ADMINISTRATIVE <a href="#">29 CFR 541.200</a>	
1. Salary or fees of at least \$455 a week. 3. Work not directly and closely related to employee's exempt administrative duties cannot exceed 20% of own hours worked in workweek.	All conditions must be met: 1. 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 2. Primary duty includes the exercise of discretion and independent judgement with respect to matters of significance.

PROFESSIONAL 29 CFR 541.300	
<p>1. Salary or fees of at least \$455 a week.</p> <p>2. Work not essential part of and necessarily incident to employee's exempt professional duties cannot exceed 20% of own hours worked in workweek.</p>	<p>For the learned professional, all conditions must be met: 1. Primary duty must be the performance of work requiring advanced knowledge, defined as work which is predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgement; and</p> <p>2. The advanced knowledge must be in a field of science or learning; and</p> <p>3. The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction</p> <p>For the creative professional, the following condition must be met: 1. Primary duty must be the performance of work requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor.</p>
OUTSIDE SALESPERSON 29 CFR 541.500	
<p>1. No salary requirement.</p> <p>2. Work other than making outside sales or obtaining orders or contracts for services of facilities cannot exceed 20% of hours worked in workweek by nonexempt employees.</p>	<p>All conditions must be met: 1. Primary duty must be making sales or obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer; and</p> <p>2. Must be customarily and regularly engaged away from the employer's place or places of business.</p>
COMPUTER PROFESSIONAL 29 CFR 541.400	
<p>1. Must be paid on a salary or fee basis of at least \$455 per week; or</p> <p>2. Paid at an hourly rate of not less than \$27.63 per hour.</p>	<p>Must be employed as a systems analyst, programmer, software engineer, or other similarly skilled worker in the computer field; and Primary duty must consist of:</p> <p>1. the application of systems analysis techniques and procedures including consulting with users to determine hardware, software, or system functional specifications;</p> <p>2. 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>3. the design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or</p> <p>4. a combination of the aforementioned duties, the performance of which requires the same level of skills.</p>

HIGHLY COMPENSATED EMPLOYEES <a href="#">29 CFR 541.601</a>	
Must be compensated at least \$100,000 on an annual basis which must include at least \$455 per week.	Must perform office or non-manual work; andMust perform at least one of the duties of an exempt executive, administrative, or professional employee identified in the standard tests for exemptions.