

# Exempt Analysis Worksheet - Computer Professional Exemption

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This worksheet is to be used only as a guideline to determine exempt or nonexempt status. The completion of this worksheet does not imply or guarantee that the analysis of the position as exempt will be recognized as accurate by the Division of Labor Standards Enforcement.

\_\_\_\_\_  
Position

\_\_\_\_\_  
Current Employee

\_\_\_\_\_  
Department

\_\_\_\_\_  
Supervisor and Title

\_\_\_\_\_  
Date of Evaluation

\_\_\_\_\_  
Evaluator

A professional employee in the computer field is exempt from overtime pay if the employee meets all the following tests:

1. Primarily engaged in work that is intellectual or creative.

*Describe the employee's intellectual or creative work.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Primarily engaged in work that requires the exercise of discretion and independent judgment.

*Describe the ways in which the employee customarily and regularly uses discretion and independent judgment.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Primarily engaged in duties that consist of one or more of the following:

- The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications.
- 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.
- The documentation, testing, creation, or modification of computer programs related to the design of software or hardware for computer operating systems.

*Describe the employee's duties.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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4. Highly skilled and proficient in the theoretical and practical application of highly specialized information to computer systems analysis, programming, and software engineering.

*Describe the employee's skills and proficiencies in these areas.*

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5. Paid at least \$55.58 per hour (rate subject to change).

*Employee's hourly rate: \$ \_\_\_\_\_/hour*

OR

Paid an annual salary of at least \$115,763.35 (rate subject to change), which is paid at least once a month and in a monthly amount of not less than \$9,646.96 (rate subject to change). Paid annually if employee is paid on a salaried basis.

*Employee's monthly salary : \$ \_\_\_\_\_ annual salary: \$ \_\_\_\_\_*

### **Caution: Certain Employees Categorized as Nonexempt By Law**

*An employee is not exempt as a computer professional if any of the following apply:*

- The employee is a trainee or employee in an entry-level position who is learning to become proficient in the theoretical and practical application of highly specialized information to computer systems analysis, programming and software engineering.
- The employee is in a computer-related occupation but has not attained the level of skill and expertise necessary to work independently and without close supervision.
- The employee is engaged in the operation of computers or in the manufacture, repair or maintenance of computer hardware and related equipment.
- The employee is an engineer, drafter, machinist, or other professional whose work is highly dependent upon or facilitated by the use of computers and computer software programs and who is skilled in computer-aided design software, including CAD/CAM, but who is not in a computer systems analysis or programming occupation.
- The employee is a writer engaged in writing material, including box labels, product descriptions, documentation, promotional material, setup and installation instructions, and other similar written information, either for print or for onscreen media or who writes or provides content material intended to be read by customers, subscribers or visitors to computer-related media such as the World Wide Web or CD-ROMs.
- The employee is creating imagery for effects used in the motion picture, television or theatrical industry.