

## General Personnel

### **Administrative Procedure - Fair Labor Standards Act Exemptions**

**Important** - Cooperative officials should contact the Board Attorney for application of the Fair Labor Standards Act to specific situations. The information contained in this procedure, and any information provided in the hyperlinks contained in it, should be confirmed with the Board Attorney before its application to a specific situation.

#### **Overview**

- An exempt employee in Illinois is “any employee employed in a bona fide executive, administrative or professional capacity, ... as defined by or covered by the Federal Fair Labor Standards Act of 1938 and the rules adopted under that Act, as both exist on March 30, 2003, but compensated at the amount of salary specified [current federal rules].” 820 ILCS 105/4a.
- According to the U.S. Dept. of Labor’s (DOL’s) rules, “[t]o qualify as exempt executive, administrative or professional employee,... an employee must be compensated on a salary basis at a rate of not less than \$684 per week.” 29 C.F.R. §541.600.
- Guidance on the DOL’s website includes:

*Exemptions from overtime pay provisions:* [www.dol.gov/elaws/esa/flsa/screen75.asp](http://www.dol.gov/elaws/esa/flsa/screen75.asp)

*Exempt vs. non-exempt status of a particular job:* [www.dol.gov/elaws/esa/flsa/overtime/jobs.htm](http://www.dol.gov/elaws/esa/flsa/overtime/jobs.htm)

FLSA Exemption Category	Staff Positions
Non-covered persons	Independent contractors: <a href="http://www.dol.gov/elaws/esa/flsa/docs/contractors.asp">www.dol.gov/elaws/esa/flsa/docs/contractors.asp</a> Volunteers: <a href="http://www.dol.gov/elaws/esa/flsa/docs/volunteers.asp">www.dol.gov/elaws/esa/flsa/docs/volunteers.asp</a> Student teachers who: (1) receive academic credit for their work experience, (2) do not displace regular employees, (3) work under close supervision, and (4) are not entitled to a job at the end of their training ( <a href="http://www.dol.gov/whd/opinion/FLSA/2006/2006_04_06_12_FLSA.htm">www.dol.gov/whd/opinion/FLSA/2006/2006_04_06_12_FLSA.htm</a> )
Executive employees	Executive Director Assistant Director Director of Business and Operations
Administrative employees	Building Principals Program Coordinators Other administrator-level staff
Professional employees	Teachers Counselors School Nurses Physical Therapists Technology Employees Other non-supervising professional staff Social Workers Psychologists Occupational Therapists Speech Pathologists
Non-exempt employees	Administrative Assistants Bookkeepers

	Mobility Drivers Receptionists CNA's, LPN's, and RN's Custodians Maintenance workers Paraprofessionals, Registered Behavior Technicians, Interpreters
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Updated: 9/2014

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