

## EXEMPT OR NON-EXEMPT DECISION CHART

<b>1. Employee earns at least twice the California State minimum wage (for 2025 that is \$1320 per week or \$68,640 per year)</b>	Yes <input type="checkbox"/>  If yes, answer question 2.	No <input type="checkbox"/>  If no, employee is non-exempt. Skip to question 6.
<b>2. Employee's weekly wage is fixed. In other words, the employee earns the same amount (at least twice the State minimum wage) no matter how many hours a day or days a week the employee works.*</b>  * Special rules apply for pay for certain kinds of time off; see <a href="#">Administrative Handbook 5.6.1.1</a>	Yes <input type="checkbox"/>  If yes, answer question 3.	No <input type="checkbox"/>  If no, employee is non-exempt. Skip to question 6.
<b>3. Employee customarily and regularly exercises discretion and independent judgment.</b>	Yes <input type="checkbox"/>  If yes, answer questions 4 and 5	No <input type="checkbox"/>  If answers to questions 1-3 include a "no," employee is non-exempt. Skip to question 6.
<b>4. Employee spends more than 50% of the time directing, supervising, managing 2 or more employees (not volunteers); has authority to hire, discipline, and fire or has significant input into these decisions.</b>	Yes <input type="checkbox"/>  If yes to questions 1-4, employee is exempt. No need to answer 5a-d	No <input type="checkbox"/>  If answers to questions 1-4 include a "no," employee is non-exempt. Skip to question 6.
<b>5a. Employee is State-licensed or certified and practices law, medicine, dentistry, optometry, architecture, engineering, teaching, or accounting.</b>	Yes <input type="checkbox"/>  If yes to questions 1-3 and 5a employee is exempt. No need to answer 5b, c or d	No <input type="checkbox"/>  If answers to questions 1-5a include one or more "no," employee is non-exempt. Skip to question 6.
<b>5b. Employee is primarily engaged in a "learned" profession – i.e., the work requires a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship.</b>	Yes <input type="checkbox"/>  If answers to questions 1-3 and 5b are "yes" employee is exempt. No need to answer 5c or d.	No <input type="checkbox"/>  If answers to questions 1-5b include one or more "no," employee is non-exempt. Skip to question 6.
<b>5c. Employee does work that is artistic, creative, original and</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

## EXEMPT OR NON-EXEMPT DECISION CHART

depends primarily on the invention, imagination, or talent of the employee.	If answers to questions 1-3 and 5c are “yes” employee is exempt. No need to answer 5d.	If answers to questions 1-5c include one or more “no,” employee is non-exempt. Skip to question 6.
<b>5d. Employee spends more than 50% of the time doing office work directly related to:</b> <b>(i) <i>significant</i> management policies or general business operations of the employer, or</b> <b>(ii) the <i>academic</i> instruction or training engaged in by an educational institution; <u>and</u></b> <b>(iii) regularly and directly assists an executive or administrator, or</b> <b>(iv) performs, under only general supervision, work along specialized or technical lines requiring special training, experience, or knowledge, or</b> <b>(v) executes, under only general supervision, special assignments and tasks.</b>	Yes <input type="checkbox"/>  If answers to questions 1-3 and 5d are “yes” employee is exempt.  [note: determining if an employee fits this classification is complicated; consult with Human Resources before checking “yes”]	No <input type="checkbox"/>  If answers to questions 1-5d include one or more “no,” employee is non-exempt. Skip to question 6.

THE FOLLOWING QUESTIONS APPLY ONLY TO NON-EXEMPT EMPLOYEES		
<b>6. Is the non-exempt employee scheduled to work more than 5 hours in a day?</b>	Yes <input type="checkbox"/>  If yes, the employee must be provided with: <ul style="list-style-type: none"> <li>• a 10 minute paid rest break (does not need to be recorded on a time card)</li> <li>• a 30-minute meal break (must be recorded on a time card; need not be paid)</li> <li>• however, if employee works 6 hours or less, employee may voluntarily waive the meal break in writing – see <a href="http://la-archdiocese.org/meal-break-waiver-request.pdf">meal break waiver request.pdf (la-archdiocese.org)</a></li> </ul>	No <input type="checkbox"/>  Employee must be provided with a 10 minute paid rest break roughly half way through the scheduled work day

# EXEMPT OR NON-EXEMPT DECISION CHART

<p><b>7. Is the employee scheduled to work more than 8 hours in a day?</b></p>	<p>Yes <input type="checkbox"/></p> <p>Employee must be paid time-and-a-half for all time worked over 8 hours in a day</p>	<p>No <input type="checkbox"/></p> <p>No overtime pay is due</p>
<p><b>8. Is the employee scheduled to work more than 12 hours in a day?</b></p>	<p>Yes <input type="checkbox"/></p> <p>Employee must be paid double time for all time worked over 12 hours in a day</p> <ul style="list-style-type: none"> <li>Employee is entitled to a second 30-minute meal break (must be recorded on time card; need not be paid)</li> <li>However, if employee is scheduled to work 10 hours or less, employee may voluntarily waive the second meal break</li> </ul>	<p>No <input type="checkbox"/></p> <p>No overtime pay is due</p>
<p><b>9. Is the employee scheduled to work more than 40 hours in a week?</b></p>	<p>Yes <input type="checkbox"/></p> <p>Employee must be paid time-and-a-half for all hours worked over 40 in a week</p> <ul style="list-style-type: none"> <li>If the 40 hours include time worked more than 8 hours a day during this work week, no additional overtime pay is due if employee is paid overtime for the more than 8-hour day (i.e., no “pyramiding” of overtime)</li> </ul>	<p>No <input type="checkbox"/></p> <p>No overtime pay is due</p>
<p><b>10. Employee is going to chaperone or conduct an overnight retreat</b></p>	<p>Overtime pay rules in questions 6-9 apply.</p> <p>The employee’s work schedule for the week before or after the overnight retreat may be adjusted to reduce total hours worked during that particular pay period</p>	