

EXEMPT OR NON-EXEMPT DECISION CHART

<p>1. Employee earns at least twice the California State minimum wage (for 2023 that is \$1240 per week or \$64,480 per year)</p>	<p>Yes <input type="checkbox"/></p> <p>If yes, answer question 2.</p>	<p>No <input type="checkbox"/></p> <p>If no, employee is non-exempt. Skip to question 7.</p>
<p>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.*</p> <p>* Special rules apply for pay for certain kinds of time off; see Administrative Handbook 5.6.1.1</p>	<p>Yes <input type="checkbox"/></p> <p>If yes, answer question 3.</p>	<p>No <input type="checkbox"/></p> <p>If no, employee is non-exempt. Skip to question 7.</p>
<p>3. Employee customarily and regularly exercises discretion and independent judgment.</p>	<p>Yes <input type="checkbox"/></p> <p>If yes, answer questions 4, 5 a-c and 6 as directed.</p>	<p>No <input type="checkbox"/></p> <p>If answers to questions 1-3 include a “no,” employee is non-exempt. Skip to question 7.</p>
<p>4. Employee’s 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.</p> <p>[Executive/Managerial Exemption]</p>	<p>Yes <input type="checkbox"/></p> <p>If yes to questions 1-4, employee is exempt. No need to answer 5a-c or 6.</p>	<p>No <input type="checkbox"/></p> <p>If the only “no” to questions 1-4 is the answer to question 4, answer questions 5a-c and 6.</p>
<p>5a. Employee is State-licensed or certified and practices law, medicine, dentistry, optometry, architecture, engineering, teaching, or accounting.</p> <p>[Professional Exemption]</p>	<p>Yes <input type="checkbox"/></p> <p>If yes to questions 1-3 and 5a employee is exempt. No need to answer 5b-c or 6.</p>	<p>No <input type="checkbox"/></p> <p>If the only “no” to questions 1-5a are the answers to questions 4 and 5a, answer questions 5b-c and 6.</p>
<p>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.</p> <p>[Learned Exemption]</p>	<p>Yes <input type="checkbox"/></p> <p>If answers to questions 1-3 and 5b are “yes” employee is exempt. No need to answer 5c or 6.</p>	<p>No <input type="checkbox"/></p> <p>If the only “no” to questions 1-5b are the answers to questions 4, 5a-b, answer questions 5c and 6.</p>

<p>5c. Employee does work that is artistic, creative, original and depends primarily on the invention, imagination, or talent of the employee.</p> <p>[Artistic Exemption]</p>	<p>Yes <input type="checkbox"/></p> <p>If answers to questions 1-3 and 5c are “yes” employee is exempt. No need to answer question 6.</p>	<p>No <input type="checkbox"/></p> <p>If the only “no” to questions 1-5c are the answers to questions 4, 5a-c, answer question 6.</p>
<p>6. Employee spends more than 50% of the time doing office work directly related to:</p> <p>(i) <i>significant</i> management policies or general business operations of the employer, or</p> <p>(ii) the <i>academic</i> instruction or training engaged in by an educational institution; <u>and</u></p> <p>(iii) regularly and directly assists an executive or administrator, or</p> <p>(iv) performs, under only general supervision, work along specialized or technical lines requiring special training, experience, or knowledge, or</p> <p>(v) executes, under only general supervision, special assignments and tasks.</p> <p>[Administrative Exemption]</p>	<p>Yes <input type="checkbox"/></p> <p>If answers to questions 1-3 and 6 are “yes” employee is exempt.</p> <p>[Note: determining if an employee fits this classification is quite complicated; consult with Human Resources before checking “yes”].</p>	<p>No <input type="checkbox"/></p> <p>If answers to questions 1-3 include one or more “no,” and the answer to questions 5a-c and 6 is “no” employee is non-exempt. Go to question 7.</p>

THE FOLLOWING QUESTIONS APPLY ONLY TO NON-EXEMPT EMPLOYEES

<p>7. Is the non-exempt employee scheduled to work more than 5 hours in a day?</p>	<p>Yes <input type="checkbox"/></p> <p>If yes, the employee must be provided with:</p> <ul style="list-style-type: none"> • a 10-minute paid rest break (does not need to be recorded on a time card) • a 30-minute meal break (must be recorded on a time card; need not be paid) • however, if employee works 6 hours or less, employee may voluntarily waive the meal break in writing – see meal break waiver request.pdf (la-archdiocese.org) 	<p>No <input type="checkbox"/></p> <p>Employee must be provided with a 10-minute paid rest break roughly half way through the scheduled work day</p>
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<p>8. Is the employee scheduled to work more than 8 hours in a day?</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>9. Is the employee scheduled to work more than 12 hours in a day?</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"> • Employee is entitled to a second 30-minute meal break (must be recorded on time card; need not be paid) • However, if employee is scheduled to work 10 hours or less, employee may voluntarily waive the second meal break 	<p>No <input type="checkbox"/></p> <p>Overtime pay at time-and-a-half is due only for hours over 8 and less than 12</p>
<p>10. Is the employee scheduled to work more than 40 hours in a week?</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"> • 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) 	<p>No <input type="checkbox"/></p> <p>No overtime pay is due for hours worked over 40 if some of those hours are worked over 8 or over 12 on one or more days</p>
<p>11. Employee is going to chaperone or conduct an overnight retreat</p>	<p>Overtime pay rules in questions 7-9 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>	