

CHART – non-exempt v. exempt employees (S.230)

Classification Criteria	Non-exempt	Exempt ⁱ
Pay type	Usually hourly*	Usually salaried*
Overtime eligibility (40 hours)	YES	NO (receive full salary regardless of hours worked)
Salary requirement	Federal - \$7.25/hour State - \$14.42/hour	At least \$684/week (\$35,568/year)
Duties test	Not applicable – primary duties do not require an advanced degree or advanced knowledge; job tasks are largely routine; no autonomous decision-making authority	Applicable – Primary duties require the use of advanced knowledge or skills; has authority/ability to make decisions independently
Supervision	May be directly supervised	May receive little to no direct supervision
Examples	Construction and maintenance workers in non-supervisory roles, retail workers, clerical and secretarial employees	Managers supervising two or more employees, doctors, lawyers, teachers, business executives

*Non-exempt employees can be paid a salary, but the employer must comply with the minimum wage and overtime requirements.

This is a simplified overview. The US Department of Labor has fact sheets setting forth the tests for the [Executive](#), [Professional](#), and [Administrative](#) exemptions to the Fair Labor Standards Act. Some [outside salespersons](#) and [computer employees](#) may also be exempt.

ⁱ Job titles do not determine exemption status. For an exemption to apply, an employee's specific job duties and salary typically must meet the requirements of the U.S. Department of Labor's regulations, but some professions do not require that employees meet the salary requirement, such as teachers, lawyers, and doctors.