

**NEW OVERTIME EXEMPTIONS EFFECTIVE AUGUST 23, 2004**

<b>EXECUTIVE EMPLOYEES</b>		
	<b>Former Short Test</b>	<b>New Test</b>
<b>Salary</b>	\$250 per week (\$13,000 per year)	\$455 per week (\$23,660 per year)
<b>Duties</b>	<ul style="list-style-type: none"><li>▪ Primary duty of the management of the enterprise or a recognized department or subdivision.</li> <li>▪ Customarily and regularly directs the work of two or more other employees</li></ul>	<ul style="list-style-type: none"><li>▪ Primary duty of the management of the enterprise or a recognized department or subdivision.</li> <li>▪ Customarily and regularly directs the work of two or more other employees</li> <li>▪ Has authority to hire or fire other employees (or recommendations as to hiring, firing, promotion or other change of status of other employees are given particular weight.)</li></ul>

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<b>ADMINISTRATIVE EMPLOYEES</b>		
	<b>Former Short Test</b>	<b>New Test</b>
<b>Salary</b>	\$250 per week (\$13,000 per year)	\$455 per week (\$23,660 per year)
<b>Duties</b>	<ul style="list-style-type: none"><li>▪ Primary duty of performing office or non-manual work directly related to management policies or general business operations of the employer or the employer's customers.</li><li>▪ Customarily and regularly exercises discretion and independent judgment.</li></ul>	<ul style="list-style-type: none"><li>▪ Primary duty of performing office or non-manual work directly related to management policies or general business operations of the employer or the employer's customers.</li><li>▪ Primary duty must include the exercise of independent judgment with respect to "matters of significance."</li></ul>

**NEW OVERTIME EXEMPTIONS EFFECTIVE AUGUST 23, 2004**

<b>LEARNED PROFESSIONAL EMPLOYEES</b>		
	<b>Former Short Test</b>	<b>New Test</b>
<b>Salary</b>	\$250 per week (\$13,000 per year)	\$455 per week (\$23,660 per year)
<b>Duties</b>	<ul style="list-style-type: none"><li>▪ Primary duty of performing work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study.</li> <li>▪ Consistently exercises discretion and judgment.</li></ul>	<ul style="list-style-type: none"><li>▪ Primary duty of performing work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study.</li></ul>

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<b>CREATIVE PROFESSIONAL EMPLOYEES</b>		
	<b>Former Short Test</b>	<b>New Test</b>
<b>Salary</b>	\$250 per week (\$13,000 per year)	\$455 per week (\$23,660 per year)
<b>Duties</b>	<ul style="list-style-type: none"><li>▪ Performs work requiring invention, imagination or talent in a recognized field of artistic endeavor.</li></ul>	<ul style="list-style-type: none"><li>▪ Primary duty of performing work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.</li></ul>

**NEW OVERTIME EXEMPTIONS EFFECTIVE AUGUST 23, 2004**

<b>OUTSIDE SALES EMPLOYEES</b>		
	<b>Former Test</b>	<b>New Test</b>
<b>Salary</b>	None	None
<b>Duties</b>	<ul style="list-style-type: none"> <li>▪ Employed for the purpose of and customarily and regularly engaged away from the employer’s place of business in making sales; or in obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer.</li> <li>▪ Does not devote more than 20 percent of the hours worked by nonexempt employees of the employer to the activities that are not incidental to an in conjunction with the employee’s own outside sales or solicitations.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Primary duty of making sales; or of obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer.</li> <li>▪ Customarily and regularly engaged away from the employer’s place(s) of business.</li> </ul>

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<b>HIGHLY COMPENSATED EMPLOYEE</b>		
	<b>Former Test</b>	<b>New Test</b>
<b>Salary</b>	None	Salary or fee basis (at least \$455 per week)
<b>Duties</b>	<ul style="list-style-type: none"> <li>▪ None.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Total annual compensation of at least \$100,000</li> <li>▪ Includes:               <ul style="list-style-type: none"> <li>Commissions</li> <li>Nondiscretionary bonuses</li> <li>Other nondiscretionary compensation earned during a 52-week period</li> </ul> </li> <li>▪ Does Not Include:               <ul style="list-style-type: none"> <li>Credit for board, lodging or other facilities</li> <li>Payments for medical or life insurance</li> <li>Contributions to retirement plans or fringe benefits</li> </ul> </li> <li>▪ Customarily and regularly perform any one or more exempt duties for executive, administrative or professional exemptions</li> </ul>

**NEW OVERTIME EXEMPTIONS EFFECTIVE AUGUST 23, 2004**

<b>20% Owners</b>		
	<b>Former Test</b>	<b>New Test</b>
<b>Salary</b>	None	None
<b>Duties</b>	<ul style="list-style-type: none"> <li>▪ None.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The executive exemption also includes employees who:               <ul style="list-style-type: none"> <li>own at least a bona fide 20-percent equity interest in the enterprise; and</li> <li>are actively engaged in management of the enterprise.</li> </ul> </li> <li>▪ The salary level and salary basis requirements do not apply to 20% equity owners.</li> </ul>

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<b>20% Owners</b>		
	<b>Former Test</b>	<b>New Test</b>
<b>Salary</b>	None	None
<b>Duties</b>	<ul style="list-style-type: none"> <li>▪ None.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The executive exemption also includes employees who:               <ul style="list-style-type: none"> <li>own at least a bona fide 20-percent equity interest in the enterprise; and</li> <li>are actively engaged in management of the enterprise.</li> </ul> </li> <li>▪ The salary level and salary basis requirements do not apply to 20% equity owners.</li> </ul>

**NEW OVERTIME EXEMPTIONS EFFECTIVE AUGUST 23, 2004**

<b>Computer Employees</b>			
	<b>Former Test (Hourly)</b>	<b>Former Test (salary)</b>	<b>New Test</b>
<b>Salary</b>	\$27.63 per hour	\$250 per week	\$455 per week <i>or</i> \$27.63 an hour
<b>Duties</b>	<p>Primary duty of:</p> <ul style="list-style-type: none"> <li>▪ (A) application of systems analysis techniques and procedures, including consulting with users, to determine hardware or software or system functional applications;</li> </ul> <p><i>or</i></p> <ul style="list-style-type: none"> <li>▪ (B) design, development, documentation, analysis, creation, testing, or modification of a computer systems or programs, including prototypes, based on and related to user or system design specifications;</li> </ul> <p><i>or</i></p> <ul style="list-style-type: none"> <li>▪ (C) design, documentation, testing, creation or modification of computer programs related to machine operating systems;</li> </ul> <p><i>or</i></p> <ul style="list-style-type: none"> <li>▪ (D) a combination of duties described in (A), (B) and (C), the performance of which requires the same level of skills.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Primary duty of performing work requiring theoretical and practical application of highly specialized knowledge in computer systems analysis, programming and software engineering.</li> <li>▪ Employed as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer software field.</li> <li>▪ Consistently exercises discretion and judgment.</li> </ul>	<p>Primary duty of:</p> <ul style="list-style-type: none"> <li>▪ (A) application of systems analysis techniques and procedures, including consulting with users, to determine hardware or software or system functional applications;</li> </ul> <p><i>or</i></p> <ul style="list-style-type: none"> <li>▪ (B) design, development, documentation, analysis, creation, testing, or modification of a computer systems or programs, including prototypes, based on and related to user or system design specifications;</li> </ul> <p><i>or</i></p> <ul style="list-style-type: none"> <li>▪ (C) design, documentation, testing, creation or modification of computer programs related to machine operating systems;</li> </ul> <p><i>or</i></p> <ul style="list-style-type: none"> <li>▪ (D) a combination of duties described in (A), (B) and (C), the performance of which requires the same level of skills.</li> </ul>

	<ul style="list-style-type: none"><li>▪ Employed as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer field.</li></ul>		<ul style="list-style-type: none"><li>▪ Employed as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer field.</li></ul>
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