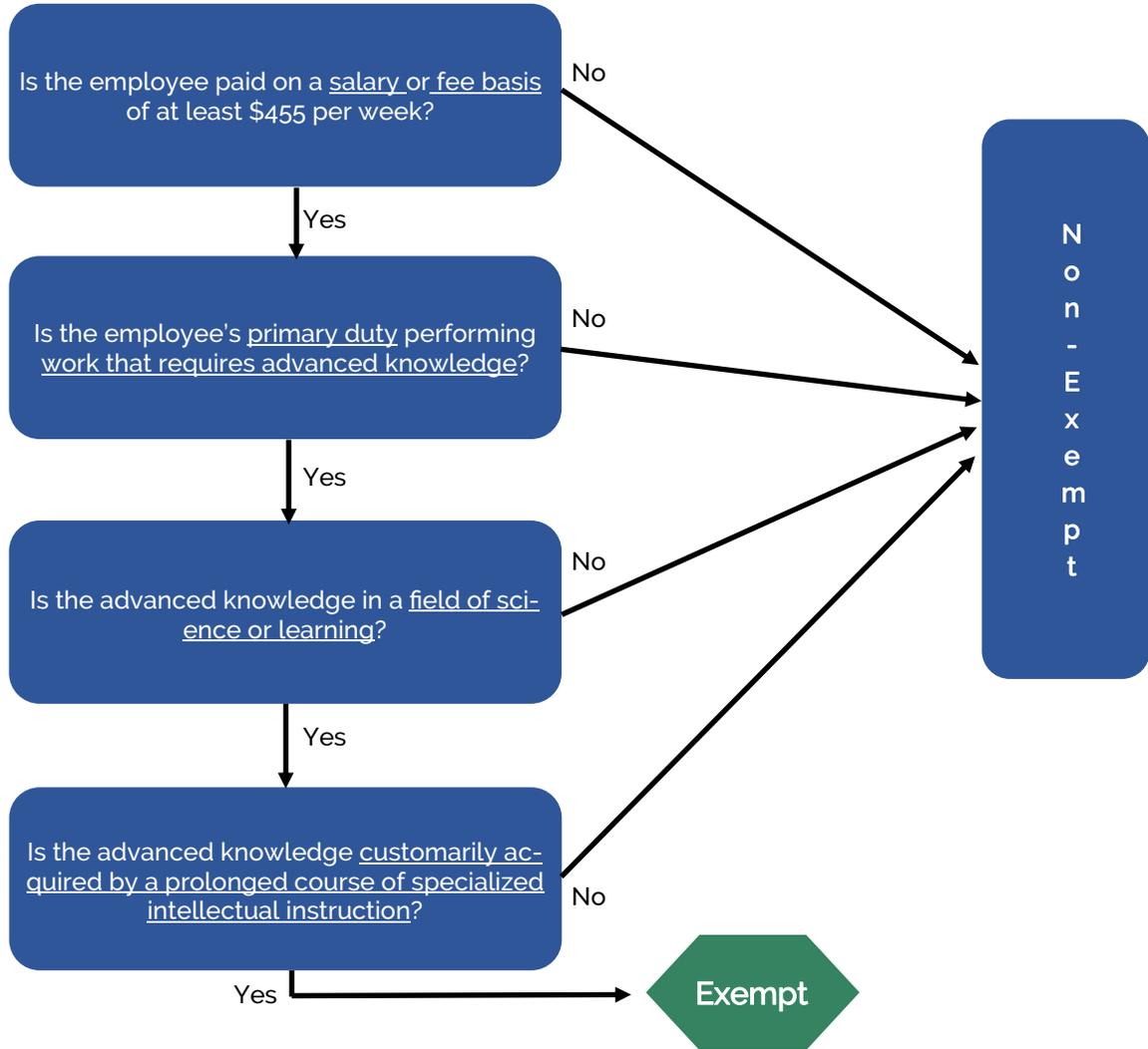


# Learned Professional Exemption (FLSA)

This represents the definition for the Learned Professional Exemption pursuant to the Fair Labor Standards Act. Definitions for underlined terms are on reverse side.



## Definitions

Appear in the order of first appearance on reverse side

**Salary Basis**—If the employee regularly receives each pay period on a weekly, or less frequent basis, a predetermined amount of pay which is not reduced because of variations in quality or quantity of work.

**Fee Basis**—If the employee is paid an agreed sum for a single job regardless of the time required to complete it. A "fee" is paid for the kind of job that is unique rather than a series of jobs repeated an indefinite number of times and for which identical payments are made. To determine whether the fee payment meets the minimum amount of salary required, the amount paid to the employee will be tested by determining the time worked on the job and whether the fee payment is at a rate that would at least meet the minimum salary requirement for the week.

**Primary Duty**— The principal, main, major or most important duty that the employee performs. To be determined must look at the entire job. Factors to consider include the relative importance of the exempt duties as compared to other duties, the amount of time spent performing exempt duties, the employee's relative freedom from direct supervision, and the relationship between the employee's salary and the wages paid to other employees for the kind of nonexempt work performed by the employee.

**Work that Requires Advanced Knowledge**— Work that is predominantly intellectual in character, and which includes work requiring consistent exercise of discretion and judgment, as distinguished from performance of routine mental, manual, mechanical or physical work. Such an employee generally uses the advanced knowledge to analyze, interpret or make deductions from varying facts or circumstances. Advanced knowledge cannot be attained at the high school level.

**Field of Science or Learning**— Includes the professions of law, medicine, theology, accounting, actuarial computation, engineering, architecture, teaching, various types of physical, chemical and biological sciences, pharmacy and other similar occupations that have a recognized professional status. This is distinguished from the mechanical arts or skilled trades where in some instances the knowledge is of a fairly advanced type, but is not in a field of science or learning.

**Customarily Acquired by a Prolonged Course of Specialized Intellectual Instruction**— This means that the exemption only applies to professions where specialized academic training is a standard prerequisite for entrance into the profession. Generally, this means that the employee possesses the appropriate degree. However, the exemption is also available to employees in such professions who have substantially the same knowledge level and perform substantially the same work as the degreed employees, but who attained the advanced knowledge through a combination of work experience and intellectual instruction. However, the exemption is not available for occupations that customarily may be performed with only the general knowledge acquired by an academic degree in any field, with knowledge acquired through an apprenticeship, or with training in the performance of routine mental, manual, mechanical or physical processes. In addition, the exemption does not apply to occupations in which most employees have acquired their skill by experience rather than by advanced specialized intellectual instruction.