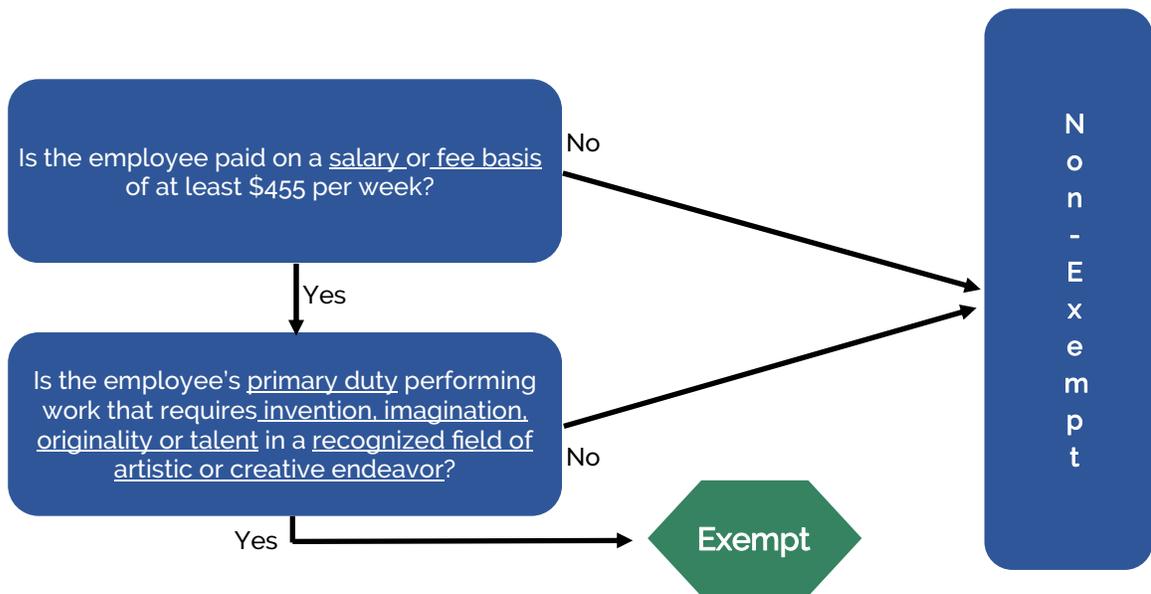


Creative Professional Exemption (FLSA)

This represents the definition for the Creative 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 pre-determined 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.

Invention, Imagination, Originality or Talent—This distinguishes the creative professions from work that primarily depends on intelligence, diligence and accuracy. This requirement is met by actors, musicians, composers, conductors, and soloists; painters who at most are given the subject matter of their painting; cartoonists who are merely told the title or underlying concept of a cartoon and must rely on their own creative ability to express the concept; essayists, novelists, short-story writers and screen-play writers who choose their own subjects and hand in a finished piece of work to their employers; and persons holding the more responsible writing positions in advertising agencies.

Recognized Field of Artistic or Creative Endeavor—This includes such fields as music, writing, acting and the graphic arts.