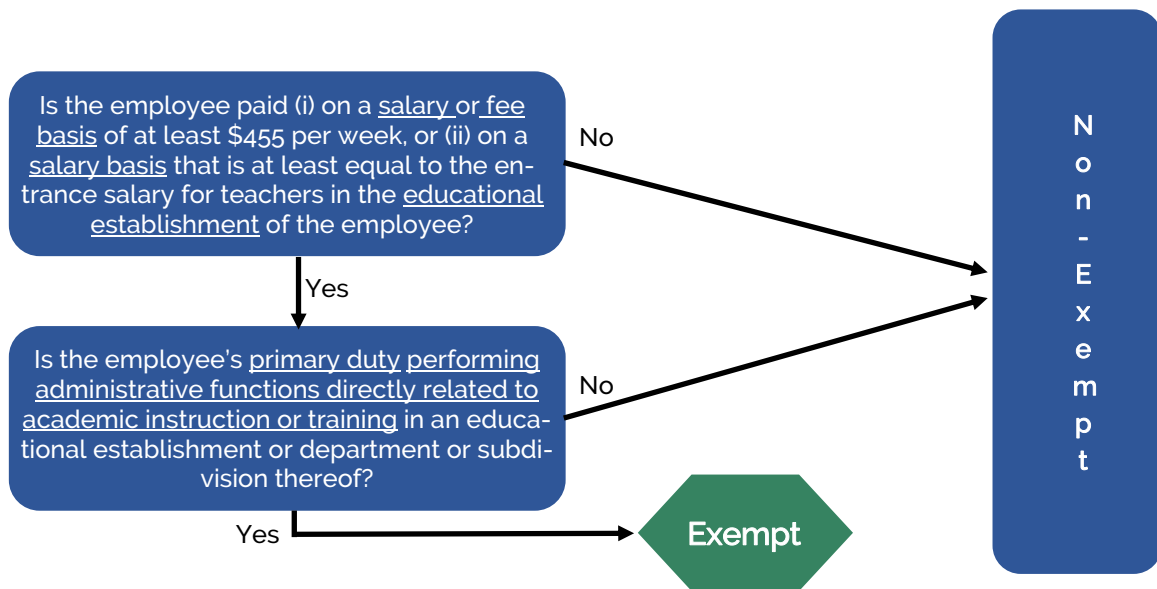




## Administrative Exemption for Educational Establishments (FLSA)

This definition for the Administrative Exemption pursuant to the Fair Labor Standards Act applies to educational establishments. If your organization is not an educational institution then please see the Administrative Exemption for Non-Educational Establishments flow chart. Definitions for underlined terms are on reverse side.



## Definitions

Appear in the order of first appearance on reverse side

**Educational Establishment**—An elementary or secondary school system, an institution of higher education, or other educational institution.

**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.

**Performing Administrative Functions Directly Related to Academic Instruction or Training** — Work related to the academic operations and functions in a school rather than to administration along the lines of general business operations. Academic administrative functions only include operations directly in the field of education. This includes superintendents; any assistants responsible for administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, and establishing and maintaining academic and grading standards; principals and any vice-principals responsible for the operation of an elementary or secondary school; department heads in institutions of higher education responsible for administration of subject departments such as mathematics, English, and foreign language; academic counselors who perform work such as administering school testing programs, assisting students with academic problems and advising students concerning degree requirements. It does not include jobs relating to building management and maintenance, jobs relating to the health of students, and academic staff such as social workers, psychologists, lunch room managers or dietitians.