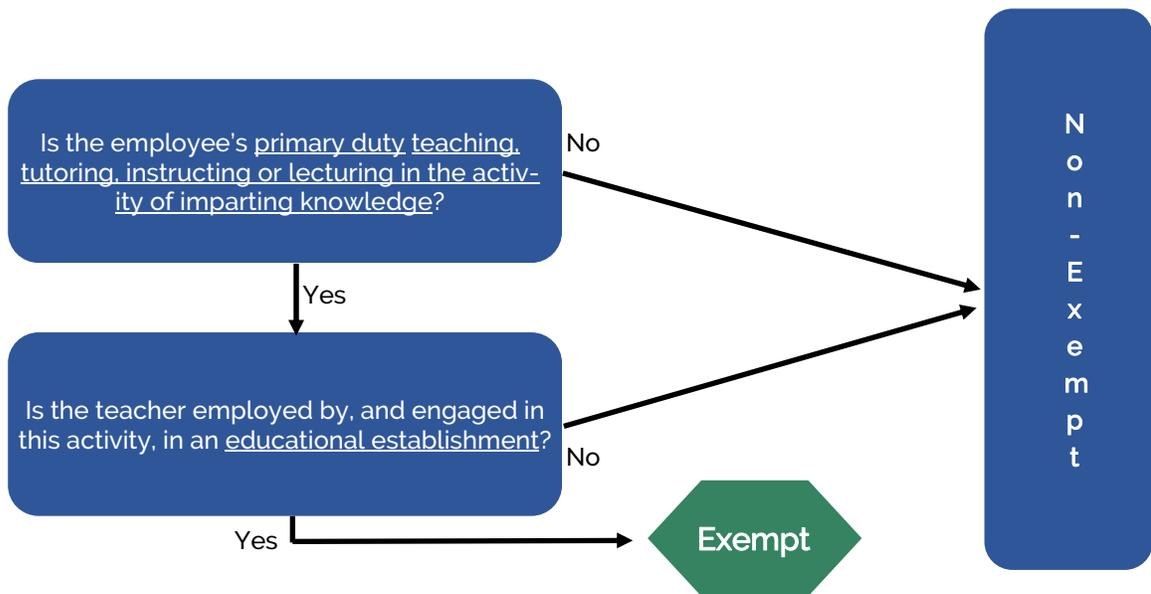


# Teacher Professional Exemption (FLSA)

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



There is no salary or fee basis requirement for this exemption.

## Definitions

Appear in the order of first appearance on reverse side

**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.

**Teaching, Tutoring, Instructing or Lecturing**—Exempt teachers include regular academic teachers; teachers of kindergarten or nursery school pupils; teachers of gifted or disabled children; teachers of skilled and semi-skilled trades and occupations; teachers engaged in automobile driving instruction; aircraft flight instructors; home economics teachers; and vocal or instrumental music instructors. Faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisors in such areas as drama, speech, debate or journalism are engaged as teaching. The possession of an elementary or secondary teacher's certificate provides a clear means of identifying individuals within the scope of the exemption. A teacher who is not certified may be considered exempt, provided that such individual is employed as a teacher by the employing school or school system.

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