



HHS FLSA Classifier Checklist

Fair Labor Standards Act (FLSA) Checklist

This form is to be completed for each grade in a career ladder. Note: it is possible for different grades within a career ladder to have different FLSA designations (for example, non-exempt at lower grades, or the work is procedural in nature, and exempt at higher grades in the career ladder requiring more analytical skills to complete the tasks). A completed and signed checklist must be attached to each classified position description and statement of difference (if applicable).

Instructions: Complete the fields below and check the criteria that are applicable to the position:

A. REQUIRED POSITION INFORMATION

Position Title: _____ **Pay Plan/Series:** _____

Position Number: _____ **Office/Organization:** _____

Administrative Code: _____ **Job Code:** _____

B. NON-EXEMPT CRITERIA

1. Salary-based non-exemption (5 CFR 551.203)

☐ Employee annual rate of basic pay is less than \$23,660.

2. Non-exemption of certain employees (5 CFR 551.204)

☐ Position is non-supervisory and engaged in equipment operation, or is a protective or clerical occupation.

☐ Position involves technician work properly classified at the GS-09 level or below.

☐ Position is nonsupervisory in the Federal Wage System or other comparable wage system.

C. EXEMPTION CRITERIA

1. Executive Exemption Criteria (5 CFR 551.205)

☐ Primary duty of the position is management or supervision; work involves customarily and regularly directing the work of subordinates and has the authority to hire, remove, or evaluate performance as well as make recommendations on employment issues that are given particular weight by higher-level supervisors or managers.