

# FLSA Legal Requirements for Exempt Employees for 2024-25

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University Council

November 5, 2024



# General Rule for Exempt Employees

(1) Minimum Annual Salary

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(2) Satisfaction of Duties Test

# Minimum Annual Salary

- Effective July 1, 2024 - \$43,888
- Effective January 1, 2025 - \$58,656
- Effective July 1, 2027 & every three (3) years thereafter
  - additional, as of yet unspecified, increases

# Duties Test – Three (3) Options

(1) Executive Duties

(2) Administrative Duties

(3) Professional Duties

# Duties Test – Option #1

- Executive Duties

- Primary Duty: managing the entire enterprise *or* a recognized department or division thereof; **and**
- Must directly supervise at least two (2) full-time employees; **and**
- Must have authority to hire/fire other employees

# Duties Test – Option #2

- Administrative Duties

- Primary Duty: performance of office or non-manual work directly related to *management* of employer's business; **and**
- Primary duty must include “exercise of discretion and independent judgment with respect to matters of significance”

# Duties Test – Option #3

## ■ Professional Duties

- Primary Duty: performance of work requiring advanced knowledge – i.e., work that is primarily intellectual in nature and which includes work consistently requiring consistent exercise of discretion and judgment
  - Must be in field of science and learning; and
  - Must be acquired by a prolonged course of specialized instruction
- Sub-category: creative professional

# **Other Types of Exempt Employees in Higher Ed**

**(1) Teachers**

**(2) Academic Administrative Personnel**



# Bona Fide Teachers

- No Minimum Salary
- Primary Duty: teaching, tutoring, instructing, or lecturing to impart knowledge as an employee of an educational institution
  - Pre-school and K-12 teachers qualify if they meet this test
  - But not if primary duty is to “care for physical needs” for children
- Coaches qualify if primary duty is instructing students in how to perform sport
  - But not if primary duty is recruiting students, Director of Operations

# Academic Administrative Personnel

- Minimum Salary:
  - \$58,656; or
  - “on a salary basis which is at least equal to the entrance salary for teachers in the same educational establishment”
    - Springfield: \$45K as of January 1, 2025
    - West Plains: \$41K as of January 1, 2025

# Academic Administrative Personnel

- Duties Test:
  - “performing administrative functions directly related to academic instruction or training in an educational establishment” or
  - “work related to the academic operations and functions in a school rather than to administration along the lines of general business operations”
    - whether in an institution of elementary education, secondary education, or higher education)

# Academic Administrative Personnel Examples

- Includes:
  - Academic Counselors and Advisors
  - Intervention Specialists
- Excludes:
  - Admissions
  - Recruiters