

FLSA EXEMPTION ANALYSIS – OUTSIDE SALES

Date:	Position Title:	Evaluator:

Exemption:	Yes	No	N/A	Comments:
Outside Sales Exemption: “Sales” includes any sale, exchange, contract to sell, consignment for sales, shipment for sale, or other disposition. It includes the transfer of title to tangible property, and in certain cases, of tangible and valuable evidences of intangible property.				
The Salary requirements of the regulation do not apply to the outside sales exemption. An employee who does not satisfy the requirements of the outside sales exemption may still qualify as an exempt employee under one of the other exemptions allowed by Section 13(a)(1) of the FLSA and the Part 541 regulations if all the criteria for the exemption is met.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Roll:				
Elaborate on worker’s primary job duty (the principal, main, major or most important duty the employee performs)				
To qualify for the outside sales exemption, all of the following tests must be met:				

The employee's primary duty must be making sales (as defined in the FLSA), or obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer; and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The employee must be customarily and regularly engaged away from the employer's place or places of business.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Criteria met for exempt status: Yes No

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