

FLSA EXEMPTION ANALYSIS – CREATIVE PROFESSIONAL

Date:	Position Title	Evaluator(s)	Exemption Determination

Exemption	Yes	No	N/A	Comments
Salary of at least \$684 per week or \$35,568 for a full year worker. (If no, non-exempt even if part-time.) (Teachers are exempt regardless of their salary. (29 C.F.R. 541.303(d),.600(e).)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Creative Professional Exemption –This requirement distinguishes the creative professions from work that primarily depends on intelligence, diligence and accuracy. Exemption as a creative professional depends on the extent of the invention, imagination, originality or talent exercised by the employee. Whether the exemption applies, therefore, must be determined on a case-by-case basis. The requirements are generally met by actors, musicians, composers, soloists, certain painters, writers, cartoonists, essayists, novelists, and others as set forth in the regulations. Journalists may satisfy the duties requirements for the creative professional exemption if their primary duty is work requiring invention, imagination, originality or talent. Journalists are not exempt creative professionals if they only collect, organize and record information that is routine or already public, or if they do not contribute a unique interpretation or analysis to a news product. This includes such fields as, for example, music, writing, acting and the graphic arts. Exempt teachers include, but are not limited to, vocal or instrument music teachers.				
Roll: 				
Elaborate on worker’s primary job duty (the principal, main, major or most important duty the employee performs) (a good “rule of thumb” is that the worker must spend at least 50% of his/her time doing exempt work to qualify for this exemption) - 				
To qualify for the creative professional employee exemption, the salary and the following test must be met:				

The employee's primary duty must be the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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