

## US Department of Labor – Wage and Hour Division

### References

29 CFR Part [541.600\(a\)](#) - Standard salary level – To qualify as an exempt executive, administrative, or professional employee under section 13(a)(1) of the Act, an employee must be compensated on a salary basis at a rate per week of not less than the amount set forth in paragraphs (a)(1) through (3) of this section, exclusive of board, lodging or other facilities, unless paragraph (b) or (c) of this section applies. Administrative and professional employees may also be paid on a fee basis, as defined in § 541.605.

29 CFR Part [541.600\(e\)](#) - Alternative salary level for academic administrative employees. In the case of academic administrative employees, the salary level requirement also may be met by compensation on a salary basis at a rate at least equal to the entrance salary for teachers in the educational establishment by which the employee is employed, as provided in § 541.204(a)(1).

29 CFR Part [541.602\(a\)\(1\)](#) - Subject to the exceptions provided in paragraph (b) of this section, an exempt employee must receive the full salary for any week in which the employee performs any work without regard to the number of days or hours worked. Exempt employees need not be paid for any workweek in which they perform no work.

29 CFR Part [541.202\(a\)](#) - Discretion and independent judgment. (a) To qualify for the administrative exemption, an employee's primary duty must include the exercise of discretion and independent judgment with respect to matters of significance. In general, the exercise of discretion and independent judgment involves the comparison and the evaluation of possible courses of conduct, and acting or making a decision after the various possibilities have been considered. The term “matters of significance” refers to the level of importance or consequence of the work performed.

29 CFR Part [541.204\(a\)](#) - Educational establishments. (a) The term “employee employed in a bona fide administrative capacity” in section 13(a)(1) of the Act also includes employees: (1) Compensated on a salary or fee basis at not less than the level set forth in § 541.600; or on a salary basis which is at least equal to the entrance salary for teachers in the educational establishment by which employed; and (2) Whose primary duty is performing administrative functions directly related to academic instruction or training in an educational establishment or department or subdivision thereof.

29 CFR Part [541.204\(c\)](#) - The phrase “performing administrative functions directly related to academic instruction or training” means work related to the academic operations and functions in a school rather than to administration along the lines of general business operations. Such academic administrative functions include operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration.

29 CFR Part [541.303\(d\)](#) - 541.303 Teachers. The requirements of § 541.300 and Subpart G (salary requirements) of this part do not apply to the teaching professionals described in this section.

Field Operations Handbook - [FOH 22h\(12\)](#) – Practices that do not violate the salary level and salary basis tests.

Field Operations Handbook [FOH 22h\(13\)](#) – Special rules for public-agency employees