State University of New York

FLSA Computer Employee Exemption Review

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| --- | --- | --- | --- |
| Position/Title |  | Campus Title: |  |
| Salary Level: |  | Department: |  |
| Line #: |  | Employee: |  |

**INSTRUCTIONS**

Complete this form based on the actual duties of the position as described in an attached position description

**Computer Employee Review**

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| --- | --- | --- | --- |
|  |  | **Yes** | **No** |
| * “**Primary duty**” means the principal, main, major or most important duty that the employee performs.  Determination of an employee’s primary duty must be based on all the facts in a particular case, with the major emphasis on the character of the employee’s job as a whole. More specifically, the special computer employee exemption applies to workers who are highly skilled and apply systems analysis techniques and procedures to determine hardware, software, or system functional specifications, or who design, develop, test or modify computer systems or programs based on user or design specifications. The computer employee exemption **does not** include employees who are engaged in the manufacture or repair of computer hardware and related equipment. Also, those employees whose work is highly dependent upon, or facilitated by, the use of computers and computer software programs (e.g., engineer, drafters and other skilled computer workers aided design software), but who are not primarily engaged in computer systems analysis and programming or other similarly skilled computer-related occupations identified in the duties test below, are not exempt. An example: A computer drafter who uses computer-aided design software would not be exempt.
* Is the employee a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer field with the **primary duty** consisting of:
1. The application of systems analysis techniques and procedure, including consulting with users to determine hardware, software of system functional specifications;
2. The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;
3. The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
4. A combination of the above mentioned duties, the performance of which requires the same level of skills.

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Copy of job description attached

Completed by Date

Meets salary threshold Y/N

HR Review Date