

Date: [Insert Date]

To: [Client Name/Management]

From: [Attorney/Consultant Name]

Re: Executive Exemption Analysis for [Employee Name/Job Title]

I. Introduction

This letter provides a formal legal opinion regarding the classification of [Employee Name/Job Title] under the Fair Labor Standards Act (FLSA). The purpose of this analysis is to determine if the position qualifies for the "Executive Exemption" from minimum wage and overtime requirements.

II. Executive Exemption Criteria

To qualify for the executive employee exemption, all of the following tests must generally be met:

- **Salary Basis Test:** The employee must be compensated on a salary basis at a rate of not less than \$[Insert Current Statutory Amount] per week.
- **Primary Duty Test:** The employee's primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise.
- **Supervision Test:** The employee must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent.
- **Authority Test:** The employee must have the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion, or any other change of status of other employees must be given particular weight.

III. Analysis of Findings

Salary: [Insert analysis of current salary vs. legal threshold].

Management Duties: [Detail the specific managerial tasks performed, e.g., interviewing, training, budgeting, planning work, etc.].

Direct Reports: [Identify the number of full-time staff or equivalent hours supervised by this position].

Personnel Authority: [Describe the employee's role in the hiring, firing, or promotion process].

IV. Conclusion and Opinion

Based on the facts provided and the current Department of Labor regulations, it is my professional opinion that the position of [Job Title]:

Qualifies for the Executive Exemption.

Does Not Qualify for the Executive Exemption.

V. Recommendations

[Insert recommendations regarding job description updates, timekeeping practices, or salary adjustments if necessary].

Sincerely,

[Signature]

[Printed Name]