

[Company Letterhead]

[Date]

[Recipient Name]

[Recipient Title]

[Company Name]

[Address]

RE: Legal Opinion Regarding FLSA Creative Professional Exemption for [Employee Name]

Dear [Recipient Name],

This letter provides a formal legal opinion regarding the exempt status of [Employee Name] in the position of [Job Title] under the Fair Labor Standards Act (FLSA) Creative Professional Exemption.

I. Analysis of Duties

Based on the job description and interview with [Manager Name], the employee's primary duty consists of the performance of work requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor. Specifically, the employee is responsible for:

- [Description of creative task 1]
- [Description of creative task 2]
- [Description of creative task 3]

II. Salary Basis Test

The employee is compensated on a salary basis at a rate of \$[Amount] per week, which exceeds the current Department of Labor threshold of \$844 per week (\$43,888 annually).

III. Creative Professional Criteria

The work performed is distinguished from routine mental, manual, or mechanical work. The employee's output depends primarily on their unique creative interpretation and artistic flair rather than standard procedures or objective data. The field of [Field, e.g., Graphic Design, Writing, Music] is a recognized artistic field under 29 CFR § 541.302.

IV. Conclusion

It is our professional opinion that [Employee Name] meets the criteria for the Creative Professional Exemption. Therefore, the employee is exempt from the minimum wage and overtime pay requirements of the FLSA.

Sincerely,

[Signature]

[Name of Counsel/Consultant]

[Title]

[Firm Name]