

**DATE:** [Date]

**TO:** [Management/HR Department Name]

**FROM:** [Name/Legal Counsel]

**RE:** Exemption Status Opinion - Computer Employee Exemption

## **I. PURPOSE**

The purpose of this letter is to provide a formal opinion regarding the exempt status of the position of [Job Title] under the Fair Labor Standards Act (FLSA) computer employee exemption.

## **II. EMPLOYEE INFORMATION**

- **Employee Name:** [Employee Name]
- **Department:** [Department Name]
- **Annual Salary / Hourly Rate:** [Amount]

## **III. LEGAL CRITERIA FOR EXEMPTION**

To qualify for the computer employee exemption, the following criteria must be met:

1. The employee must be compensated either on a salary or fee basis at a rate not less than \$684 per week or, if compensated on an hourly basis, at a rate not less than \$27.63 an hour.
2. The employee must be employed as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer field.
3. The employee's primary duty must consist of:
  - The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications;
  - 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;
  - The design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or
  - A combination of the aforementioned duties, the performance of which requires the same level of skills.

## **IV. ANALYSIS AND FINDINGS**

[Insert specific analysis here regarding how the employee's daily tasks align with the criteria above. Mention specific software, systems, or programming languages used.]

## V. CONCLUSION

Based on the job description and the actual duties performed, it is my professional opinion that the position of [Job Title] **[DOES / DOES NOT]** meet the requirements for the computer employee exemption. Therefore, the employee should be classified as **[EXEMPT / NON-EXEMPT]** from overtime pay requirements.

Sincerely,

[Signature]

[Printed Name]

[Title]