

Date: [Date]

To: [Name of Client/Company]

From: [Name of Counsel/Consultant]

Re: Legal Opinion Regarding Outside Sales Exemption under the FLSA

1. Purpose

This letter provides a formal legal opinion regarding whether the position of [Job Title] qualifies for the "Outside Sales" exemption from the minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA).

2. Employee Details

Employee Name: [Name]

Department: [Department Name]

Reports To: [Manager Name]

3. Legal Standard

Under 29 C.F.R. § 541.500, an employee qualifies for the outside sales exemption if:

- The employee's primary duty is making sales or obtaining orders/contracts for services or for the use of facilities; and
- The employee is customarily and regularly engaged away from the employer's place or places of business in performing such primary duty.

4. Findings of Fact

Based on our review of the job description and daily activity logs, we find that:

- The employee is responsible for [Specific Sales Tasks].
- The employee spends approximately [Percentage]% of their working time performing sales activities off-site.
- The employee's travel includes [Locations/Client Sites visited].
- The employee operates with minimal direct supervision while in the field.

5. Analysis

[Insert analysis here explaining how the facts meet the legal requirements. Address whether the "primary duty" is sales and confirm that the work is not performed at the employer's home office or via telemarketing.]

6. Conclusion

It is our professional opinion that the [Job Title] position meets the criteria for the Outside Sales Exemption. Therefore, the employee is not entitled to overtime compensation under current federal regulations, provided their job duties remain consistent with those described above.

7. Limitations

This opinion is based on the facts provided to us as of [Date]. Any changes in job duties or Department of Labor regulations may affect this classification.

Sincerely,

[Signature]

[Printed Name]

[Title]