

**PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION**

Date: [Insert Date]

To: [Client Name/Human Resources Department]

From: [Attorney Name/Law Firm]

Re: Legal Opinion Regarding FLSA Exemption Status for Paralegal Position

I. Introduction

You have requested a legal opinion regarding whether the position of [Job Title, e.g., Senior Paralegal] qualifies for the "Administrative Exemption" under the Fair Labor Standards Act (FLSA), 29 C.F.R. § 541.200.

II. Executive Summary

Based on the job description provided and current Department of Labor (DOL) regulations, it is our opinion that this position [does/does not] meet the criteria for the administrative exemption. Therefore, the employee should be classified as [Exempt/Non-Exempt].

III. Legal Standards for Administrative Exemption

To qualify for the administrative exemption, an employee must meet three specific criteria:

- **Salary Basis Test:** The employee must be compensated on a salary or fee basis at a rate not less than the current federal threshold of \$[Insert Current Amount] per week.
- **Primary Duty Test:** The employee's primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers.
- **Discretion and Independent Judgment Test:** The employee's primary duty must include the exercise of discretion and independent judgment with respect to matters of significance.

IV. Factual Analysis

Salary: The subject employee earns \$[Amount], satisfying the salary basis test.

Primary Duty: The employee performs [List duties, e.g., legal research, drafting pleadings, case management]. While these tasks are essential, the DOL typically views paralegal work as "production" work for a law firm rather than "administrative" work related to business operations.

Discretion and Independent Judgment: According to 29 C.F.R. § 541.301(e)(7), paralegals generally do not qualify as exempt because they do not exercise independent judgment in a legal

sense; rather, they apply established legal procedures and techniques under the supervision of an attorney.

V. Conclusion

Because the position [does/does not] require the exercise of independent judgment on matters of significance as defined by the DOL, we recommend [Action, e.g., paying the employee hourly with overtime].

Sincerely,

[Attorney Signature]

[Law Firm Name]