

[Date]

[Recipient Name]

[Recipient Title]

[Company Name]

[Address]

[City, State, Zip Code]

Re: Opinion Letter - FLSA Overtime Exemption Status

Dear [Recipient Name],

This letter provides a formal opinion regarding the exempt status of the position of [Job Title] under the Fair Labor Standards Act (FLSA) and applicable state wage and hour laws.

I. Position Description

The [Job Title] is responsible for [Briefly describe primary duties]. The role requires [Mention education or specialized knowledge]. Compensation is currently set at [Salary Amount] per week/year.

II. Legal Analysis

Based on the duties described, we have analyzed this position against the following exemption criteria:

- **Salary Basis Test:** The employee is paid a predetermined and fixed salary that is not subject to reduction because of variations in the quality or quantity of work performed.
- **Salary Level Test:** The salary meets or exceeds the current regulatory threshold of \$[Amount] per week.
- **Duties Test:** The employee's primary duties meet the requirements for the [Executive / Administrative / Professional / Outside Sales / Computer] exemption because:
 - [Reason 1: e.g., The employee exercises discretion and independent judgment.]
 - [Reason 2: e.g., The employee manages a recognized department and directs two or more employees.]

III. Conclusion

Based on the facts provided, it is our opinion that the [Job Title] qualifies as an **Exempt** employee. Therefore, the individual in this position is not entitled to overtime premium pay for hours worked in excess of 40 per workweek.

This opinion is based strictly on the job duties as presented. Any significant changes to the daily responsibilities of this role may require a re-evaluation of this status.

Sincerely,

[Signature]
[Name of Preparer]
[Title/Firm Name]