

Dept. of Labor / Wage and Hour

REQUIREMENTS for SALARIED STAFF WHO WORK LESS THAN 12 MONTHS

FROM THE FIELD OPERATOR'S HANDBOOK | UPDATED 5/15/2016



22g10

Annual salary earned in a shorter period.

The exemption is not lost in the situation where an annual salary covering a duty period of less than a year, when prorated over the full 12 months, computes to an amount less than the required minimum, provided that the amount of salary when prorated over the actual duty period meets the required minimum amount (e.g., employment provided by schools for 10 months of the year, under which the annual salary is paid in 12 equal monthly installments throughout the year).

STATUTORY REGULATIONS ON THE FAIR LABOR STANDARDS ACT

From the Code of Federal Regulations | 'CFR'

Substitutes: Primary Duty = Teaching | Exempt

Coaches = Teachers | Exempt

§541.303 **Teachers.**



National Archives and
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code of
federal regulations

(a) The term "employee employed in a bona fide professional capacity" in section 13(a)(1) of the Act also means any employee with a primary duty of teaching, tutoring, instructing or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in an educational establishment by which the employee is employed. The term "educational establishment" is defined in §541.204(b).

(b) Exempt teachers include, but are not limited to: Regular academic teachers; teachers of kindergarten or nursery school pupils; teachers of gifted or disabled children; teachers of skilled and semi-skilled trades and occupations; teachers engaged in automobile driving instruction; aircraft flight instructors; home economics teachers; and vocal or instrumental music instructors. Those faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisors in such areas as drama, speech, debate or journalism are engaged in teaching. Such activities are a recognized part of the schools' responsibility in contributing to the educational development of the student.

(c) The possession of an elementary or secondary teacher's certificate provides a clear means of identifying the individuals contemplated as being within the scope of the exemption for teaching professionals. Teachers who possess a teaching certificate qualify for the exemption regardless of the terminology (e.g., permanent, conditional, standard, provisional, temporary, emergency, or unlimited) used by the State to refer to different kinds of certificates. However, private schools and public schools are not uniform in requiring a certificate for employment as an elementary or secondary school teacher, and a teacher's certificate is not generally necessary for employment in institutions of higher education or other educational establishments. Therefore, a teacher who is not certified may be considered for exemption, provided that such individual is employed as a teacher by the employing school or school system.

(d) The requirements of §541.300 and Subpart G (salary requirements) of this part do not apply to the teaching professionals described in this section.