



L&I has updated the job duties tests required for workers to be considered exempt from overtime, paid sick leave, and other protections under the State Minimum Wage Act. The updates reduce the number of duties tests for each exemption category from two to one, and align the tests more closely with federal standards. These updated job duties tests will take effect July 1, 2020.

For an employer to determine if a worker is exempt from Minimum Wage Act requirements, the employer must make sure the worker meets each element of the job duties test. Below is an overview of the administrative duties test and key terms employers should know.

The duties test

This test can help determine whether an employee is exempt from overtime pay, paid sick leave, and other requirements. In general, when an employee does administrative work and does **all** of the following, then overtime and paid sick leave aren't required. The employee:

- Has a **primary duty** that is non-manual work related to managing or operating the employer's business or the business of the employer's customers. This might include helping run the business by setting policies, assisting a high-level executive, acting as an expert advisor to management, or performing special assignments.
- Has **discretion and independent judgement** (for example, has authority to make decisions) on important matters while performing the employee's **primary duty**.
- Is paid on a **salary or fee basis**, and the amount of the salary or fee is equal to or greater than the required salary threshold.

Typical examples may include executive assistants to business owners or senior executives (if they make decisions regarding significant matters without specific instructions or procedures), advisory specialists (such as tax, insurance, or sales research experts), employees in charge of functional departments (such as credit managers, or labor relations directors), and employees who perform special assignments (such as special organization planners, account executives or team leaders for major corporate projects).

An employee can also meet the administrative exemption if the **primary duty** is administrative work related to academic instruction or training in an **educational establishment**. Typical examples include superintendents or other heads of schools systems, administrators responsible for curriculum or standards, academic counselors, or collegiate academic department heads. These employees must be paid on a salary basis that is equal to the required salary threshold or to the entrance salary for teachers in the educational establishment they work for.

Note: An employee's job duties, not job title or job description, determines if the employee qualifies for the administrative exemption.

The full administrative duties test requirements can be found in [WAC 296-128-520](#).

Key terms

Primary duty: The main, major, or most important duty an employee performs. An employee's primary duty might be the biggest or most consequential responsibility, or it could be the duty the employee spends the most time on.

Customarily and regularly: Work that is performed repeatedly, for instance work regularly done each workweek, as opposed to occasional or one-time tasks.

Salary or fee basis: A predetermined, fixed salary that is not subject to reduction because of variations in the quality or quantity of work performed, or a set fee for a unique job or project regardless of the time required to complete the job.

Discretion and independent judgement: Decision-making authority.

Educational establishment: An elementary or secondary (such as a middle school, junior high, or high school) school, an institution of higher education (such as a college or university), or other, similar educational institutions.

For more info

You can call Employment Standards at 360-902-5316 or 1-886-219-7321.

L&I overtime rule change webpage: Lni.wa.gov/OvertimeRulemaking

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