

L&I has updated the job duties tests required for workers to be considered exempt from overtime 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 computer professional 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 computer professional work and does **all** of the following, then overtime and paid sick leave aren't required. The employee:

- Works as a computer system analyst, computer programmer, software engineer, or similar worker.
- Has a **primary duty** that includes one of the following:
 - a. Applying systems analysis procedures, including consulting with users, to determine hardware, software, or system-functional specifications.
 - b. The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications.
 - c. The design, documentation, testing, creation or modification of computer programs related to machine operation systems.
 - d. A combination of these.
- Is paid on a **salary or fee basis**, and the amount of the salary is equal to or greater than the required salary threshold. Alternatively, a computer professional can also be paid on an **hourly basis** at a rate equal to or greater than the required hourly threshold.

The computer professional exemption does **not** include:

- Employees who manufacture, repair, or maintain computer hardware and related equipment.
- Employees whose work relies on the use of computers and computer software programs (such as engineers, drafters, and other employees skilled in computer-aided design software), but who are not usually doing computer systems analysis and programming.

Note: An employee's actual job duties, not job title or job description, determines if they meet the computer professional exemption requirements.

The full computer professional duties tests requirements can be found in [WAC 296-128-535](#).

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 and 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.

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](https://lni.wa.gov/OvertimeRulemaking)

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