

Creative Professional Exemption

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

The University of Tennessee
Municipal Technical Advisory Service
1610 University Avenue
Knoxville, TN 37921-6741
865-974-0411 phone
865-974-0423 fax
www.mtas.tennessee.edu

Table of Contents

Creative Professional Exemption.....	3
--------------------------------------	---

Creative Professional Exemption

Reference Number:
MTAS-936

Employees who meet the criteria below are bona fide creative professionals under DOL's regulations. If any of the questions below are answered in the negative, the employee is not exempt as a creative professional employee unless he or she is "highly compensated."

- Is the employee paid on a salary or fee basis a minimum of \$684 per week exclusive of board, lodging or other facilities?
 - Is the employee paid on a salary basis? With certain limited exceptions he or she must:
 - Experience no reduction in salary for variations in the quality and quantity of work;
 - Experience no deduction for partial-day absences;
 - Receives each pay period a pre-determined amount constituting all or part of his or her compensation; or
 - Pay deductions are based on the principle of public accountability. 29 C.F.R. §541.710.
 - Alternately, is the employee paid on a fee basis? 29 C.F.R. §541.605.
 - Does the employee's "primary duty" consist of performing work that requires invention, imagination, originality or talent in a recognized field of artistic or creative endeavor? (The primary duty means the principle, main, major or most important duty that the employee performs.) 29 C.F.R. §541.302.
-

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

Source URL (retrieved on 01/26/2021 - 9:31am): <https://www.mtas.tennessee.edu/reference/creative-professional-exemption>

MTAS