



Creative Professional Exemption

Dear Reader:

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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,

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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.
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