



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

05/25/2025

Published on MTAS – Serving Tennessee City Officials (<https://www.mtas.tennessee.edu>)

Executive Employee Exceptions

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The following document was created from the Municipal Technical Advisory Services website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website shares information relative to Tennessee municipal government. We hope this information will be useful to you and that it will assist you with questions that arise in your tenure in 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.

The Municipal Technical Advisory Service (MTAS) was created in 1949 to provide technical assistance to elected and appointed municipal officials in Tennessee. We are a resource for Tennessee municipal officials in areas of municipal government, human resources, finance, fire, legal, police, public works, water, and wastewater. We provide personal and professional knowledge growth opportunities on current issues within municipal government.

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Table of Contents

Executive Employee Exceptions	3
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Reference Number: MTAS-2126

Reviewed Date: 11/11/2022

DOL's regulation 29 C.F.R. § 541.3(b)(1) emphasizes that the executive exemption does not apply to non-management law enforcement, fire and emergency personnel. Thus "police officers, detectives, investigators, ... inspectors, correctional officers, parole or probation officers, firefighters, paramedics, emergency medical technicians, ambulance personnel, rescue workers, hazardous materials workers and similar employees, regardless of rank or pay level, who perform work such as preventing, controlling or extinguishing fires of any type; rescuing fire, crime or accident victims; preventing or detecting crimes; conducting investigations or inspections for violations of law; performing surveillance; pursuing, restraining and apprehending suspects; detaining or supervising suspected and convicted criminals, including those on probation or parole; interviewing witnesses; interrogating and fingerprinting suspects; preparing investigative reports; or other similar work" do not qualify for exemption.

Also, 29 C.F.R. § 541.3(a) provides that the executive exemption does "not apply to manual laborers or other blue collar workers who perform work involving repetitive operations with their hands, physical skill and energy. Such nonexempt blue-collar employees gain their skills and knowledge ...through apprenticeships and on-the-job training." Thus non-management production-line employees and non-management employees in maintenance, construction and similar occupations such as carpenters, electricians, mechanics, plumbers, iron workers, craftsmen, operating engineers, longshoremen, construction workers and laborers are entitled to minimum wage and overtime premium pay under the Fair Labor Standards Act, and are not exempt under the regulations. Earlier provisions, however, make it clear that blue-collar workers in managerial roles can be exempt.

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