



## Highly Compensated Learned Professional Exemption

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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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## Table of Contents

Highly Compensated Learned Professional Exemption .....	3
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## Highly Compensated Learned Professional Exemption

Reference Number: MTAS-935

**Employees who meet the criteria below are bona fide highly compensated learned professional employees under DOL's regulations.**

- Is the employee's total annual non-discretionary compensation at least \$107,432?
- Is the employee paid on a salary basis or on a 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;
    - Receive 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?
  - Or, is the employee one of the professionals — physicians, lawyers, teachers and film-making industry employees — exempted from the salary or fee basis test? (If yes, then the minimum salary or fee also does not apply.)
- Does the employee regularly and customarily perform one or more exempt professional duties? 29 C.F.R. § 541.300.

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