



Executive 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,

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The employee must:

- Be paid on a salaried basis and meet the minimum salary test;
- Have the primary duty to manage the department or subdivision;
- Customarily direct the work of two or more employees; and
- Have authority to hire or fire employees *or whose recommendations for hiring, firing, promotion, etc., are given particular weight.*

Most police chiefs meet the above tests. Division commanders and other command officers may meet the test, depending on their level of responsibility and authority. In many cities, the chief and certainly division commanders do not have the authority to hire, fire, or demote employees, but their recommendations are given considerable weight by those who do have that authority.

Concurrent performance of exempt and nonexempt work does not automatically disqualify an employee from the exemption. For instance, a police chief or other exempt employee may have the discretion to perform line level, nonexempt duties and still remain responsible for the success or failure of the department's operations.

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.

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