

DISCRETION AND INDEPENDENT JUDGMENT

Factors to Consider When Determining Discretion and Independent Judgment include but are not limited to the following:

- Whether the employee has authority to formulate, affect, interpret, or implement management policies or operating practices.
- Whether the employee carries out major assignments in conducting the operations of the business.
- Whether the employee performs work that affects business operations to a substantial degree, even if the employee's assignments are related to operation of a particular segment of the university.
- Whether the employee has authority to commit the employer in matters that have significant financial impact.
- Whether the employee has authority to waive or deviate from established policies and procedures without prior approval.
- Whether the employee provides consultation or expert advice to management;
- Whether the employee has authority to negotiate and bind the business on significant matters.
- Whether the employee is involved in long or short-term business objectives.
- Whether the employee investigates and resolves matters of significance on behalf of management.
- Whether the employee represents the business in handling complaints, arbitrating disputes or resolving grievances.

Note: The fact that an employee's decisions are revised or reversed after review does not mean that the employee is not exercising discretion and independent judgment.

Note: Exempt employees may use manuals, guidelines or other established procedures if they contain highly technical, scientific, legal, financial or other similarly complex matters that can be understood or interpreted only by those with advanced or specialized knowledge or skills.

Discretion and Independent Judgment does not include:

- Applying well-established techniques, procedures or specific standards described in manuals or other sources to determine the correct response to an inquiry or set of circumstances
- Clerical or secretarial work
- Recording or tabulating data
- Performing mechanical, repetitive, recurrent or routine work
- For Example: An employee who enters, compiles, records, maintains, or tabulates data is not exempt as an administrative employee, even if they are called a "statistician".