Q. We have an hourly worker who oversees both the maintenance and housekeeping departments and supervises two employees. In this job, he has the authority to hire and fire, but he also is a “working” supervisor who performs maintenance in and around the property. Can his status be changed to salary/exempt? —T.W., Texas

A. Depending on the circumstances, a working supervisor may or may not qualify for exempt status under the Fair Labor Standards Act’s executive exemption. Under Labor Department regulations, an executive has the primary duty of managing the business (or part of it) and regularly directs the work of two or more employees. As a rule of thumb, an employee’s “primary duty” is the duty that he spends more than 50 percent of his time performing.

However, “primary duty” isn’t always a time test, as a recent case proved. A court will also look at the importance of his managerial duties compared with his other duties, his freedom from supervision and how much discretion he exercises on the job.

For more on exempt status and the FLSA, go to www.elaws.dol.gov/flsa.