

20 CFR 656.17(i)(5)(ii) – Actual minimum requirements

(i) *Actual minimum requirements.* DOL will evaluate the employer's actual minimum requirements in accordance with this paragraph (i).

[...]

(5) For purposes of this paragraph (i):

[...]

(ii) A “substantially comparable” job or position means a job or position requiring performance of the same job duties more than 50 percent of the time. This requirement can be documented by furnishing position descriptions, the percentage of time spent on the various duties, organization charts, and payroll records.

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr;sid=d61bf1c71b4ae0532b29aa29036ac688;rgn=div5;view=text;node=20%3A3.0.2.1.36;idno=20;cc=ecfr#20:3.0.2.1.36.3.41.6> (Accessed Aug. 16, 2012)