**OVERTIME**

**POLICY:**

Minnesota Fair Labor Standards Act requires employers to pay overtime for all hours worked in excess of 48 per workweek, unless the employee is specifically exempt from the requirement.

This Agency will pay overtime when employees work more than 48 hours in a work week (determined by employer). The work week is a 7- day period that is the same week to week. The employee cannot decide to work overtime if it is not scheduled. Overtime must be approved by the supervisor before it is scheduled.

**PURPOSE**

* To inform agency staff of the laws regarding overtime and the agency policies on the overtime pay.
* To ensure that laws and policies are developed in compliance with laws

**SPECIAL INSTRUCTIONS:**

1. Overtime pay is not discretionary. Both state and federal law prohibit any agreement to not pay overtime to employees. All companies must pay overtime regardless of the agency’s size, location, or gross sales.
2. Some employees are exempt from Minnesota’s overtime wages. The following is a partial list:
   1. Executive, administrative, or professional employees who meet the salary and duty requirements of the department rules
   2. An outside salesperson
   3. Workers who are agricultural workers or others in businesses that pay on commission or incentive.
3. All hours the employee is required to be on the premises of the employer or performing work related tasks are counted for overtime purposes. Employees working more than one job under the control of the same employer must have **ALL** hours worked counted toward overtime.
4. Holiday hours, vacation time, or sick leave are not counted in figuring overtime hours. Overtime is computed on a seven-day work week basis regardless of the length of the pay period. Hours worked may not be averaged over the pay period or used to offset shorter work weeks. The work week can be any consecutive seven-day period that the employer chooses but may not vary once chosen.
5. When an employee is hired, they are informed of the scheduling practices, how they will be informed of schedule and oriented to the time-card program that will be used.
6. Scheduled hours will not include overtime. If an employee/client is requesting additional hours in a work week, this must be approved prior to working the hours.
7. Overtime is based on actual hours worked in a seven-day workweek. If you do not work more than 48 hours in a seven-day workweek, you are not entitled to overtime pay.
8. Overtime pay must be at least one and a half time the employee’s regular rate of pay. This is calculated by dividing the total pay in any work week by the total number of hours worked in that week.
9. Timecards are reviewed every pay period and payroll checks include number of hours worked and rate of pay as well as any deductions taken from the paycheck.