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When are Employers Required to Pay Overtime?



Have you ever worked extra hours at a job and then wondered whether your employer was going to pay you time and a half? It's only natural to want a little extra money for your extra effort. However, not every worker – or every extra hour – is eligible for overtime pay. The Fair Labor Standards Act (FLSA) dictates when employers are required to pay overtime, and when they are not. Two key factors are (1) whether an employee is exempt or non-

exempt, and (2) the number of actual hours worked. Confused about whether you are getting the extra pay you deserve? Read on to learn more about overtime regulations.

The Employee's Classification

Employers first have to determine whether an employee is exempt or non-exempt according to [FLSA](#):

- **Exempt Employees** typically do *not* receive overtime. They usually are paid a salary rather than being paid on an hourly basis. Other requirements involve how much the employee is paid and the type of work he or she performs. Executive, administrative, professional, computer, and outside sales employees are often exempt.
- **Non-Exempt Employees** usually *do* receive overtime pay. Most [non-exempt](#) employees are paid hourly and are not required to exercise a great deal of independent judgment related to their job duties.

Employers often misclassify non-exempt employees as exempt to avoid paying overtime. If you feel your employer has misclassified you as exempt, please contact a [lawyer](#) today.

Number of Hours Actually Worked

The FLSA requires employers to pay non-exempt workers time and a half for hours worked in excess of 40 hours per workweek. That sounds pretty easy to figure out, but some of the time you spend at work that your employer decides does not count toward your actual “hours worked” actually may count:

It’s well-known that time spent doing your usual work duties at the usual time counts toward your 40 hours, but *unusual* duties performed at an *unusual* time also may be considered hours worked under [FLSA](#):

- *Travel time* related to your work, *other than* commuting to and from your workplace.
- *On-duty waiting time*, perhaps spent waiting for direction or tasks from a supervisor.
- *On-Call* time when the employee is restricted from using the time for personal reasons (but this is a complicated subject best discussed with an employment attorney).
- *Meeting and training time*, under certain conditions.

FLSA does **not** require employers to pay time and a half for hours worked on Saturdays, Sundays, holidays, or other days of rest *unless* those hours take the employee over the 40-hour-per-week mark.

Is Your Employer Required to Pay Overtime for Your Extra Hours?

It’s not possible to cover everything about a complicated subject like overtime in one article. If you feel you are missing out on overtime pay you believe is due, talk to a Georgia employment lawyer as soon as possible.

At [Barrett & Farahany](#), our clients know we are fighting for *them*. Please call us at (404) 238-7299 to set up a free consultation. Although our office is located in Atlanta, we serve clients throughout Georgia, including Locust Grove, Forsyth, Macon, and surrounding communities.

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Get To Know Our Team

V. Severin Roberts Employment Lawyer in Atlanta

Severin Roberts is a Partner at Barrett & Farahany, LLP and the head of the Wage and Hour group. Severin’s practice is devoted to representing clients in employment law matters, with a particular focus in wage and hour litigation, including individual FLSA claims and large collective actions. An equally significant portion of Severin’s practice is dedicated to representing clients in traditional employment litigation, including claims of sexual harassment, violations of the Family Medical Leave Act (“FMLA”), and gender, pregnancy, race, age, and disability discrimination.

Prior to joining Barrett & Farahany, LLP, Severin worked at a boutique litigation firm, where he gained

extensive experience representing plaintiffs and defendants in e ... [Read more.](#)



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