Overtime Regulations in a Nutshell

Do Federal Overtime Rules Apply To Your Organization?

Are you a named enterprise?
- hospital
- residential institution for elderly or disabled
- school for disabled or gifted children
- pre-school, head start, daycare, elementary or secondary school or institution of higher education

Does your institution receive more than $500,000 in commercial revenue? (excludes charitable revenue)

Are any of your employees engaged in interstate commerce or production of goods for interstate commerce?

FLSA APPLIES TO ENTIRE ORGANIZATION

FLSA APPLIES TO THOSE COVERED INDIVIDUALS.

Are Your Employees EXEMPT or NON-EXEMPT?

Are they paid a salary rather than an hourly wage?

Is Salary $134,004/Year or more?
- Most receive at least $913/week.

Are they being paid $47,476/annum or above?

Do they regularly perform administrative, professional, or executive duties?

Do they perform any ONE of the administrative, professional, or executive duties?

EMPLOYEE IS NON-EXEMPT (ELIGIBLE FOR OVERTIME)

EMPLOYEE IS EXEMPT (NO NEED TO PAY OVERTIME)

EMPLOYEE IS NON-EXEMPT (ELIGIBLE FOR OVERTIME)

STILL HAVE QUESTIONS?
- Lawyers Alliance Questionnaire: http://www.lawyersalliance.org/docs/Screening_OT_Exempt_12.30.16.docx

*New York is currently in the process of updating state overtime laws which will provide even more overtime protections for state employees. Stay aware by visiting https://money.org or by signing up for our list.

Administrative duties test - Do they perform work related to general operating of business and use discretion and independent judgment?
Professional duties test - Do they primarily perform work that requires advanced knowledge and skill or artistic skill and use discretion and independent judgment?
Executive duties test - Do they primarily manage an organization or department, regularly supervise at least two full-time employees or the equivalent, and have authority to hire and fire?

Federally funded facilities, religious, and emergency vehicles are not covered.

For more information on federal overtime rules, visit the Department of Labor’s website at: http://www.dol.gov/whd/