

Overtime

Do you believe that you may be entitled to overtime? Do you think your current/former employer has denied you overtime in the past? If so, we can assist you.

Employees covered by the Fair Labor Standards Act (“FLSA”) are entitled to overtime pay for hours worked over 40 hours of at least one and a half times their regular rate of pay. The FLSA does not automatically require overtime pay for hours worked on the weekends, nights or holidays, but only if these hours are considered overtime hours. The 40 hours is calculated per workweek and the workweek can commence on any day of the week.

You may be entitled to overtime pay even if you are a salaried or commissioned employee. There are factors to consider in determining your entitlement. Because of this, if you think you may be entitled to overtime pay, we can assist you by reviewing the terms of your employment, compensation structure and the specific job that you perform.

Under the FLSA there are exemptions to the requirement to receive overtime pay, such as the:

- (1) Executive Exemption
- (2) Administrative Exemption
- (3) Professional Exemption
- (4) Computer Employee Exemption
- (5) Outside Sales Exemption
- (6) Highly Compensation Employees Exemption
- (7) Blue Collar Workers Exemption
- (8) Police, Fire Fighters, Paramedics and Other First Responders Exemption

Aside from naming these exemptions, the law sets forth specific requirements that must be met in order for your job to be classified as “exempt” under one of these categories. Your employment title may not matter. Even if your employer has classified you as an “executive”, that does not mean that you are not entitled to overtime pay. The criteria set forth in the law for each exemption must be carefully reviewed to determine if you are truly an “exempt” employee. We can help you reach this determination.

If you believe that your overtime rights have been violated, you may be able to bring a claim under the Federal Fair Labor Standards Act and/or New York’s Wage and Hour laws. There are specific timeframes to bring such claims.

Our firm can assist you in determining if you are truly an exempt employee, if you have a right to overtime pay and how much pay you may be entitled to receive. We can also assist you by filing claims with administrative agencies such as the U.S. Department of Labor and/or the New York State Department of Labor and/or directly in Court. You are entitled to bring claims against your current or former employer.

In addition, the New York State Wage Theft Prevention Act requires that an employee be provided a written wage statement that sets forth his/her rate of pay and whether he/she is entitled to overtime. If you have received a form like this stating that you are not entitled to overtime, do not despair. You may still be entitled to overtime. Also if you have not received this notification, your employer may be in violation of this law, among others.

If you think your rights have been violated – you have been denied overtime or told that you are not entitled to receive overtime, our firm is available to assist you in resolving your claims. We are also available to counsel you in approaching your employer regarding your overtime rights. With our help you may be able to resolve your claims through a

negotiated resolution with your employer. If that does not transpire then we can assist you by bringing your claims to the Department of Labor or initiating a lawsuit against your current/former employer.

If you are interested in these services, please contact our office to schedule a time to speak.