

○ **FAIR LABOR STANDARDS ACT OF 1938 (HOURS AND OVERTIME)**

STATUTORY CITATION: 29 USC §§ 201 – 219

RELATED REGULATIONS: 29 CFR Part 780

GENERAL SUMMARY: The Fair Labor Standards Act generally requires subject employers to pay each covered employee no less than 1½ times the employee's regular pay rate for all employment in any workweek after 40 hours. Apart from restrictions on minors, there is no absolute limitation on the number of hours an employee may work in a week, as long as the worker receives time-and-a-half for all overtime hours or is excepted from the overtime pay provision.

PROVISIONS APPLICABLE TO AGRICULTURE

AGRICULTURAL EXEMPTION — The entitlement to receive overtime compensation **does not apply** to any worker employed in farming, by a farmer, or on a farm, or to employees engaged in the transportation and preparation for transportation of fruits and vegetables from the farm to the place of first processing or first marketing within the same state.

RELATED EXEMPTIONS —

Sugarcane and Sugarbeet Processing — The Act exempts for up to 14 weeks in a calendar year employees employed exclusively to provide services necessary and incidental to processing sugarcane or sugarbeets, and for up to 14 weeks in a consecutive 52-week period employees engaged in processing sugarbeets, sugarbeet molasses or sugarcane into non-refined sugar or syrup, provided in both cases they receive at least 1½ times their regular pay for hours worked in excess of 10 hours a day and 48 hours a week.

Cotton Ginning — The Act exempts for up to 14 weeks in a calendar year any employee employed exclusively to provide services necessary and incidental to ginning cotton in the gin, and for up to 14 weeks in any consecutive 52-week period any employee engaged in ginning of cotton in any county where cotton is grown in commercial quantities, provided in both cases that employees receive during those exempt periods at least 1½ times their regular rate of pay after 10 hours in any workday and after 48 hours in any workweek.

Cotton Compressing and Cottonseed Processing — The Act exempts for up to 14 weeks in a calendar year any employee employed exclusively to provide services necessary and incidental to receiving, handling and storing raw cotton and compressing raw cotton when performed at a cotton warehouse or compress, and any employee providing similar services with respect to cottonseed in an establishment primarily engaged in receiving, handling, storing and processing of cottonseed, provided they are paid at least 1½ times their regular wage after 10 hours a day and 48 hours a week.

Country Elevators — Workers at certain country elevators with no more than 5 employees are totally exempted from the Act's overtime requirements.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*