

# MODULE 4

## Overtime

### Module Overview

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**Time:** 60 minutes plus Introductions

- Objectives:**
- to review the provisions of Massachusetts and federal overtime law
  - to practice determining whether overtime must be paid
  - to practice computing overtime pay due

- Preparation:**
- read: Schwartz, *Your Rights on the Job*, Chapter 1
  - prepare flipcharts
  - read and copy handouts: *Participant Outline; Overtime In A Nutshell, Overtime Worksheet*

**Materials:** flipchart, markers, tape, pens or pencils & scrap paper for participants. Optional: calculators

### Module Outline

### Module Detail

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**Welcome and Introductions**

**Time:** 10 minutes

**Flipcharts:** *Objectives* and *Agenda*

**Overtime Questionnaire**

**Time:** 15 minutes

**Flipchart:** *Overtime Questionnaire*

**Welcome and Introductions**

Welcome participants, introduce yourself and review workshop objectives and agenda. It is helpful to put the Objectives and Agenda on flipcharts to post. Ask participants to introduce themselves, giving name and union or organizational affiliation, if any.

**Activity 1: Overtime Questionnaire**

Read the questions on the flipchart, and ask participants whether they think each is True or False. Discuss the answers together.

**Note to facilitators:****The Overtime Laws****Time:** 10 minutes**Handout:** *Overtime In a Nutshell*

*Conduct this questionnaire as a group exercise, making clear that it is not a test. Put the questions up on a flipchart, and record the number of True or False answers to each.*

**Activity 2: The Overtime Laws**

Ask participants “How many here have ever worked overtime?”

If time permits ask those who have worked overtime to tell something about the experience: where, when, what sort of work, mandatory or voluntary, etc

Ask participants to listen to the following mini-rap on the Massachusetts and federal overtime laws:

**Mini rap:**

“Federal and state laws guarantee to most workers the right to be paid at one and a half times their normal pay rate for any time worked over 40 hours in one week. The overtime laws, like the minimum wage laws, were won by a long struggle on the part of early labor unions. In the nineteenth century it was common for employers to demand that their employees work 10 or 12 or even 14 hour days, six or seven days a week. One of the most important campaigns of the labor movement in the 1800’s was the fight for the eight-hour workday. While workers were never able to win a law outlawing forced overtime, they were able to win the right to be paid at one-and-one-half times their regular pay rate for all overtime hours worked. This right is incorporated in the same federal law that gives us the minimum wage: the Fair Labor Standards Act. Massachusetts also has its own overtime law.

The overtime law covers employees who are paid by the hour, by the piece (piecework) or by a regular salary. There are, however, several exemptions, as we will see as we look over the handout. Some unscrupulous employers try to avoid paying overtime by claiming that their employees fall into one of these exempt categories, such as professionals or outside contractors. If this happens to you, it is important to take a closer look at the situation. You may actually be entitled to overtime.

As is the case with minimum wage, the federal and state overtime laws cover all workers, even immigrants who are working without proper documentation. Immigrant workers,

whether documented or undocumented, are covered by overtime laws. It is not always safe, however, for undocumented workers to go to state and federal agencies with complaints, as those agencies might notify Immigration and Customs Enforcement (ICE). Undocumented workers should check first with an advocacy organization (see handout: *Partial List of Advocacy Organizations*). The handout *Safe and Unsafe Agencies for Immigrant Workers* is only a guideline. Policies change. To be safe, always go to an advocacy organization first.

Review the handout *Overtime In A Nutshell*. Ask participants: “What are your questions?”

### **Figuring Out Overtime Pay**

**Time:** 25 minutes

**Handout:** *Overtime Worksheet*

### **Activity 3: Figuring Out Overtime Pay**

Break participants into groups ask them to go through the *Overtime Worksheet*. They must decide which of the people in these stories should get overtime pay and how much overtime (hours and/or minutes).

When the small groups have finished, have the whole group compare their answers.

Use the pay rates on the worksheet to figure out the amount of overtime pay owed to each person.

### **Note to facilitator:**

*First, compare answers and reach agreement on who should get overtime and how much they should get. You may want to pick just some of the scenarios rather than trying to do all four. Decide which scenarios are most appropriate ahead of class. After answering the question of who is entitled to overtime, either send them back into their groups, or all work together to compute the amount of overtime pay owed. You will probably only want to compute the pay for a couple of individuals.*

### **Summary and Remedies**

**Time:** 5 minutes

### **Summary and Remedies**

“If you work over 40 hours in a week, you are entitled to overtime pay (unless you are considered exempt). It is important to know how to figure out your overtime pay, to make sure you are paid correctly. If your overtime rights have been violated, you can file a complaint with the Massachusetts Attorney General’s Fair Labor and Business Practices Division in Boston (617) 727-3465 or Springfield (413) 784-1128. If you have a union, and your overtime pay is incorrect, contact your union steward.”