

MODULE 4

Overtime

Module Overview

Time:	60 minutes plus introductions
Objectives:	<ul style="list-style-type: none"> • To review the provisions of Massachusetts and federal overtime laws • To practice determining whether overtime must be paid • To practice determining overtime pay due
Preparation:	<ul style="list-style-type: none"> • Read Schwartz, Your Rights on the Job, Chapter 1 • prepare flipcharts • Read and copy handouts: Participant Outline, Overtime in Brief, Overtime Worksheet
Materials:	Flipchart, markers, tape, pens or pencils & scrap paper for participants. Optional: calculators

Module Outline

Welcome and Introductions

Time: 10 minutes

Flipcharts: *Objectives and Agenda*

Overtime Questionnaire

Time: 15 minutes

Flipchart: *Overtime Questionnaire*

Module Detail

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.

Exceptions to mandatory overtime: workers under 18; hospitals cannot require nurses to work overtime except in emergencies

Note to facilitators:

The Overtime Laws

Time: 10 minutes

Handout: *Overtime in Brief*

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, federal and state overtime laws cover all workers, regardless of immigration status. Immigrant workers, whether

documented or undocumented, are entitled to overtime pay. 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 Division in Boston, 617-727-3465, New Bedford, 508-990-9700, Springfield, 413-784-1182 or Worcester, 508-792-7600, online at <https://www.mass.gov/how-to/file-a-workplace-complaint>. If you have a union, and your overtime pay is incorrect, contact your union steward.”

MODULE 4
Overtime
Participant Outline

1 hour

Objectives

- to review the provisions of Mass. and federal overtime laws
- to practice determining whether overtime must be paid
- to practice computing overtime pay due.

Welcome/Introductions

Activity 1: Icebreaker: Overtime Questionnaire

Discuss the questions about overtime on the flipchart.

Activity 2: The Overtime Laws

Listen to the mini-rap and read the handout about Mass. and Federal overtime laws.

Activity 3: Figuring Out Overtime Pay

In small groups, figure out the cases on worksheet: who gets overtime pay, and how much?

Summary and Remedies

Overtime Worksheet

Directions:

- First, figure out how much time the person worked over 40 hours.
- Convert the minutes into fractions of an hour (for example, 2 hours and 15 minutes is 2.25 hours).
- Find the overtime rate (1.5 times the hourly rate)
- Multiply overtime rate by the number of hours over 40 to get the overtime pay.

1. Dominique works the 11p.m. to 7 a.m. shift at the Sunset Valley Nursing Home. This means that she has to get to Sunset Valley by 10:45 in order to change into her uniform. And, before she leaves in the morning, she is expected to give a report to the person who comes in to take her place on the daytime shift. So Dominique does not actually get out of the nursing home until 7:30. If Dominique gets a half hour meal break each night, does she get any overtime?

Overtime: hours _____ + minutes _____

Dominique makes \$15.00 an hour. How much overtime pay should she get?

Overtime rate: \$ _____ per hour

Overtime pay: \$ _____

2. Tony is an assembly line worker at Acme Electronics in Chelsea. Acme also owns another plant in Brockton. The Brockton plant is short-handed, and the boss asks for volunteers to go and work a second shift there. To make it easier, he will shuttle the workers over to Brockton in the company van, and bring them back to Chelsea at the end of the shift. Tony volunteers for the overtime.

At the end of the week, instead of the big check Tony was expecting, with eight hours of overtime pay, he got two separate checks. One was his usual check, for his regular week at Chelsea. The other one was for eight hours --- straight time pay -- from the Brockton shop. When Tony complained, the boss told him that he did not earn any overtime pay because he had worked for two separate employers.

What do you think? Is the boss right, or should Tony get overtime pay? If so, how much?

Overtime: hours _____ + minutes _____

Tony's regular pay rate is \$16.00 /hour. How much overtime pay should Tony have received?

Overtime rate: \$ _____ per hour

Overtime pay: \$ _____

3. Alda and Nora work in a home furnishings factory. Their regular shift is 8-4:30, (with 1/2 hour off for lunch) Monday - Friday. It is busy season, and the supervisor asks them both to come in on Saturday. They both work 8 hours on Saturday. However, Nora had taken a half day (4 hours) off on Wednesday to take her child to the hospital.

How many hours of overtime pay will each woman receive?

Alda's overtime: hours _____ + minutes _____

Nora's overtime: hours _____ + minutes _____

Alda and Nora are paid piece rate for the work they do. They get 35¢ for each piece they sew. An average worker can sew about 50 to 60 pieces in an hour. Alda is new on the job, and can just sew 40 pieces an hour. Nora is an excellent worker, and sews an average of 70 pieces an hour. How much overtime pay does each woman get?

Alda's overtime rate: \$ _____ per hour Alda's overtime pay: \$ _____

Nora's overtime rate: \$ _____ per hour Nora's overtime pay: \$ _____

4. Jason is an administrative assistant in a large office. He works Monday - Friday, 9:00 am through 5:00 pm, with a half hour off for unpaid lunch. He gets paid a weekly salary of \$580.00.

One Friday, Jason is asked to work late. The company is moving into bigger offices upstairs in the building, and the office manager asks for volunteers to stay late and box up everything to get it ready for the movers on Saturday. Jason works until 8:00pm. Is he entitled to overtime pay? If so, for how much time?

Audrey, the office manager, and Mr. Donaldson the general manager, also pitch in that evening and help get ready for the move. Does Audrey get overtime? Does Mr. Donaldson? Audrey makes a yearly salary of \$35,000. Mr. Donaldson makes \$100,000.

How many hours of overtime did each person work?

Jason's overtime: hours _____ + minutes _____

Audrey's overtime: hours _____ + minutes _____

Mr. Donaldson's overtime: hours _____ + minutes _____

How much overtime pay should each person get?

Jason's overtime rate: \$ _____ per hour Jason's overtime pay: \$ _____

Audrey's overtime rate: \$ _____ per hour Audrey's overtime pay: \$ _____

Mr. D's overtime rate: \$ _____ per hour Mr. D's overtime pay: \$ _____

Facilitator's Answer Sheet

Directions:

- First, figure out how much time the person worked over 40 hours.
- Convert the minutes into fractions of an hour (for example, 2 hours and 15 minutes is 2.25 hours).
- Find the overtime rate (1.5 times the hourly rate)
- Multiply overtime rate by the number of hours over 40 to get the overtime pay.

1. Dominique works the 11p.m. to 7 a.m. shift at the Sunset Valley Nursing Home. This means that she has to get to Sunset Valley by 10:45 in order to change into her uniform. And, before she leaves in the morning, she is expected to give a report to the person who comes in to take her place on the daytime shift. So Dominique does not actually get out of the nursing home until 7:30. If Dominique gets a half hour meal break each night, does she get any overtime?

Overtime: **1 hour + 15 minutes** (10:45 to 7:30 = 8 hours and 45 minutes. 8:45 less 30 min. break=8:15. 15 min/day = 1:15 per week.)

Dominique makes \$15.00 an hour. How much overtime pay should she get?

Overtime rate: **\$22.50** (15 + 7.5)per hour

Overtime pay: **\$28.13** (\$22.50 for one hour and \$5.63 for 1/4 hour)

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2. Tony is an assembly line worker at Acme Electronics in Chelsea. Acme also owns another plant in Brockton. The Brockton plant is short-handed, and the boss asks for volunteers to go and work a second shift there. To make it easier, he will shuttle the workers over to Brockton in the company van, and bring them back to Chelsea at the end of the shift. Tony volunteers for the overtime.

At the end of the week, instead of the big check Tony was expecting, with eight hours of overtime pay, he got two separate checks. One was his usual check, for his regular week at Chelsea. The other one was for eight hours --- straight time pay -- from the Brockton shop. When Tony complained, the boss told him that he did not earn any overtime pay because he had worked for two separate employers.

What do you think? Is the boss right, or should Tony get overtime pay? *Tony should get overtime pay for the time worked at Brockton PLUS the time spent going to and from Brockton in the company van.* If so, how much?

Overtime: *Assuming a 45 minute drive from Chelsea to Brockton, Tony should get **9 hours + 30 minutes** overtime*

Tony's regular pay rate is \$16.00/hour. How much overtime pay should Tony have received?

Overtime rate: **\$24.00** per hour

Overtime pay: **\$228.00**

3. Alda and Nora work in a home furnishings factory. Their regular shift is 8-4:30, (with 1/2 hour off for lunch) Monday - Friday. It is busy season, and the supervisor asks them both to come in on Saturday. They both work 8 hours on Saturday. However, Nora had taken a half day (4 hours) off on Wednesday to take her child to the hospital.
How many hours of overtime pay will each woman receive?

Alda's overtime: **8 hours + 0 minutes**
Nora's overtime: **4 hours + 0 minutes**

Alda and Nora are paid piece rate for the work they do. They get 35¢ for each piece they sew. An average worker can sew about 50 to 60 pieces in an hour. Alda is new on the job, and can just sew 40 pieces an hour, but by law must be paid minimum wage. Nora is an excellent worker, and sews an average of 70 pieces an hour. How much overtime pay does each woman get?

Alda's overtime rate: **\$22.50/hour** (\$15.00 + \$7.50) Alda's overtime pay: **\$180.00**
Alda's regular rate would be $40 \times 35¢ = \$14/\text{hour}$, but the minimum wage is \$15.00

Nora's overtime rate: **\$36.75/hour** (\$24.50 + \$12.25) Nora's overtime pay: **\$147.00**
Nora's regular rate is $70 \times 35¢ = \$24.50/\text{hour}$

4. Jason is an administrative assistant in a large office. He works Monday - Friday, 9:00 am through 5:00 pm, with a half hour off for unpaid lunch. He gets paid a weekly salary of \$580.00. One Friday, Jason is asked to work late. The company is moving into bigger offices upstairs in the building, and the office manager asks for volunteers to stay late and box up everything to get it ready for the movers on Saturday. Jason works until 8:00pm. Is he entitled to overtime pay? If so, for how much time?

Audrey, the office manager, and Mr. Donaldson the general manager, also pitch in that evening and help get ready for the move. Does Audrey get overtime? Does Mr. Donaldson? Audrey makes a yearly salary of \$35,000, and her regular work hours are 9-5. Mr. Donaldson makes \$100,000.

How much overtime did each person work?

Jason's overtime: **0 hours + 30 minutes** *Jason worked 3 hours more than usual, but his work week is only 37.5 hours. So he only gets 1/2 hour of overtime pay.*

Audrey's overtime: **0 hours + 30 minutes** *It is very likely that Audrey is also covered by the overtime law. We can't be sure without knowing how she actually spends her time. Since she works a fixed schedule, her overtime hours are computed the same as Jason's. (Salaried workers who work variable hours have their overtime computed differently, and it comes out less.).*

Mr. Donaldson's overtime: 0 hours + 0 minutes *Mr. Donaldson is exempt.*

How much overtime pay should each person get?

Jason's salary works out to \$15.47/hour

Jason's overtime rate: **\$23.20** per hour Jason's overtime pay: **\$11.60**

Audrey's salary converts into \$673.08/ week, or \$17.95/ hour (with a 37.5 hour workweek)

Audrey's overtime rate: **\$26.92** per hour Audrey's overtime pay: **\$13.46**

Mr. D's overtime rate: *N/A* per hour Mr. D's overtime pay: **\$0**

Flipcharts for MODULE 4: Overtime

Flipcharts for Welcome and Introduction

Agenda

- **Welcome/Introductions**
- **Overtime Questionnaire**
- **The Overtime Laws**
- **Figuring Out Overtime Pay**
- **Summary and Remedies**

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

Flipchart for Activity 1

Overtime Questionnaire	
<i>Which of these statements are true, and which are false?</i>	
1.) If I've worked my regular full shift, my boss cannot force me to work any more time that day.	True <input type="checkbox"/> False <input type="checkbox"/>
2.) If I work more than 8 hours in one day, I have the right to overtime pay.	True <input type="checkbox"/> False <input type="checkbox"/>
3.) If I work more than 40 hours in one week, I have the right to overtime pay.	True <input type="checkbox"/> False <input type="checkbox"/>
4.) A person who gets paid a yearly salary (not by the hour) does not get overtime pay.	True <input type="checkbox"/> False <input type="checkbox"/>

Flipchart with Answers for Activity 1

Overtime Questionnaire	
<i>Which of these statements are true, and which are false?</i>	
*1) If I've worked my regular full shift, my boss cannot force me to work any more time that day.	True *False ✓
6.) If I work more than 8 hours in one day, I have the right to overtime pay.	True False ✓
7.) If I work more than 40 hours in one week, I have the right to overtime pay.	True ✓ False
8.) A person who gets paid a yearly salary (not by the hour) does not get overtime pay.	True False ✓

* note exceptions to mandatory overtime

Flipchart for Activity 3

Overtime: Who Gets What?				
		time	rate	pay
1.	Dominique			
2.	Tony			
3.	<u>Alda</u> Nora			
4.	<u>Jason</u> <u>Audrey</u> Mr. D			

Flipchart with Answers for Activity 3

Overtime: Who Gets What?				
		time	rate	pay
1.	Dominique	1:15	\$22.50	\$28.13
2.	Tony	9:30	\$24.00	\$228
3.	<u>Alda</u>	8:00	\$22.50	\$180.00
	Nora	4:00	\$36.75	\$147.00
4.	<u>Jason</u>	30 min.	\$23.20	\$11.60
	<u>Audrey</u>	30 min	\$26.92	\$13.46
	Mr. D	0	0	0

Flipchart for Summary and Remedies

If your overtime rights have been violated

- File a complaint with the Massachusetts Attorney General's Fair Labor Division
 - Boston, 617-727-3465
 - New Bedford, 508-990-9700
 - Springfield, 413-784-1182
 - Worcester, 508-792-7600
- Online at www.mass.gov/how-to/file-a-workplace-complaint
- If you have a union, contact your union steward.