Overtime

Is my employer required to pay me overtime pay?

Perhaps. Generally, employees who are paid by the hour are entitled to overtime pay for hours worked in one week over 40 hours. You should be paid 1 ½ times your regular pay for any overtime hours worked. Week-end or holiday work does not necessarily require 1 ½ time pay. The 1 ½ time pay requirement is only for hours worked over 40 hours per week.

Generally, employees who are paid a salary without regard to the number of hours worked are not entitled to overtime payments.

Can I refuse to work more than 40 hours per week based upon the overtime requirement?

No. The law doesn’t say you can’t work more than 40 hours per week; it says that you must be paid 1 ½ time for all hours worked over 40 hours per week.

What if my employer refuses to pay me overtime or vacation pay?

You should file a complaint with the U.S. Department of Labor at 46 E. Ohio, Indianapolis, IN 46204, (317) 226-6783. If you are a union member, you should contact your union representative. You could also contact a private attorney to discuss suing your employer. If you do not know any private attorneys, you can contact your local county bar association to get the names of attorneys who handle labor and employment matters.

The Indiana Wage Claim Division usually does not handle overtime complaints (unless the employer is not engaged in interstate business and has less than $500,000 in business per year). Most overtime complaints will be handled by the U.S. Department of Labor.

You can get more information on overtime from the Federal Wage Information link to the right of this article.

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