



Mineral



Question of the Week

DECEMBER 28, 2022

QUESTION

Can an employee waive overtime pay with a signed letter?

ANSWER

No. An employee can't waive their right to overtime pay, even if they want to. The federal Fair Labor Standards Act (FLSA) prohibits the waiver of an employee's rights to overtime pay (and minimum wage) in nearly all circumstances. The only time an employee can be exempt from overtime is when they perform work that qualifies for an exemption under federal (and state) law and meets any other applicable tests or criteria for the exemption.

This Q&A does not constitute legal advice and does not address state or local law.