

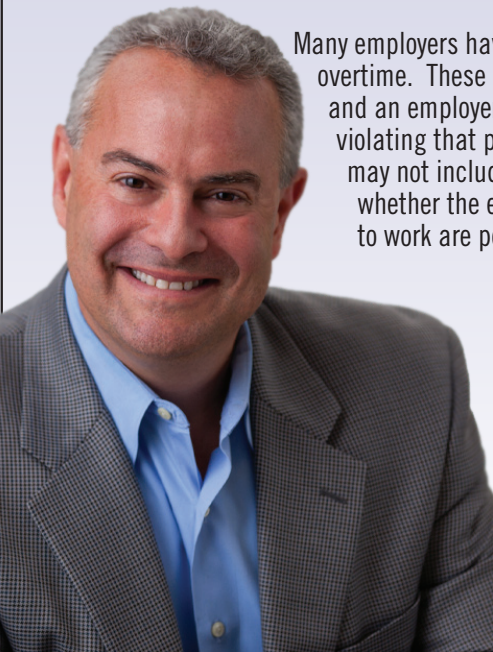
Q:

Do I have to pay an employee for overtime work that was not authorized?

A:

In general, yes. One of the recurring myths in employment law involves the mistaken belief that because an employer did not authorize the work, the employee does not have to be paid for that time. Under federal and most state laws, employers must pay employees for all hours “suffered or permitted” to be worked, regardless of whether the hours worked were pre-approved.

Many employers have policies that prohibit unauthorized overtime. These policies are generally permissible and an employer may discipline an employee for violating that policy. However, such discipline may not include withholding pay. Challenges to whether the employee was “suffered or permitted” to work are possible, but risky.



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