

## Overview of Section 7 of the FLSA

Section 7 of the Fair Labor Standards Act (FLSA) primarily addresses overtime pay requirements, mandating that covered, nonexempt employees receive at least one and one-half times their regular rate of pay for hours worked over 40 in a workweek. However, several subsections within Section 7 provide specific exemptions or alternative arrangements for overtime pay, including those for employees in retail and service establishments, public sector employees, and those in specific industries.

Here's a breakdown of key aspects of Section 7 related to overtime:

### 1. General Overtime Requirement (Section 7(a)):

- The core principle is that covered, nonexempt employees must be paid overtime at a rate of not less than one and one-half times their regular rate for hours worked exceeding 40 in a workweek.
- This applies to most private sector employees and some public sector employees.

### 2. Specific Overtime Exemptions and Arrangements:

- **Section 7(i):**

This section provides an overtime exemption for certain commissioned employees of retail or service establishments, if more than half of their earnings in a representative period come from commissions.

- **Section 7(j):**

Allows hospitals and residential care establishments to use a 14-day work period for overtime calculation instead of the standard 40-hour workweek.

- **Section 7(k):**

Provides a similar work period option, specifically for law enforcement and fire protection employees of state and local governments, with work periods ranging from 7 to 28 days.

- **Section 7(o):**

Grants state and local governments the option to offer compensatory time off (comp time) instead of overtime pay for hours worked beyond the standard 40 in a workweek.

- **Section 7(f):**  
Addresses agreements for guaranteeing pay to employees, while [Section 7\(g\)](#) discusses methods for computing overtime pay based on different pay structures (piece rates, hourly rates for multiple jobs).

### 3. Key Considerations:

- **Regular Rate:**  
Determining the "regular rate" is crucial for calculating overtime pay, especially for employees who are not paid a simple hourly rate.
- **Exempt vs. Non-exempt:**  
The FLSA distinguishes between employees who are exempt from overtime pay (due to their job duties and salary) and those who are non-exempt and entitled to overtime.
- **State and Local Laws:**  
Overtime regulations can be further clarified or supplemented by state and local laws, so it's essential to be aware of all applicable rules.

**Please note this is just an overview, the following link will direct you to a more detailed explanation of the law.**

[The Fair Labor Standards Act \(FLSA\): An Overview | Congress.gov | Library of Congress](#)