Overtime laws do not apply to some types of employees. Those employees are known as “exempt,” and will not receive overtime pay, even if they work more than their scheduled hours, more than eight hours a day, or more than forty hours a week.

Whether or not you can receive overtime pay usually depends on the kind of work you do. Employees who are exempt from (not covered by) overtime laws usually have a lot of responsibility within a company and have significant input into how that company is run. Some employees are exempt because they work in an industry where work hours are so irregular that calculating overtime would be impossible. You are not exempt just because your employer says you are exempt or because your employer gives you a certain title (for example, “assistant manager”), or pays you in a certain way.

Exemptions from overtime law generally fall into five major categories. All five are described below. You should read through each category to see if any describe the kind of work you do. The definitions of exempt employees are very complex, and you may not be certain if a particular category applies to your work. If you have further questions, you should contact the California Department of Industrial Relations/Division of Labor Standards Enforcement (“Labor Commissioner”) in your area for more information.

For further information about your employment rights, contact the Workers’ Rights Clinic.

Disclaimer

This Fact Sheet is intended to provide accurate, general information regarding legal rights relating to employment in California. Yet because laws and legal procedures are subject to frequent change and differing interpretations, the Legal Aid Society–Employment Law Center cannot ensure the information in this Fact Sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.