

# EMPLOYMENT LAW SUMMARY

## Arizona: Overtime Pay and Hours of Work



*Because You're Different*

The Fair Labor Standards Act (FLSA) regulates federal overtime and work hour requirements. Arizona law complements the FLSA and, in some instances, provides additional requirements that employers in the state must follow. Whenever federal and state laws differ, the law that benefits the employee the most will apply. The Arizona Labor Department (ALD), part of the Industrial Commission of Arizona (ICA), is responsible for enforcing state requirements.

### **OVERTIME WAGE LAWS**

Arizona law does not provide regulations for overtime wage payments. Therefore, employees who wish to enforce overtime wage payment requirements must do so through the federal protections afforded to them by the FLSA. The FLSA generally requires employers to pay their employees one and one-half times their regular wage rate for all hours worked in excess of 40 during a workweek. When determining an employee's regular wage rate, employers must consider the employee's total compensation, and not only his or her contractual rate of pay.

### **REGULAR WORK HOURS**

Arizona law regulates work hour requirements for certain employees in the mining, laundry, transportation and railroad industries. Otherwise, employees that wish to enforce general work-hour and rest-period provisions must do so under FLSA protections. The FLSA dictates that employees must be compensated for all hours of work. This includes any authorized rest periods of 20 minutes or less. Meal periods of at least 30 minutes are not compensable time if employees are completely relieved of all responsibilities during the entire meal period.

### **UNDERGROUND MINING EMPLOYEES**

Arizona law prohibits underground mining employees, including hoisting engineers, from working more than 12 hours in any 24-hour day. These employees' work time includes the time they spend descending to and ascending from their place of work. However, underground mining employees may work over the 12-hour limit if:

- An emergency exists and life or property is in imminent danger;
- Necessary during a shift change; or
- Authorized by a collective bargaining agreement.

These exceptions are available only if:

- The changes do not occur more frequently than once every two weeks; and
- The affected employees work more than 12 hours only on the day when the change takes place.

Employers that violate work-hour regulations for underground mining personnel may be charged with a class 2 misdemeanor, which is punishable by imprisonment for up to four months, a fine of up to \$750 or both. Violations include knowingly ordering, persuading or allowing any person to violate any part of these work-hour regulations. Each day on which a violation continues constitutes a separate offense.

## **LAUNDRY WORKERS**

Laundry workers are prohibited from working more than eight hours in a 24-hour period, except when necessary to:

- Repair machinery to prevent the interruption of the ordinary operations of their business;
- Accommodate for a shorter workday on another day of the week; or
- Compensate for time lost because of a machinery malfunction on a previous day during the same workweek.

Even when these exceptions apply, no laundry employee may be required to work more than 48 hours in a workweek. Employers that violate these restrictions may be charged with a petty offense, which is generally punishable by a fine of up to \$1,000.

## **TRANSPORT OF AGRICULTURAL COMMODITIES**

Drivers transporting agricultural commodities may be on duty for up to 16 hours in a 24-hour period, or 100 hours during a seven-day period. However, drivers may drive for up to 12 hours for 28 days if they are transporting:

- Special farm products from the field to cooling facilities; or
- Livestock from pasture to pasture.

The 28-day limitation in this exception may be a period of 28 consecutive days or two different periods, as long as the number of days in both periods does not total more than 28 days in a calendar year. The department of public safety may temporarily waive driving work-hour restrictions for the duration of an emergency that threatens to disrupt the orderly movement of farm products during harvest. Labor disputes and strikes are not considered emergencies in this context.

## **RAILROAD EMPLOYEES**

Railroad employers that operate within Arizona (even if only in part) may not require their employees to work more than 16 consecutive hours. If an employee does work 16 consecutive hours, he or she may not be required to work again until after having at least nine hours of rest. Employers that violate these restrictions may be charged with a petty offense, which is generally punishable by a fine of up to \$1,000.

## **MORE INFORMATION**

Contact Heffernan Insurance Brokers for more information on wage payment laws in Arizona.

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