

EMPLOYMENT LAW SUMMARY

Georgia: Wage and Hour Laws



Because You're Different

The Fair Labor Standards Act (FLSA) regulates minimum wage, overtime pay and work hour requirements for most employees. The current federal minimum wage rate is \$7.25 per hour for nonexempt employees. The Georgia Minimum Wage Law (GMWL) supplements federal regulations and, in some instances, provides more stringent requirements that employers must follow. The [Georgia Department of Labor](#) (GDOL) directs individuals to address their wage and hour concerns to the [United States Department of Labor](#) (DOL).

Minimum Wage Rate

The Georgia minimum wage rate is \$5.15 per hour, and applies to employees only to employees exempt from the federal minimum wage rate. For this reason, most employees in Georgia are subject to the federal minimum wage rate of \$7.25 per hour. For a description of FLSA exceptions, please contact Heffernan Insurance Brokers. However, the GMWL also provides exceptions for certain employees. Employees who are subject to a GMWL exception are exempt from both federal and state regulations. These employees include:

- Domestic employees;
- Employees working for an organization having five or fewer employees;
- Employees working for an organization with annual sales of \$40,000 or less;
- Farm owners, sharecroppers and land renters;
- High school and college students;
- Employees of nonprofit child-care institutions or long-term care facilities serving children or mentally disabled adults, so long as the employee:
 - Lives in the facility;
 - Receives free board and lodging from the facility; and
 - Is compensated on a cash basis at an annual rate of at least \$10,000;
- Newspaper carriers; and
- Tipped employees.

At an employer's request, the GDOL can grant additional exceptions to the minimum wage rate. Approval for additional exceptions will be granted only after careful consideration and investigation of the circumstances regarding the petition.

Regular Work Hours and Overtime Pay

Overtime pay in Georgia follows FLSA regulations. In general, employees are entitled to receive one and one-half times their regular wage rate for work performed during overtime hours.

Georgia has also adopted FLSA regulations on work hours. The FLSA uses the 40-hour workweek (seven consecutive calendar days) as the basis to calculate overtime pay. The hours an employee works during one workweek may not offset the hours worked in previous or future workweeks.

The FLSA allows some limited exemptions for the 40-hour workweek.

Lactation Breaks

State law requires employers to provide employees with a paid break period of reasonable duration to express breast milk. The break must be provided at the employee's worksite and during work hours. Employees must be able to express breast milk in a location that provides privacy, other than a restroom.

The break period must be compensated at the employee's regular rate of compensation. Employers cannot require salaried employees to use paid leave to offset these breaks nor reduce salaried employees' compensation for using these breaks.

However, private employers with 49 or fewer employees are exempt from this lactation break requirement if providing these breaks would impose an undue hardship. An undue hardship is one that causes significant difficulty or expense in relation to the employer's size, financial resources or the nature and structure of the employer's business.

Employers are not required to provide these breaks to employees on any day that the employees are working away from the employer's worksite.

Work Hours in the Cotton and Wool Industries

Georgia prohibits individuals working in the production of cotton and wool to work more than 10 hours per day, or 60 hours per week. This regulation does not extend to engineers, firefighters, watchmen, mechanics, teamsters, yard employees, clerical force and other help necessary to maintain a clean and functional production process. Another exception enables affected employees to work hours over the 60-hour limit to make up to 10 days of lost time caused by accidents and other unavoidable circumstances.

An individual may not avoid these prohibitions through contract or agreement. Any employer that violates the maximum hour prohibition for employees in the cotton and wool industries may be required to pay a fine of up to \$500 for each violation.

Total Wages

An employee's wages include all remuneration for his or her services, including commissions and bonuses. An employee's wages do not include, among other things, premiums paid by the employer for or on behalf of the employee for unemployment, workers' compensation and other types of insurance, as well as sums the employee receives for retirement, sickness, disability and other employment benefits.

Penalties

An employee may file a civil lawsuit against an employer that pays wages below the required minimum wage rate. The employee may claim the difference between the amount of wages he or she should have received and the amount of wages actually received. If the employee prevails, a judge may order the employer to pay a fee equal to the amount of the claim, court costs and reasonable attorney fees.

More Information

Contact Heffernan Insurance Brokers for more information on wage payment and work hour laws in Georgia.

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