

# Can we refuse to pay employees who work unauthorized overtime hours?

**Q. Our policy prohibits employees from working overtime without specific written authorization from their supervisor. Our policy manual provides that employees will not be compensated for overtime hours worked unless they comply with this policy. Can we legally refuse to pay our employees for unauthorized overtime?**

**A.** The Fair Labor Standards Act (FLSA) requires employers to pay nonexempt employees at least minimum wage for all hours worked, and time and a half for all hours worked over 40. There is no exception to this requirement.

Therefore, refusing to pay employees for unauthorized overtime is in direct violation of the FLSA.

A better practice is to discipline employees who work unauthorized overtime in accordance with the company's disciplinary policy.