**Unpaid Wage and Overtime Law**

The FLSA (Fair Labor Standards Act) is the Federal law, sometimes called the overtime law, insures that wages are paid for all hours worked and that all overtime hours, overtime pay and collected unpaid overtime due is paid to wage earners. In many instances, overtime pay will go unpaid for a variety of reasons. Each overtime pay and unpaid overtime case is different and these facts will affect the way the overtime laws are applied.

Certain employees are exempt from the FLSA. An exempt employee is one that is not able to receive overtime pay for hours worked over 40 hours per week. In general, most exempt employees are salaried and fit into the following three categories: administrative, executive and professional.

Administrative employees are generally exempt from overtime pay when their primary duty involves office work directly related to management policies or general business operations of it they are performing work in educational administration in which work is directly related to academic instruction. There are instances where the employer has misclassified an employee as an administrative employee. If you have been misclassified you may be eligible for overtime pay.

Executive employees are generally exempt. If an employee regularly directs the work of two or more other employees, management is their primary duty, has the authority to hire and fire and is paid on a salary basis, then the employee is considered an executive employee.

Professional employees are generally exempt from overtime pay. If the employee’s primary work duty requires advanced knowledge for which extensive education is required, the use of creativity and originality is required when dealing in an artistic field, teaching in an academic institution, or specialized knowledge in computer systems analysis and programming; the employee is a professional.

Employers do mischaracterize employees as exempt employees. Employers also identify certain workers as independent contractors when in reality they are employees. An independent contractor is exempt under the overtime laws. An independent contractor is a person whose work arrangement with a company meet the definition of independent contractor under the law. Generally, people who can works for more than one company and who control their work in almost all respects will be considered independent contractors. If a company exercises too much control over how a person performs their job (including setting prices and heavily restricting or eliminating decision-making authority, then the person will probably be classified as an "employee" who would be entitled to overtime.

If you do not follow within these exemptions and are not being paid overtime, then your employer may be in violation of the law. In Connecticut, employers must comply with the Fair Labor Standards Act and Connecticut state law. In Connecticut, non-exempt employees must receive overtime pay for hours worked in excess of 40 in a workweek at a rate not less than time and one-half their regular rate of pay.

A two year statute of limitations applies to unpaid overtime and wage claims under Connecticut law. Under Federal law, the statute of limitation is two years with one important exception. If the employer recklessly disregarded or willfully violated the law, the statute of limitations is three years. Attorneys’ fees and court costs are recoverable when successfully proving an unpaid overtime or wage legal claim. Liquidated damages (the doubling of the improperly unpaid wages) are also available unless the employer can prove that it had a good faith belief that it was following the law and that it had reasonable grounds for believing it was complying.

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