

No limit to hours in workweek, but 'exempt' status can be changed



I've learned there is no limit to the amount of unpaid overtime that bosses can force exempt employees to work. Does that include days off?

Some exempt employees at my job are expected to work 12- or 14-hour days and come in on their days off. The job description states the workweek is "40 to 50 hours per week; overtime as needed." Doesn't this mean that, on average, a workweek shouldn't exceed 50 hours? Also, they don't let us keep copies of our job descriptions. Is that legal? Thanks for any insight.

It is true that under the Fair Labor Standards Act, there is no limit to the number of hours an exempt employee can be asked to work in a week. That includes weekends and holidays. There is no extra pay due to an exempt employee who works during that time. Even for

non-exempt, or hourly, employees, no extra pay is due for weekend work, unless the work is over 40 hours so that it would qualify as overtime.

A general description of the estimated hours of work per week will not establish a legally binding promise that an exempt employee will not work more than that number of hours.

However, one of the hallmarks of an exempt employee is that he is primarily responsible for determining how and when work is done, to accomplish his duties. If an employer mandates set weekend or holiday hours too frequently, there is a risk that the "exempt" status job could be lost.

With respect to job descriptions, employees should be entitled to review them – but the employer has the right to change the description to meet organizational needs and so is not legally obligated to always have accurate job descriptions.

Of course, you would want to retain a copy if it will be used to assess your performance. If you find the description is not updated to reflect your actual job duties, let your employer know what the inaccuracies are so that both you and your manager can be on the same page when it comes time for performance reviews.

— Compiled by Georgann Yara