**Ask an HR Advisor: Can an Employer Mandate Overtime?**

**Q:** Can overtime be mandated by the employer?

**A:** This question comes up frequently from members.  When mandatory overtime hours are announced, there is sometimes pushback from employees.  Some employees are so vocal in their protest of mandatory overtime they will come to HR and question the “legality” of it.    The Department of Labor is quite clear on this issue, and the answer is “yes” employers can make overtime work mandatory.

The North Carolina Department of Labor website states the following:

*The decision to work employees in eight-hour shifts, 12-hour shifts, 16-hour shifts, etc., is entirely up to the employer. The decision to call an employee back in to work on a scheduled day off is entirely up to the employer. An employer can make the working on a scheduled day off or working a full shift as a condition of employment regardless of an employee’s start-time or end-time. An employer can make the working of overtime hours as a condition of employment. Since an employer can make the working of overtime mandatory, the employer can terminate an employee if the employee refuses to work overtime regardless of how many hours the employee has already worked that day or workweek. The employer does not have to give its employees any advanced notice of having to work extra hours. An employer can inform its employees that they have to work overtime at the last minute. The employer does not have to take into consideration how the work schedule will affect an employee’s personal life.*

And again, “yes,” employers can mandate overtime and discipline employees who do not comply.  Keep in mind though, employees are a company’s greatest resource, so from an employee relations standpoint allow some flexibility in the event an employee has a bona fide reason for not being able to work the overtime hours.

For more information on wage and hour regulations, contact Catapult’s Advice Team at 919-878-9222..

Written by a Catapult Advisor