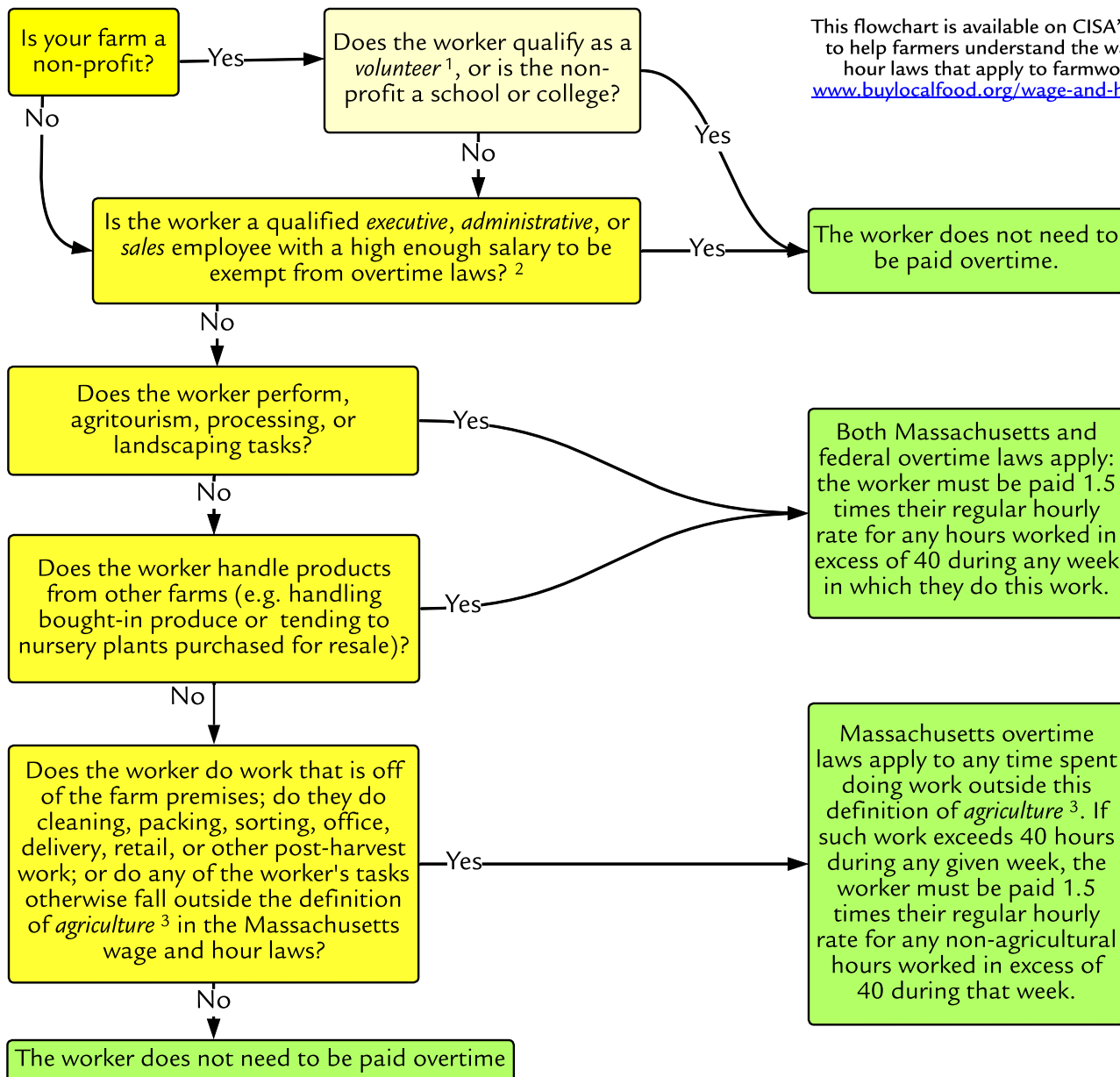


## Figure 2. When does overtime pay apply to farm workers?



<sup>1</sup> A *volunteer* is one who donates their services, usually part-time, to a non-profit organization for public service, religious, or humanitarian objectives, not as an employee and without contemplation of pay.

<sup>2</sup> For this exemption, a worker's salary must be at least \$844 per week starting on 7/1/24, or at least \$1,128 per week starting on 1/1/25. Their duties must qualify as one of the following:

- *Executive*: A qualified executive employee's primary duty is to manage a farm enterprise or subdivision of the enterprise, they direct the work of at least two employees in that enterprise, and they have significant authority to hire and fire employees.
- *Administrative*: A qualified administrative employee's primary duty is office or non-manual work directly related to farm management or business operations, and the job requires them to exercise discretion and independent judgment with respect to matters of significance.
- *Sales*: A qualified sales employee's primary duty is making sales, and they customarily and regularly engage in work away from their employer's place of business.

<sup>3</sup> MA wage and hour laws define *agriculture* as "labor on a farm and the growing and harvesting of agricultural, floricultural, and horticultural commodities." For more information, see [www.buylocalfood.org/what-is-considered-farm-work](http://www.buylocalfood.org/what-is-considered-farm-work).

This material is based upon work supported by USDA/NIFA under Award Number 2016-70017-25423. This chart is designed to help farmers ensure that they are adhering to applicable laws, but it is not a legal document and is not exhaustive. The chart was last updated June 2024.



United States  
Department of  
Agriculture

National Institute  
of Food and  
Agriculture