

# Changes in the Ag Overtime Law

Here are highlights of changes coming to overtime eligibility with the passage of ESSB 5172 and what it means for agricultural workers and agricultural employers.

**The law takes effect July 25, 2021.**

## Key elements



- **IMMEDIATE:** Entitles dairy workers to overtime for hours worked over 40 per week when the law goes into effect.
- **JAN. 1, 2022:** Phases in overtime eligibility for all agricultural workers.
- **NO RETROACTIVITY:** Prohibits agricultural and dairy employees from seeking retroactive overtime payments for overtime worked prior to the law going into effect.

## Overtime phase-in schedule



- Phases in when agricultural workers will be eligible to earn overtime.
- Incrementally reduces the number of hours agricultural employees need to work per week before they are entitled to overtime:

Beginning	Overtime Threshold
Jan. 1, 2022	55 hours
Jan. 1, 2023	48 hours
Jan. 1, 2024	40 hours

- The agricultural overtime exemption is removed from the Minimum Wage Act in 2022.

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Washington State Department of  
**Labor & Industries**