

# Changes in the Ag Overtime Law

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

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

## Key elements



- **ALREADY IN EFFECT:** Dairy workers are entitled to overtime for hours worked over 40 in a workweek.
- **JAN. 1, 2022:** Phases in overtime eligibility for all agricultural workers.
- **RETROACTIVITY:** Under ESSB 5172, dairy workers cannot file claims for overtime hours worked prior to Nov. 5, 2020. However, dairy workers can do so if they feel they earned overtime pay after Nov. 5, 2020, but did not receive it.

## 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 workweek 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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