

**WAGE & HOUR REFERENCE GUIDE  
FOR  
COTTON GIN CREW DURING THE  
ACTIVE SEASON  
2009-2010**

Cotton gins and ginning related employers are allowed by law to pay overtime to employees for hours worked in excess of 48 hours in a week period. Listed below is information pertaining to this exemption and examples which provide typical payroll situations in cotton gins.

**Manager and/or Executive Employee**

Description of Duties: Manager has active managerial control of the gin, including right to hire, fire or make recommendations for such action to be taken; customarily directs two or more employees; and exercises discretionary powers in management.

**Field Man**

Description of Duties: Field man has authority to buy crops, make loans or advances, enter into binding contracts for services, contacts customers, solicits business, assists farmers to obtain materials and services necessary to foster good customer relations.

**Employee Engaged in Ginning  
(Ginner, Ginner Helper, Suction Hands, Press Hands,  
Yard Hands, Clean Up Hands, and any Others Directly  
Engaged in the Ginning of Cotton)**

Description of Duties: These are individuals who are engaged exclusively in the ginning operations and who work solely in and around the gin plant and are necessary to the operation of the gin plant. Includes employees who remove bales from the press to holding areas on or near the gin premises. Includes employees who make gin repairs as part of their regular duties during the active season.

**Weigher or Scale Clerk**

Description of Duties: Operates scales and records weight of seed cotton and writes in any information on the gin ticket which properly identifies the cotton being ginned.

**Wage Information**

Manager, executive employee, and field man are exempt from the regulation if person is paid at least \$455 per week or \$1,971.67 per month, and provided they meet the tests to be claimed as exempt from overtime regulations.

All individuals listed above are to be paid a minimum wage rate of \$7.25 per hour and must be paid time and one-half their regular rate for hours worked in excess of 10 hours in any workday and in

## Wage Information - Continued

excess of 48 hours in any workweek. Daily overtime or weekly overtime is to be paid, whichever is greater, if the worker exceeds 40 hours in the workweek. Exempt workweeks apply to all employees and the exemption cannot apply to individual employees (cannot claim exemption for only part of employee group).

This exemption for these employees listed above may be claimed by the employer for 14 weeks during any consecutive 52 week period. The 14 exemption weeks do not have to be claimed consecutively. Employer may declare the workweek as an exempt week at any time preceding the writing and dispensing of the work payroll. Employer must designate exempt weeks in their payroll records.

## Dormant Season Information

After 14 weeks of the exemption are used in any consecutive 52 week period and in the dormant season, employees must be paid time and one-half their regular rate for all hours worked in excess of 40 hours in any workweek.

## Example Payroll Exemption Calculations

- #1 Employee works  $12+12+12=36$  total hours; no overtime is due in this scenario.
- #2 Employee works  $12+12+12+5=41$  total hours; 6 hours of daily overtime pay is due in this scenario.
- #3 Employee works  $10+10+10+10+5=45$  total hours; no overtime is due in this scenario.
- #4 Employee works  $12+12+12+12=48$  total hours; 8 hours of daily overtime pay is due in this scenario.
- #5 Employee works  $10+10+10+10+8=48$  total hours; no overtime is due in this scenario.
- #6 Employee works  $12+12+12+12+12+12+12=84$  total hours; 36 hours of weekly overtime pay is due in this scenario.

Daily overtime or weekly overtime is to be paid, whichever is greater, if the worker exceeds 40 hours in the workweek (i.e., employee must work more than 40 hours in the workweek to qualify for overtime, regardless of hours worked in any single day) works more than 10 hours in any workday, and more than 48 hours in any workweek.

**Reference:** The Fair Labor Standards Act of 1938 as Amended, Section 13(i)

**WAGE & HOUR REFERENCE GUIDE FOR  
BOOKKEEPERS, TRUCK DRIVERS, AND EMPLOYEES  
OTHER THAN THE GIN CREW DURING THE  
ACTIVE SEASON  
2009-2010**

Cotton gins and ginning related employers are allowed by law to pay overtime to employees for hours worked in excess of 48 hours in a week period. Listed below is information pertaining to this exemption and examples which provide typical payroll situations in cotton gins.

**Truck Drivers**

Description of Duties: Must be 18 years of age or older. Duty is to operate a truck, or whose sole duty is to assist in the trucking operation where seed cotton is hauled from the place of harvest to the gin or where cotton, cottonseed, or gin trash is hauled away from the gin premise.

**Office Person, Combination Bookkeeper,  
and Scale Clerk**

Description of Duties: Operates scales, records weights, keeps all accounts, makes gin tickets and other transactions necessary for gin operations.

**Bookkeeper**

Description of Duties: Keeps record of cotton ginned, weights, maintains customer accounts, records sales, purchases, and other bookkeeping transactions normally required for the operation of a gin.

**Maintenance or Repair Person**

Description of Duties: Is employed specifically for maintenance and repair of the gin during active gin season.

**Watchman or Security Guard**

Description of Duties: Remains on duty at the gin plant to prevent fire, theft, and vandalism. As long as this person is required or permitted to be present this person must be paid regardless of whether he or she is allowed to sleep or leave the premises during the period of duty.

**Wage Information**

All individuals listed above are to be paid a minimum wage rate of \$7.25 per hour and must be paid time and one-half their regular rate for hours worked in excess of 10 hours in any workday and in excess of 48 hours in any workweek. Daily overtime or weekly overtime is to be paid, whichever is

## Wage Information - Continued

greater, if the worker exceeds 40 hours in the workweek. Exempt workweeks apply to all employees and the exemption cannot apply to individual employees (cannot claim exemption for only part of employee group).

This exemption for these employees listed above may be claimed by the employer for 14 weeks during any calendar year. The 14 exemption weeks do not have to be claimed consecutively. Employer may declare the workweek as an exempt week at any time preceding the writing and dispensing of the work payroll. Employer must designate exempt weeks in their payroll records.

After 14 weeks of the exemption are used in any calendar year and in the dormant season, employees must be paid time and one-half their regular rate for all hours worked in excess of 40 hours in any workweek.

### Example Payroll Exemption Calculations

- #1 Employee works  $12+12+12=36$  total hours; no overtime is due in this scenario.
- #2 Employee works  $12+12+12+5=41$  total hours; 6 hours of daily overtime pay is due in this scenario.
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- #4 Employee works  $12+12+12+12=48$  total hours; 8 hours of daily overtime pay is due in this scenario.
- #5 Employee works  $10+10+10+10+8=48$  total hours; no overtime is due in this scenario.
- #6 Employee works  $12+12+12+12+12+12+12=84$  total hours; 36 hours of weekly overtime pay is due in this scenario.

Daily overtime or weekly overtime is to be paid, whichever is greater, if the worker exceeds 40 hours in the workweek (i.e., employee must work more than 40 hours in the workweek to qualify for overtime, regardless of hours worked in any single day) works more than 10 hours in any workday, and more than 48 hours in any workweek.

**Reference:** The Fair Labor Standards Act of 1938 as Amended, Section 13(h)