

State	Movie Theater Employees Exempt?	Relevant Provisions
Alabama	Yes	<i>No state overtime provisions; FLSA applies.</i>
Alaska	No	<p>AS 23.10.060 Time and a half after 8 hours per day Time and a half after 40 hours per week. Employment overtime laws apply to employers of 4 or more employees Voluntary flexible work hour plan of 10-hour day, 40-hour week, with premium pay after 10 hours is permitted.</p> <p>AS 23.10.055 (a)(11) Wage and Hour Act regulations do not apply to "an individual under 18 years of age employed on a part-time basis not more than 30 hours in a week."</p>
Arizona	Yes	<i>No state overtime provisions; FLSA applies.</i>
Arkansas	No	<p>Ark. Code Ann. § 11-4-211(d) Only select FLSA exemptions (29 U.S.C. 213(b)(1)-(24) and (b)(28)-(30)) are allowed. Movie Theatres are not included in this list (213(b)(27)).</p> <p>(a) Except as otherwise provided in this section and 11-4-210 and 11-4-212, no employer shall employ any of his or her employees for a work week longer than forty (40) hours unless the employee receives compensation for his or her employment in excess of the hours above specified at a rate not less than one and one-half (1 1/2) times the regular rate of pay at which he or she is employed.</p> <p>(d) This section shall not apply to any employee exempt from the overtime requirements of the federal Fair Labor Standards Act pursuant to the provisions of 29 U.S.C. 213(b)(1)-(24) and (b)(28)-(30), as they existed on March 1, 2006.</p>
California	No, but projectionists are exempted.	<p>Cal. Lab. Code §§ 510 Time and a half after 8 hours per day. Double time after 12 hours per day. Time and a half after 40 hours per week. On 7th consecutive day: Time and a half for the first 8 hours; after 8 hours, double time.</p> <p>8 CCR 11100 (3)(G) Employees whose duties are exclusively those of a motion picture projectionist are exempted from overtime laws as listed in 8 CCR 11100(3).</p>
Colorado	No	<p>Colorado Minimum Wage Order Number 32 7 CCR 1103-1(4), (22) Applies to retail and service, including amusement and recreation. Time and a half for: (1) 40 hours per workweek; (2) 12 hours per workday, or (3) 12 consecutive hours</p>

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		without regard to the starting and ending time of the workday (excluding duty free meal periods), whichever calculation results in the greater payment of wages. Whenever employers are subjected to both federal and Colorado law, the law providing greater protection or setting the higher standard shall apply. See also Colorado Advisory Bulletin: Overtime Pay. https://www.colorado.gov/pacific/sites/default/files/Advisory%20Bulletins.pdf
Connecticut	No	Conn. Gen. Stat. Ann. § 31-76c; Conn. Agencies Regs. § 31-62-E1(c) Time and a half after 40 hours per week Premium pay on weekends, holidays, or 6th or 7th consecutive day.
Delaware	Yes	<i>No state overtime provisions; FLSA applies.</i>
District of Columbia	No	D.C. Code Ann. § 32-1003(c) Time and a half after 40 hours per week. D.C. Mun. Regs. tit. 7, § 906 In addition to the wages required by this Chapter, the employer shall pay the employee for one additional hour at the minimum wage for each day during which the employee works a split shift.
Florida	Yes	<i>No state overtime provisions; FLSA applies.</i>
Georgia	Yes	<i>No state overtime provisions; FLSA applies.</i>
Hawaii	No. Employees subject to the FLSA exemptions must be paid overtime but at a different rate.	Haw. Rev. Stat. § 387-3 Time and a half after 40 hours per week. Doesn't apply to employees earning guaranteed compensation of \$2,000 or more per month. Split shifts are barred unless all of the shifts within a period of twenty-four hours fall within a period of fourteen consecutive hours (except in the case of extraordinary emergency). Individuals working in any position where the employer is be required to pay minimum wage/overtime under the FLSA are exempt, <i>except</i> that if the minimum wage and overtime requirements of the FLSA are lower than those set by Hawaii law, the Hawaii minimum wage and overtime rates apply. Haw. Rev. Stat. § 387-1(12) For purposes of the statute "employees" do not include individuals employed "In any capacity if by reason of the employee's employment in such capacity and during the term thereof the . . . maximum hours which the employee may work during any workweek without the payment of overtime, are prescribed by the federal Fair Labor Standards Act of 1938." However, the exemption does not apply "if the maximum workweek established for the employee under the Fair Labor Standards Act for the purposes of overtime compensation is higher than the maximum workweek established under section 387-3, then section 387-3 shall apply in respect to such employee for such workweek; except that the employee's regular rate in such an event shall be the employee's regular rate as determined under the Fair Labor Standards Act. " Thus, the overtime calculation will be based on the minimum wage amount rather than the employee's actual base pay.

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Idaho	Yes	<i>No state overtime provisions; FLSA applies.</i>
Illinois	No	820 Ill. Comp. Stat. § 105/4a(1) Time and a half after 40 hours per week.
Indiana	Yes	Ind. Code Ann. § 22-2-2-4(v) Exempts “an employee of a motion picture theater” from overtime.
Iowa	Yes	<i>No state overtime provisions; FLSA applies.</i>
Kansas	Yes. Employers subject to the FLSA are not covered by the act.	Kan. Stat. Ann. § 44-1202(d) Employers “subject to the provisions of the fair labor standards act” are exempted from the Act. See also <i>Brown v. Ford Storage & Moving Co.</i> , 43 Kan. App. 2d 304: “Under K.S.A. 44-1204(a), only “employers” are required to pay overtime. The definition of “employer” in the [KS statute] excludes those employers “subject to” the FLSA. K.S.A. 44-1202(d). Because Ford and Nebraska are subject to FLSA regulation, they are not “employers” as that term is used in the [KS statute]. Because they are not “employers” under the [KS statute], they owe their employees, including Brown, no duty to pay Kansas overtime wages under the plain language of K.S.A. 44-1204(a).”
Kentucky	No	Ky. Rev. Stat. Ann. §§ 337.050, 337.285 Time and a half after 40 hours per week Time and a half for the seventh consecutive workday Ky. Rev. Stat. Ann. § 337.285(2)(c) Only select FLSA exemptions (213(b)(1), 213(b)(6), 213(b)(10), and 213(b)(17) are allowed. Movie Theatres are not included in this list (213(b)(27)).
Louisiana	Yes	<i>No state overtime provisions; FLSA applies.</i>
Maine	No	Me. Rev. Stat. Ann. tit. 26, § 664(3) Time and a half after 40 hours per week
Maryland	No. However, Drive-In Theatre Employees are Exempt.	Md. Code Ann., Lab. & Empl. § 3-420 (c)(2) Time and a half after 40 hours per week Md. Labor and Employment Code Ann. § 3-403(a)(7) Individuals employed in a drive-in theatres are exempt.
Massachusetts	No	Mass. Gen. Laws ch. 151, § 1A(1) Time and a half after 40 hours per week.
Michigan	Yes. Employers who would be covered by the FLSA are exempted from the	Mich. Comp. Laws §§ 408.420 Employers who are only subject to Michigan law by virtue of the higher state minimum wage are exempted from the overtime provisions of Michigan’s law.

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	overtime provisions of the law.	<p>Sec. 10. (1) This act does not apply to an employer that is subject to the minimum wage provisions of the fair labor standards act of 1938, 29 USC 201 to 219, unless those federal minimum wage provisions would result in a lower minimum hourly wage than provided in this act. Each of the following exceptions applies to an employer who is subject to this act only by application of this subsection:</p> <p>(a) Section 4a [overtime] does not apply.</p> <p>(b) This act does not apply to an employee who is exempt from the minimum wage requirements of the fair labor standards act of 1938, 29 USC 201 to 219.</p>
Minnesota	No	<p>Minn. Stat. Ann. § 177.25 Time and a half after 48 hours per week.</p>
Mississippi	Yes	<i>No state overtime provisions; FLSA applies.</i>
Missouri	Yes. Incorporates FLSA exemptions.	<p>Mo. Rev. Stat. §§ 290.505(3) Employment subject to the FLSA is excluded.</p>
Montana	No	<p>Mont. Code Ann. §§ 39-3-405 Time and a half after 40 hours per week.</p>
Nebraska	Yes	<i>No state overtime provisions; FLSA applies.</i>
Nevada	No	<p>Nev. Rev. Stat. Ann. § 608.018; (3)(d) Time and a half after 40 hours per week/8 hours per day. Businesses with a gross annual sales volume of less than \$250,000 are excluded. Employer and employee may agree to flextime schedule of four 10-hour days.</p>
New Hampshire	Yes. Incorporates FLSA exemptions.	<p>N.H. Rev. Stat. Ann. § 279:21(VIII)(b) Employment subject to the FLSA is excluded.</p>
New Jersey	No	<p>N.J. Stat. Ann. §§ 34:11-56a(4) Time and a half after 40 hours per week. Does not apply to minors (unless they have a special vocational school permit).</p>
New Mexico	No	<p>N.M. Stat. Ann. § 50-4-22(D) Time and a half after 40 hours per week.</p>
New York	No. Employees subject to the FLSA exemptions must be paid overtime but at a different rate.	<p>12 NYCRR § 142-2.2</p> <p>Employees who are exempt from overtime under the FLSA must still be paid overtime but at a rate of one and one-half times the basic minimum hourly rate (the NY minimum wage), rather than 1.5 times the employee's base rate (the employee's hourly pay, which could be above minimum wage).</p> <p>An employer shall pay an employee for overtime at a wage rate of one and one-half times the employee's</p>

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		<p>regular rate in the manner and methods provided in and subject to the exemptions of sections 7 and 13 of 29 U.S.C. 201 et seq., the Fair Labor Standards Act of 1938, as amended, provided, however that the exemptions set forth in sections 13(a)(2) and (4) shall not apply. In addition, an employer shall pay employees subject to the exemptions of section 13 of the Fair Labor Standards Act, as amended, except employees subject to sections 13(a)(2) and (4) of such Act, overtime at a wage rate of one and one-half times the basic minimum hourly rate."</p> <p>For guidance see: https://labor.ny.gov/legal/counsel/pdf/overtime-frequently-asked-questions.pdf ("Some occupations are exempt from overtime under the federal FLSA, but are still entitled to overtime under the New York State Labor Law. While these occupations must be paid overtime, New York State Labor Law requires an overtime rate of 1½ times the state minimum wage for their overtime hours, regardless of the amount of their regular rate of pay.")</p>
North Carolina	No	<p>N.C. Gen. Stat. §§ 95-25.4 Time and a half after 40 hours per week.</p> <p>N.C. Gen. Stat. §§ 95-25.14 Although it appears at first that employers subject to the FLSA are exempt, this applies to limited listed exemptions, or FLSA exemptions that come with an alternate method of computing overtime. See question 8 on page 14 here: http://www.nclabor.com/wh/fact%20sheets/refguide.pdf</p> <p>8. I work for a movie theater here in North Carolina that is a nationwide company. My supervisor told me that they did not have to pay me overtime pay since they are under the federal labor laws, which exempts employees of movie theaters from overtime. Is this true? No. While your supervisor is correct that employees of movie theaters are exempt from the requirements of overtime pay under federal labor law, he is not aware of the requirements of the state of North Carolina labor law. The movie theater you work for is also under the North Carolina Wage and Hour Act since it does business in North Carolina. The North Carolina Wage and Hour Act does not exempt employees of movie theaters from the requirements of overtime pay. This is one of those rare instances where the state overtime requirements take precedence over the federal overtime requirements as the federal law in this instance does not preempt state law. Therefore, the movie theater you work for here in North Carolina must pay you time and a half overtime pay based on your regular rate of pay for all hours worked in excess of 40 in a workweek as required by the North Carolina Wage and Hour Act.</p>
North Dakota	No	<p>N.D. Admin. Code § 46-02-07-02(4) Time and a half after 40 hours per week.</p>
Ohio	Yes. Incorporates FLSA exemptions.	<p>Ohio Rev. Code Ann. § 4111.03 An employer shall pay an employee for overtime . . . in the manner and methods provided in and subject to the exemptions of section 7 and section 13 of the "Fair Labor Standards Act of 1938."</p>

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Oklahoma	Yes	<i>No state overtime provisions; FLSA applies.</i>
Oregon	Yes. Incorporates FLSA exemptions.	Or. Rev. Stat. §§ 653.261, 653.265 authorize overtime regulations, but without clear guidance. However, Oregon Administrative Rule 839-020-0125(3)(n) incorporates FLSA exceptions to overtime, including “Any employee employed by an establishment which is a motion picture theater.”
Pennsylvania	Yes	43P.S. § 333.105 (b)(6) exempts “Employment by an establishment which is a motion picture theatre” from overtime.
Rhode Island	No	R.I. Gen. Laws §§ 28-12-4.1 Time and a half after 40 hours per week. Time and a half for Sunday and holiday work is required for most retail businesses (these hours are not included in calculating weekly overtime).
South Carolina	Yes	<i>No state overtime provisions; FLSA applies.</i>
South Dakota	Yes	<i>No state overtime provisions; FLSA applies.</i>
Tennessee	Yes	<i>No state overtime provisions; FLSA applies.</i>
Texas	Yes	<i>No state overtime provisions; FLSA applies.</i>
Utah	Yes	<i>No state overtime provisions; FLSA applies.</i>
Vermont	Probably	Vt. Stat. Ann. tit. 21, §§ 382, 384(b); Vt. Code R. 24 090 001 Excludes “retail and service businesses if 75% of annual sales not for resale.” Although there are no examples, this is the same language used by the FLSA, which has more guidance. 29 CFR 779.384 says that motion picture theatres “may qualify as exempt establishments,” notwithstanding the exemption already in place for “any employee employed by an establishment which is a motion picture theater.” The latter exemption is irrespective of other benchmarks such as dollar amount of sales etc.
Virginia	Yes	<i>No state overtime provisions; FLSA applies.</i>
Washington	No, but some projectionists covered.	Wash. Rev. Code Ann. § 49.46.130 Requires time and a half after 40 hours per week. Wash. Rev. Code Ann. § 49.46.130(e) exempts “Any individual employed as a motion picture projectionist if that employee is covered by a contract or collective bargaining agreement which regulates hours of work and overtime pay.”
West Virginia	Yes	W. Va. Code § 21-5c-1 (e) exempts employers from the overtime provision after December 31, 2014 “if eighty percent of the persons employed by him or her are subject to any federal act relating to maximum hours and overtime compensation.” Therefore, the “motion picture theater” employee exemption applies. W. Va. Code § 21-5c-1(f) also exempts “ushers in theaters.”

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		<p>“This section specifically exempts any employee exempted by the FLSA from using the more stringent overtime provisions set out in §21-5C-3.” <i>Smith v. United Parcel Serv.</i>, 890 F. Supp. 523, 1995 U.S. Dist. LEXIS 10083 (S.D. W. Va. 1995).</p>
Wisconsin	Yes	<p>Wis. Admin. Code DWD 274.04 (10) exempts “employees employed in any motion picture theater.”</p>
Wyoming	Yes	<p><i>No state overtime provisions; FLSA applies.</i></p>