



Virginia Overtime Wage Act – Amended August 10, 2021

Effective August 10, the 2021 Special Session II authorized an amendment to the Virginia Overtime Wage Act to allow public employers the use of Overtime Leave as compensation instead of Overtime Pay.

Item 20 states - "that for the purposes of the Virginia Overtime Wage Act § 40.1-29.2 the terms "Wages" and "Pay" shall also mean overtime compensatory time in lieu of wages for overtime pay by public agencies as provided by the Fair Labor Standards Act, 29 U.S.C. §207(o)." See full text [here](#).

This amendment is not retroactive for the period of July 1st - August 10th. For that period of time, Overtime Leave should not be awarded in lieu of Overtime Pay. Overtime leave may begin to be awarded on or after August 10, 2021.

This amendment also does not impact the calculation method mandated by the Virginia Overtime Act effective July 1. The new calculation method effective July 1, 2021 is still in effect and must be implemented for all hours worked on or after July 1, 2021.

For more details regarding the Virginia Overtime Act please see the [full DHRM communication](#) – as amended August 10, 2021 or the [Virginia Department of Labor FAQ resource page](#).