

## Legal Routes™

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## The issue in the southern states

While FLSA claims in Alabama and Mississippi rippled through entire school systems, transportation department employees were directly involved. Some bus drivers were paid a flat fee for out-of town trips. This can violate FLSA's time-and-a-half requirement for overtime.

Other issues arose because the same district also dually employed bus drivers as aides, custodians, or nutrition service employees. Such arrangements are common. They can be efficient and effective for the district, and beneficial to the employee. In some cases, the additional hours in a second job creates full-time benefited positions not otherwise available for drivers in some districts. In other situations, the drivers simply appreciate the extra compensation available when they can have a job with mostly mid-day hours and still be able to drive in the morning and afternoon.

These practices are perfectly legal. What is not legal is the failure to pay employees time-and-a-half when they exceed 40 hours of work for the same employer in any given week.

*Note: It doesn't matter if the two positions are for separate departments in the same school district, each with its own budget.*

## The lessons from the South

- Get the basics: review each employee's workweek from the standpoint of total number of hours in any given week.
- Over 40 hours? Pay time-and-a-half, or, if you're a public employer with an agreement that speaks to the

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