TEXAS EMS ALLIANCE

FLSA Issues in Em////////////////

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TEXAS EMS ALLIANCE

DO NOT MESS WITH EMPLOYEE'S

Pay or Schedule

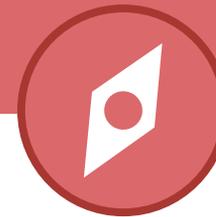### We are required by law to pay our people correctly

If they are entitled to overtime, pay it. If you don't like paying for overtime, do not schedule your people to work it

7K or Everything Over 40?

If you are not an FD, pretty easy. If you are Fire Based, get the best legal advice on paying your folks correctly.

DO NOT ASSUME

Over Time

Are you computing overtime correctly?

Just because you are paying it, doesn't mean it is right.

EXEMPT NON-EXEMPT

- If they are a first responder and "responding to emergency calls" is a primary part of their job description, they cannot be exempt

- EMS personnel do not meet the IRS test of independent contractors

- 7K exemptions do not apply to non-fire based EMS and they do not apply to ALL fire based EMS

- If non-exempt and non-7K, you have a choice:

    - Flexible Scheduled Hours (multiple hourly rates)

    - Pay a single hourly rate

- DO NOT EVER average overtime

- Not Paying for Sleep Time: As an industry, can we please end this practice?

OVERTIME CALCULATIONS

- Are you calculating overtime hours correctly?

- It is not merely 1.5 times the hourly rate

  - Regular Hourly Rate

    - Productivity bonuses

    - Goods received as a part of pay

    - Differentials and premium pay

EXAMPLES / INSERT YOUR NAME HERE:

- $3.7M paid to Chicago medics in overtime lawsuit ($2.5M in back pay plus $1.2M in penalties)

- Suit: City skirting court mandate on overtime pay for EMTs, paramedics (Kansas City)

- Kentucky EMS' years long labor fight settled (2009-2014)

- EMT sues ambulance company for not paying overtime (Hammond Ind: 100 EMTs were also affected and may provide an option for them to "opt-in")

  - Required employees to work up to 10 hours per week to ready ambulance

  - Used time clock that rounded clock-in/out times up or back to start and end of shift times

  - Overtime was not paid unless it was "approved"

  - Didn't approve and pay overtime when it was reported that the employee had worked it