

Kansas Administrative Regulations

Department of Labor

Article 30.—Minimum Wage and Maximum Hours

49-30-4. Fire protection; law enforcement activities; rescue and ambulance services; exceptions.

(a) Fire protection activities shall include all activities, and those related thereto, in the prevention, control or extinguishment of any fire which is performed by an organized fire department or fire protection district within the authority and responsibility of state statutes or local ordinances including: housekeeping, equipment maintenance, lecturing, community fire drills, fire inspections or other essential functions.

(b) Law enforcement activities shall include governmental agencies which are empowered to:

- (1) Enforce laws designed to maintain public peace and order;
- (2) to protect life and property from willful injury; or
- (3) to prevent or detect crimes.

Employees who shall be considered as being employed in law enforcement activities are persons employed as:

(A) City police, district or local police, sheriffs, undersheriffs, deputy sheriffs regularly employed, court marshals and deputy marshals, constables, deputy constables, state troopers, and highway patrol officers.

(B) Other law enforcement employees such as: fish and game wardens, criminal investigative agents of the district attorney, attorney general's office, or other law enforcement agencies concerned with keeping public peace and order.

(C) Employees who are employed as security personnel at correctional institutions and who control and maintain custody of inmates at a facility maintained as part of a penal system. These facilities include: Penitentiaries, prisons, prison farms, county, city and village jails, precinct house lockups and reformatories.

(c) Fire protection activities shall include rescue and ambulance service functions which are part of the public agency's fire protection activities.

(d) Employees who shall not conduct law enforcement activities are:

(1) Private ambulance employees and rescue service employees shall not come within the special exemption for fire protection and law enforcement activities of public agencies.

(2) Services performed by: building and equipment maintenance persons, janitors, clerks, stenographers, instructors, and culinary service personnel in correctional institutions.

(e) When an employee who is entitled to the fire protection or law enforcement exemption is also normally assigned non-exempt duties, the total number of hours worked at both exempt and non-exempt activities shall be considered in determining the overtime rate to be paid. When an exempt employee voluntarily agrees to accept non-exempt duties during his or her off duty hours, the time spent in each activity shall be considered separately in determining eligibility for overtime. If the employee's non-exempt duties exceed thirty (30) percent of total hours worked the employee shall be disqualified for the fire prevention or law enforcement exemption and overtime shall be paid for hours worked in excess of forty-six (46) hours.

(Authorized by K.S.A. 1978 Supp. 44-1202, 44-1207; effective, E-79-26, Oct. 19, 1978; effective May 1, 1979.)

***** Authenticated Kansas Administrative Regulation *****