Kansas Administrative Regulations

Department of Labor

Article 31.—Minimum Wage and Maximum Hours

49-31-6. Maximum hours before overtime; computations; schedule consecutive working days with corresponding maximum hours at regular rates; trading time.

(a) Employees who are covered by the maximum hours provision of the law and who are engaged in fire protection or law enforcement activities shall be paid overtime compensation at a rate of not less than 1½ times the regular rate at which the employee is employed. Overtime compensation shall be paid for all hours worked which exceed the hours worked shown opposite the number of consecutive days in the pay period, as follows:

Consecutive work period (days)	Maximum hours at regular rates
28	258.00
27	248.75
26	239.50
25	230.50
24	221.25
23	212.00
22	202.75
21	193.50
20	184.25
19	175.00
18	165.75
17	156.75
16	147.50

15	138.25
14	129.00
13	119.75
12	110.50
11	101.25
10	92.25
9	83.00
8	73.75
7	64.50

(b) Calculations of pay rates for the overtime requirements of the act shall be based on an hourly rate regardless of the form of the wage payment. Use of the label "salary" to describe wage payments shall not determine coverage under or exemption from the act. All forms of wage payments shall be converted to an average hourly wage and may be computed as follows:

$$\text{Monthly pay} = \frac{\text{Monthly rate} \times 12}{\text{52weeks} \times \text{hours worked during the week}}$$

$$\text{Weekly pay, piece rate, unit bonus, commission or other} = \frac{\text{Total amount paid during work period}}{\text{Total hours worked during period}}$$

(c) Fire protection or law enforcement activities employees may trade time, with the employer's permission, by one employee substituting for another on a regularly scheduled tour of duty, or for some part thereof, to permit an employee to absent himself or herself from work to attend to purely personal pursuits, if:

(1) The trading of time is done voluntarily by the employees participating in the program and not at the behest of the employer;

(2) The reason for trading time is due, not to the employer's business operations, but to the employee's desire or need to attend to personal matters;

(3) A record is maintained by the employer of all time traded by employees; and

(4) The period during which time is traded and paid back does not exceed 12 months. The employer shall assure that traded time is paid back or that proper wage payments are made as required.

(Authorized by K.S.A. 44-1207; implementing K.S.A. 44-1203, 44-1204; effective, E-79-26, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)