

R 12-6-1 Time Accounting for Extra-Curricular Trips (Extra-Duty Assignment)

Time accounting for bus drivers and other similarly situated service personnel accepting extracurricular trips shall be in compliance with the Fair Labors Standard Act as follows:

Off Duty Time

A bus operator who accepts a curricular or an extra-curricular driving assignment (extra duty) and is told in advance that upon arrival at his/her destination, s/he will be completely relieved from all duties until a specific time when s/he again goes on duty for the return trip, the idle time is not work time. The employee is “waiting to be engaged.”

On the other hand, if the bus operator who transports students on a school sponsored activity is not told in advance of a specific time when the activity will end, and therefore must wait until the activity ends to transport the students on the return trip, is working during the entire activity. In this case, the employee cannot use the time effectively for his or her own purposes and is therefore “engaged to wait.”
(Fair Labor Standards Act)

Overnight Trips

Where an employee is required to be on duty 24 hours or more, such as a bus operator or an aide who may be accompanying students on an overnight trip, the Board and the employee may agree (in writing) to exclude bona fide meal periods and a bona fide regularly scheduled sleeping period of not more than eight hours from hours worked, provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted night's sleep. If the sleeping period is of more than eight hours, only eight hours will be credited. Where no written agreement to the contrary is present, the eight hours of sleeping time and meal periods constitute hours worked.

If the sleeping period is interrupted by a call to duty, the interruption must be counted as hours worked. If the period is interrupted to such an extent that the employee cannot get a reasonable night's sleep, the entire period must be counted. For enforcement purposes, the Department of Labor has adopted the rule that if the employee cannot get at least five hours' sleep during the scheduled period, the entire time is working time.

On single day trips of less than 24 hours duration, the entire day is counted as work time. Even if an employee is permitted to sleep during a portion of the trip, the entire trip is compensable working time. Allowing employees to sleep when they are not busy does not render the time “sleep time”; nor does the furnishing of facilities to sleep, as long as the employee is still on duty.

As discussed in the preceding section, however, if the employee is notified in advance that s/he will be relieved from all duties during a portion of the overnight trip, regardless of the length of the trip, those hours are not hours worked.
(Fair Labor Standards Act)

FMCSA Regulations (Federal Motor Carrier Safety Administration)

No Preston County bus driver shall be permitted to drive a passenger-carrying vehicle:

- ❖ More than 10 hours following 8 consecutive hours off duty; or
- ❖ For any period after having been on duty 15 hours following 8 consecutive hours off duty; or

❖ If s/he has been on duty 60 hours in any 7 consecutive days.

A driver who encounters adverse driving conditions, such as snow, sleet, fog, etc., and cannot, because of those conditions, safely complete the run within the maximum driving time permitted by FMCSA Regulations may be permitted or required to drive his/her vehicle for not more than two additional hours in order to complete that run or to reach a place offering safety for the occupants of the vehicle.