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Lexington Co. owes paramedics back pay

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A judge has ruled that Lexington County broke federal labor law by paying its paramedics "fluctuating" overtime that often equaled just a few dollars an hour.

The county will have to pay more than 60 current and former paramedics back pay with interest for four years plus attorney's fees. The sides were given two weeks to tally the damages and negotiate a settlement.

"It is going to be a lot," said attorney Gerald Smith, who represented the paramedics in the 1993 lawsuit. "We feel like we won on the primary issues."

Lexington County hasn't decided whether to appeal the May 13 decision by federal district Judge Julian A. Cook Jr., said county Administrator Art Brooks.

"We had been advised that the old play plan conformed to federal labor standards," Brooks said. "We're still trying to find out exactly what it does mean."

The outcome could have been worse for Lexington County. Cook rejected a claim by the paramedics that they should be paid for sleep and meals time while on duty. Had they prevailed on that point, the county would have had to pay millions of dollars, Brooks said.

Until last year, Lexington County's paramedics, firefighters and sheriff's deputies were paid "fluctuating" overtime. For each extra hour worked, an employee got half of their regular hourly wage. From that point, the hourly rate declined the more hours worked.

For example, take an employee who earns \$300 for a 40-hour week, or \$7.50 per hour. If he puts in 10 hours of overtime, the \$300 is divided by 50 (40 hours regular plus 10 hours overtime), producing a rate of \$6 per hour. For overtime, that amount is halved to \$3. The total weekly paycheck would be \$330.

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hours in a two-week period before getting any extra pay.

County Council, which already settled a similar lawsuit filed by deputies, voted last year to scrap the pay system in favor of time-and-a-half for overtime after 40 hours in a one-week period.

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Fluctuating pay plans have been widely used by governments across the country. Until 1985, federal law did not require state and local governments to pay any overtime. A U.S. Supreme Court ruling extended federal wage and hour protection to most government workers. However, firefighters and law enforcement officers were exempted from those requirements.

Like other local governments, Lexington County lumped paramedics with firefighters and did not offer them time-and-a-half pay. Cook ruled that was a mistake.

The ruling could have consequences for other local governments. Four other counties — Sumter, Beaufort, Greenwood and Laurens — face similar paramedic lawsuits filed by Smith. Richland County pays paramedics time-and-a-half after 40 hours, said Richland County EMS spokesman George Rice.

The judge cited confusing and contradictory language in the county's employee handbook in making his ruling. Some documents that Lexington gave new paramedics seemed to indicate that time-and-a-half overtime would be paid. Thus, it could not be proved that new hires knew how they would be paid, Cook wrote.