



County Technical Assistance Service

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Tours of Duty

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Tours of Duty

Reference Number: CTAS-976

The FLSA authorizes the establishment of work periods of not less than seven nor more than 28 days for public safety personnel. The regulations establish the maximum allowable non-overtime hours as 212 hours per 28-day period for firefighters, and 171 hours per 28-day period for law enforcement officers. For tours of duty of less than 28 days, the maximum allowable non-overtime hours of work during the tour of duty must bear the same ratio as 212 hours to 28 days for firefighters (7.57 hours per day), and 171 hours to 28 days for law enforcement personnel (6.1 hours per day). For those local governments that may wish to use the “tour of duty” option, the maximum number of allowable hours in work periods of particular lengths before overtime compensation must be paid to public safety personnel for additional hours have been calculated in the following table:

| Work Period (days) | Maximum Hours | |
|--------------------|---------------|--------|
| | Fire | Police |
| 28 | 212 | 171 |
| 27 | 204 | 165 |
| 26 | 197 | 159 |
| 25 | 189 | 153 |
| 24 | 182 | 147 |
| 23 | 174 | 140 |
| 22 | 167 | 134 |
| 21 | 159 | 128 |
| 20 | 151 | 122 |
| 19 | 144 | 116 |
| 18 | 136 | 110 |
| 17 | 129 | 104 |
| 16 | 121 | 98 |
| 15 | 114 | 92 |
| 14 | 106 | 86 |
| 13 | 98 | 79 |
| 12 | 91 | 73 |
| 11 | 83 | 67 |
| 10 | 76 | 61 |
| 9 | 68 | 55 |
| 8 | 61 | 49 |
| 7 | 53 | 43 |

A firefighter or law enforcement officer may perform work that is not related to fire protection or law enforcement activities. However, if more than 20 percent of an employee’s work hours are spent on unre-

lated activities, the employee cannot qualify for use of the tour of duty rules and would therefore have to be paid overtime on a time and one-half basis for any hours worked in excess of 40 hours in a seven-day period.

Public agency fire protection and law enforcement personnel may, at their own option, undertake employment for the same employer on an occasional or sporadic and part-time basis in a different capacity from their regular employment. The performance of such work does not affect the application of the special rule with respect to the regular employment. In addition, the hours of work in the different capacity need not be counted as hours worked for overtime purposes on the regular job, nor are such hours counted in determining the 20 percent limitation for non-exempt work. In order to qualify, the work must not be regularly scheduled. This special rule is narrowly construed by the DOL, and an employer must be careful to thoroughly examine the regulations found at 29 C.F.R. § 553.30 before relying on this rule.

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