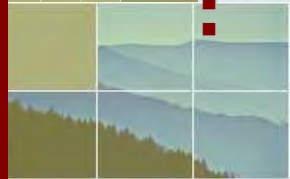


**DRAFT**

1/18/2019 9:20 AM

# Primerus Defense Institute Transportation Seminar February 22, 2019

Alphabet Soup and  
Current Hot Issues

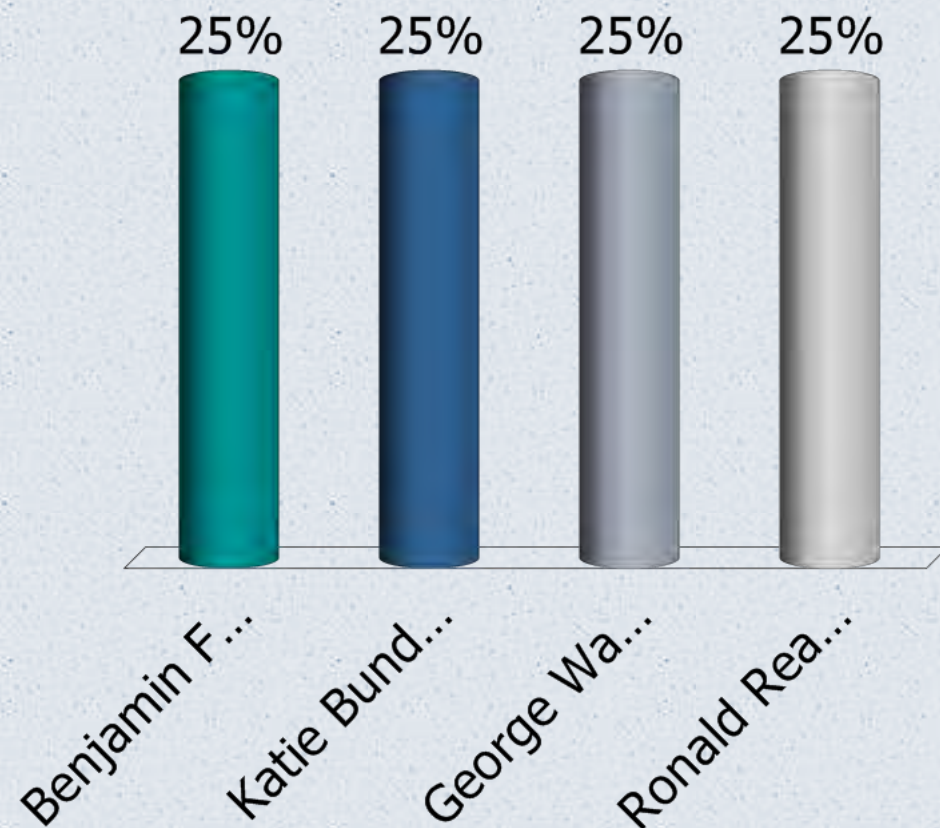


**WAW**

WHARTON ALDHIZER & WEAVER PLC

**“Government is not reason; it is not eloquent; it is force. Like fire, it is a dangerous servant and a fearful master.”**

- A. Benjamin Franklin
- B. Katie Bundyra
- C. George Washington
- D. Ronald Reagan



# Alphabet Soup

- DOT FMCSA FMCSR
- DOL FLSA
- EEOC ADA ADEA PDA Title VII

# DOT FMCSR

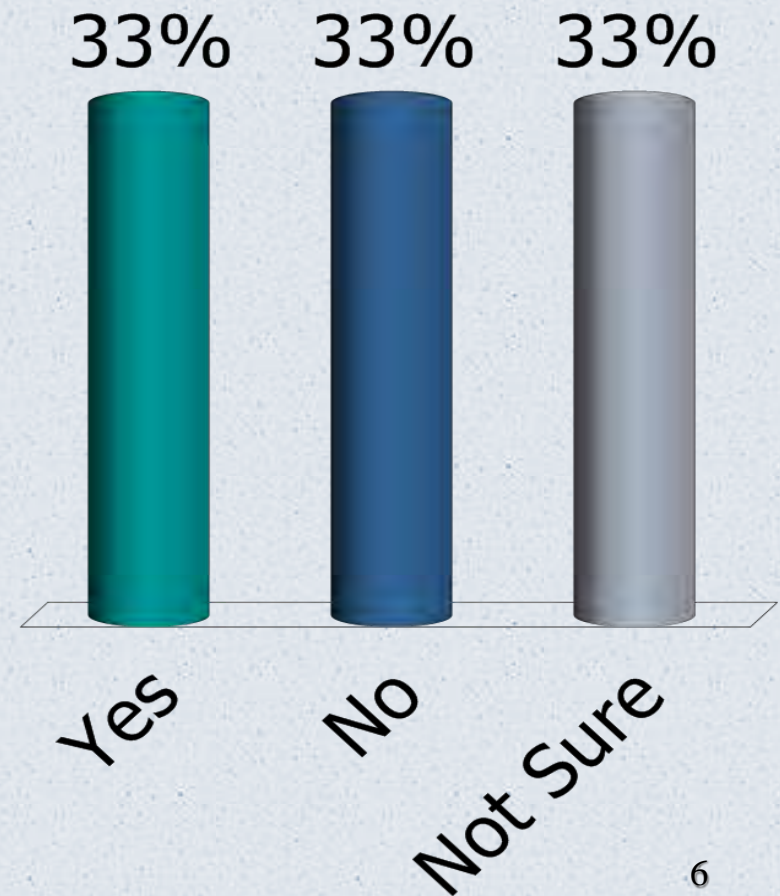
- Hours of Service
- Driver Qualification
- Safety Requirements

# FLSA and Wage Hour Regulations:

- Minimum Wage Requirements
- Overtime Pay
- What Counts as Time Worked

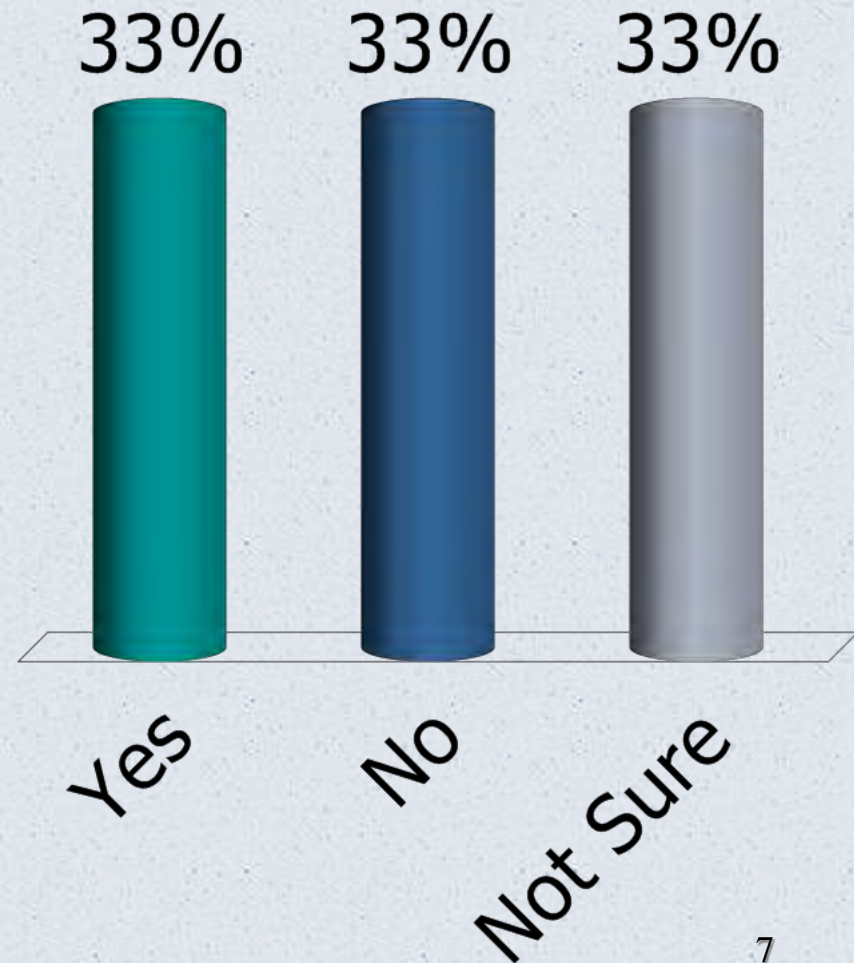
Do the DOT (FMCSR) regulations help determine what portions of an OTR driver's workday is compensable under the FLSA?

- A. Yes
- B. No
- C. Not Sure



# Do the minimum wage requirements apply to over the road commercial truck drivers?

- A. Yes
- B. No
- C. Not Sure

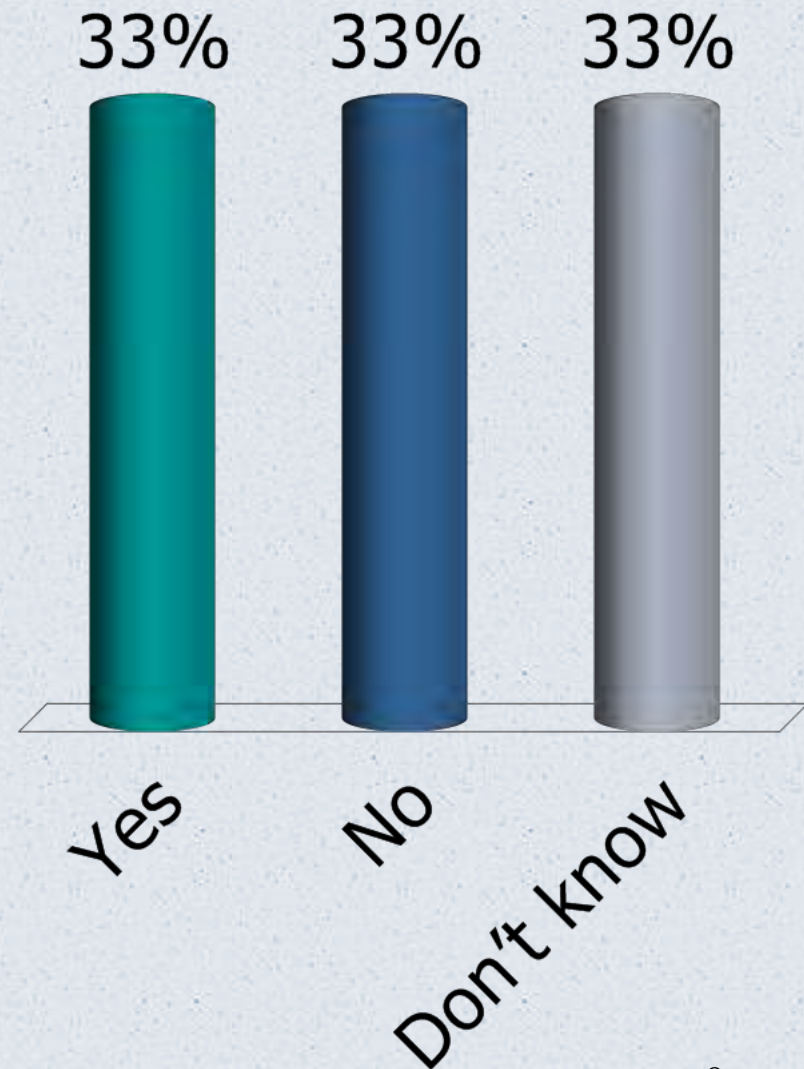


- DOT regulations aim to make our roads safe
- DOT regulations aim to provide workers adequate compensation
- These regulations are simply a cost of business that the Federal Government has seen fit to impose on employers of commercial truck drivers in order to ensure an adequate level of road safety and driver compensation



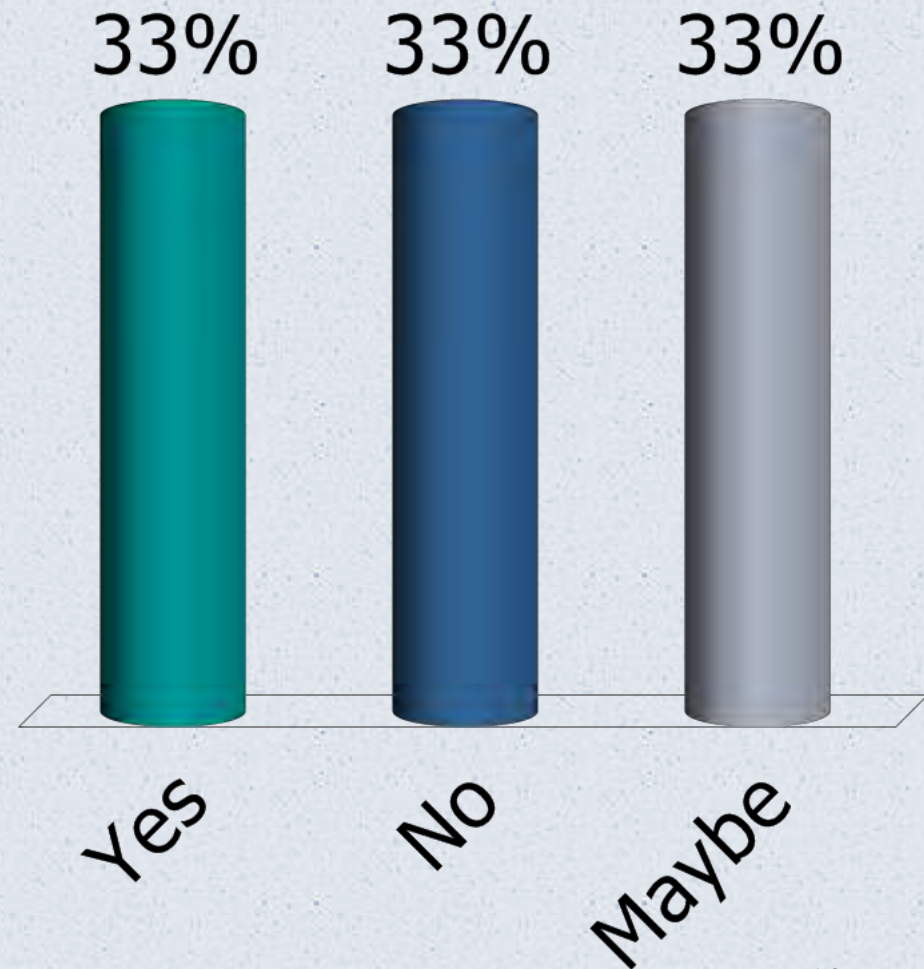
# Do you have written agreements or contracts with your drivers?

- A. Yes
- B. No
- C. Don't know



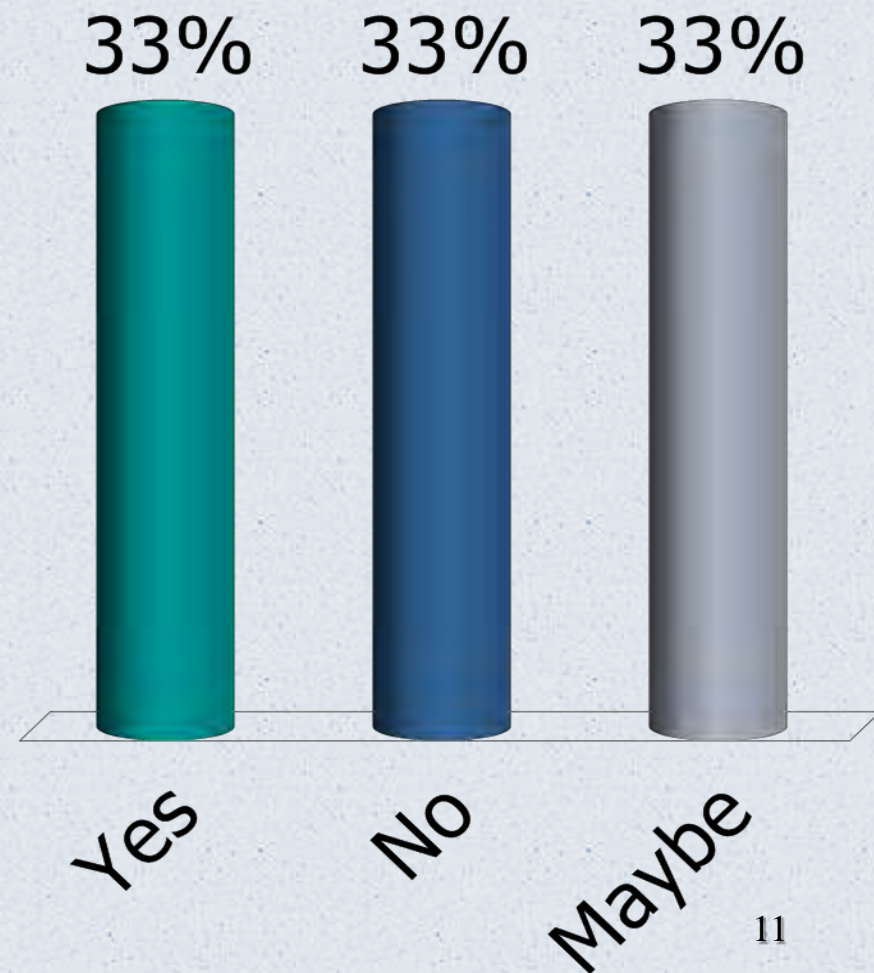
Do you have to worry about wage hour law requirements – minimum wage – for drivers who have signed “Independent Contractor Agreements”?

- A. Yes
- B. No
- C. Maybe



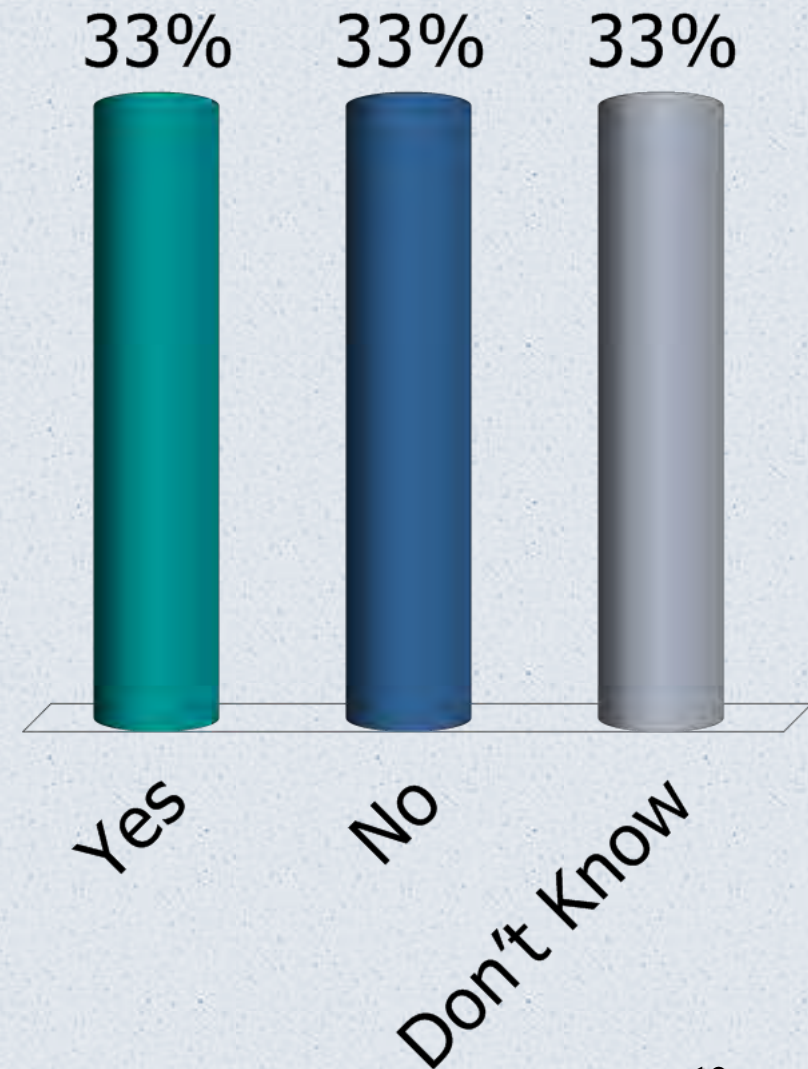
# Do your drivers typically spend 24 hours or more on trips?

- A. Yes
- B. No
- C. Maybe



# Do you have something similar to these categories of log entries?

- Driving
- On Duty, Not Driving
- Off Duty
- Sleeper Berth

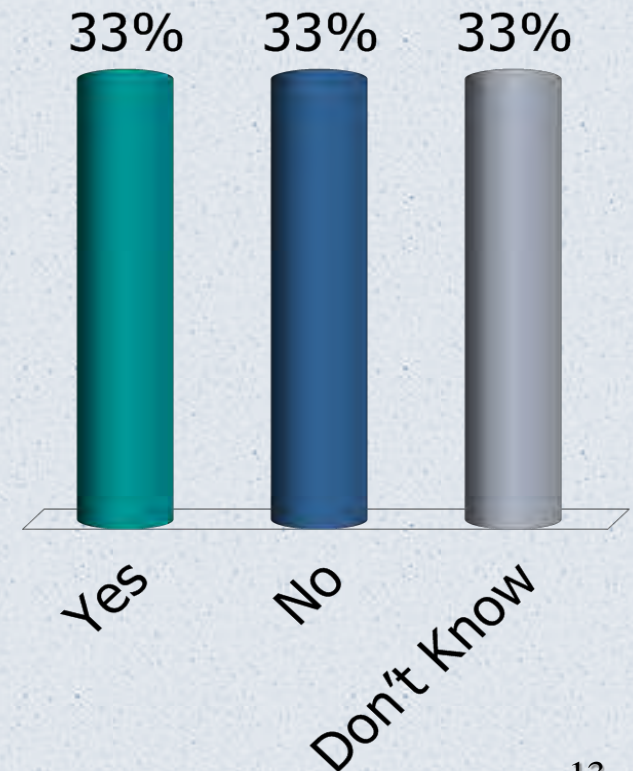


- A. Yes
- B. No
- C. Don't Know

- Hours of Service – DOT FMCSR
- Compensable Work Time – FLSA Wage Hour

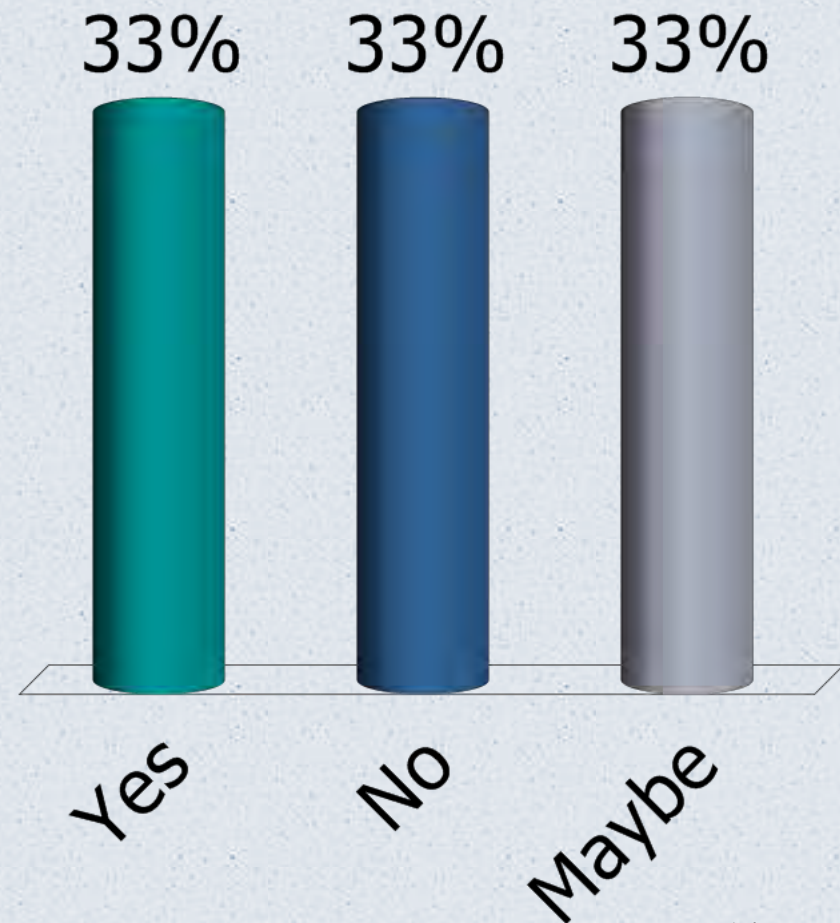
Do both of these concepts apply to electronic log entries?

- A. Yes
- B. No
- C. Don't Know



# Do you have to pay drivers for time logged as "sleeper berth"?

- A. Yes
- B. No
- C. Maybe



## Wage Hour Regulations:

(a) General. Where an employee is required to be on duty for 24 hours or more, the employer and the employee may agree to exclude bona fide meal periods and a bona fide regularly scheduled sleeping period of not more than 8 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 8 hours, only 8 hours will be credited.** Where no expressed or implied agreement to the contrary is present, the 8 hours of sleeping time and lunch periods constitute hours worked.

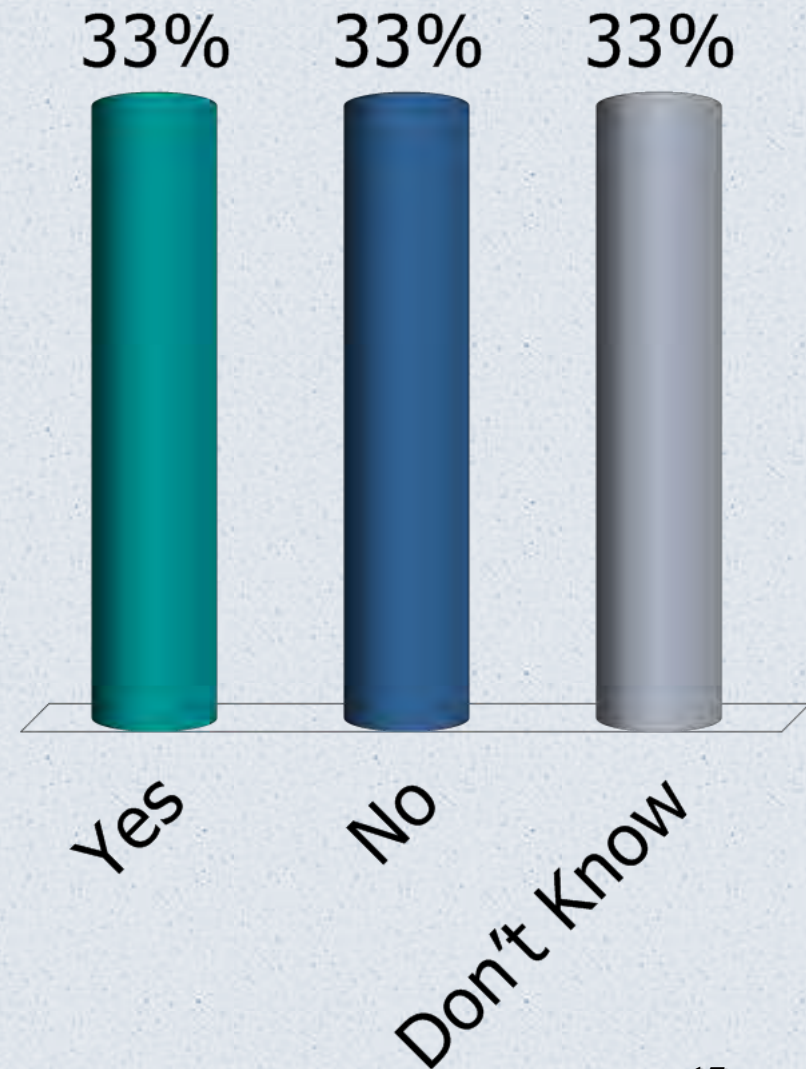
## Wage Hour Regulations (continued):

(b) Interruption of sleep. 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 Division has adopted the rule that if **the employee cannot get at least 5 hours' sleep** during the scheduled period the entire time is working time.



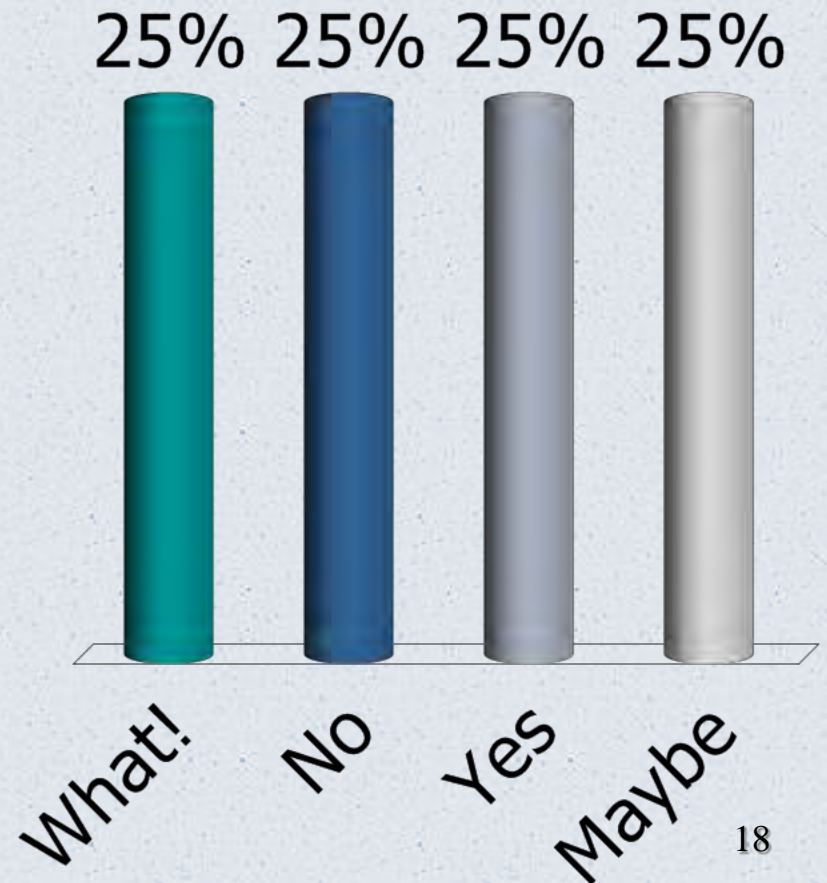
# Do you have an agreement with drivers about 8 hours of sleep time?

- A. Yes
- B. No
- C. Don't Know



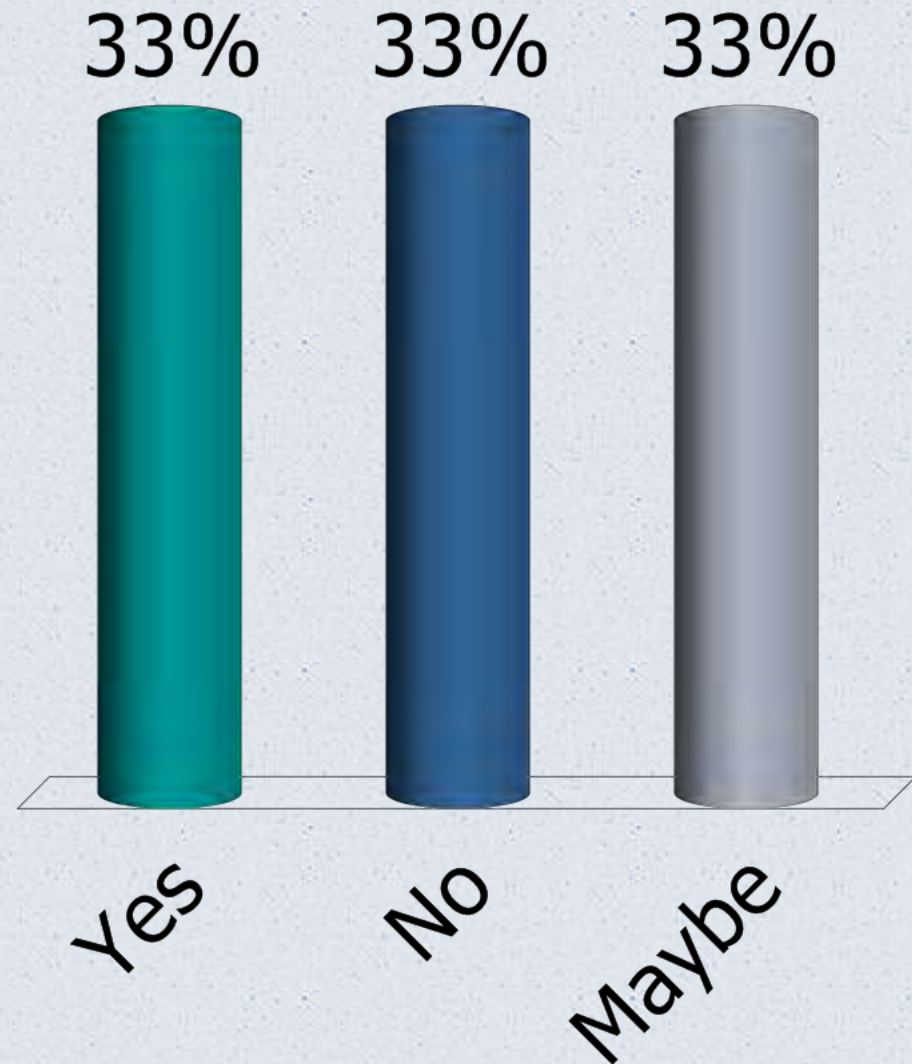
So, if you can only deduct 8 hours for sleeper berth, do you have to pay drivers for 16 hours per day?

- A. What!
- B. No
- C. Yes
- D. Maybe



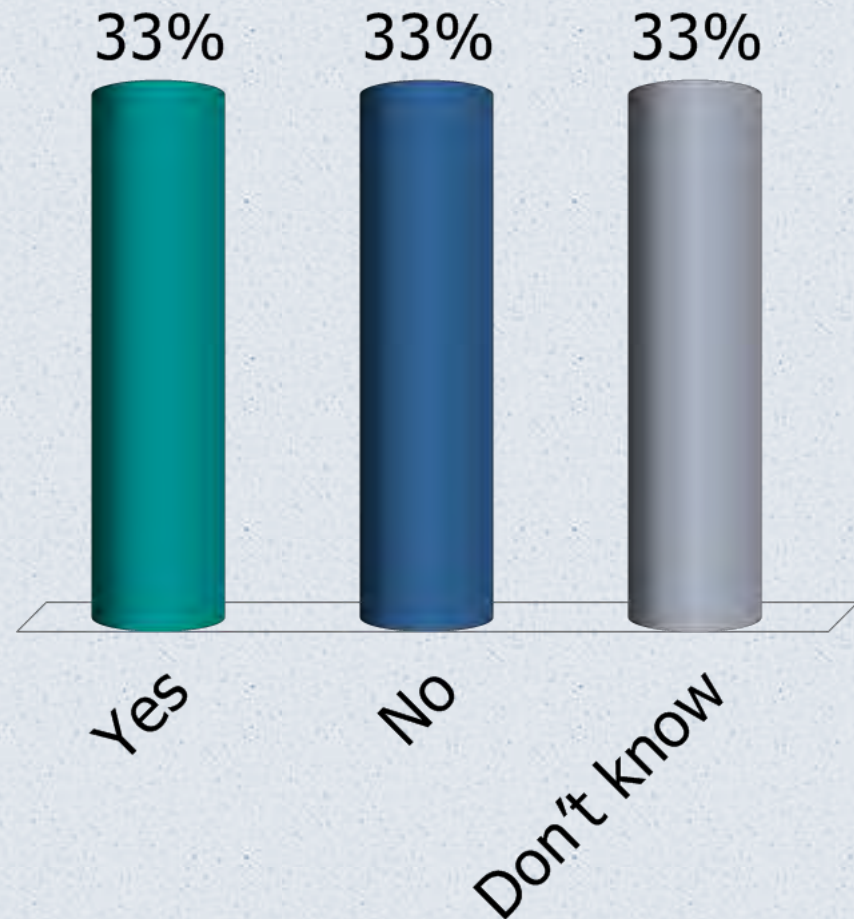
# How about for time logged as off-duty?

- A. Yes
- B. No
- C. Maybe



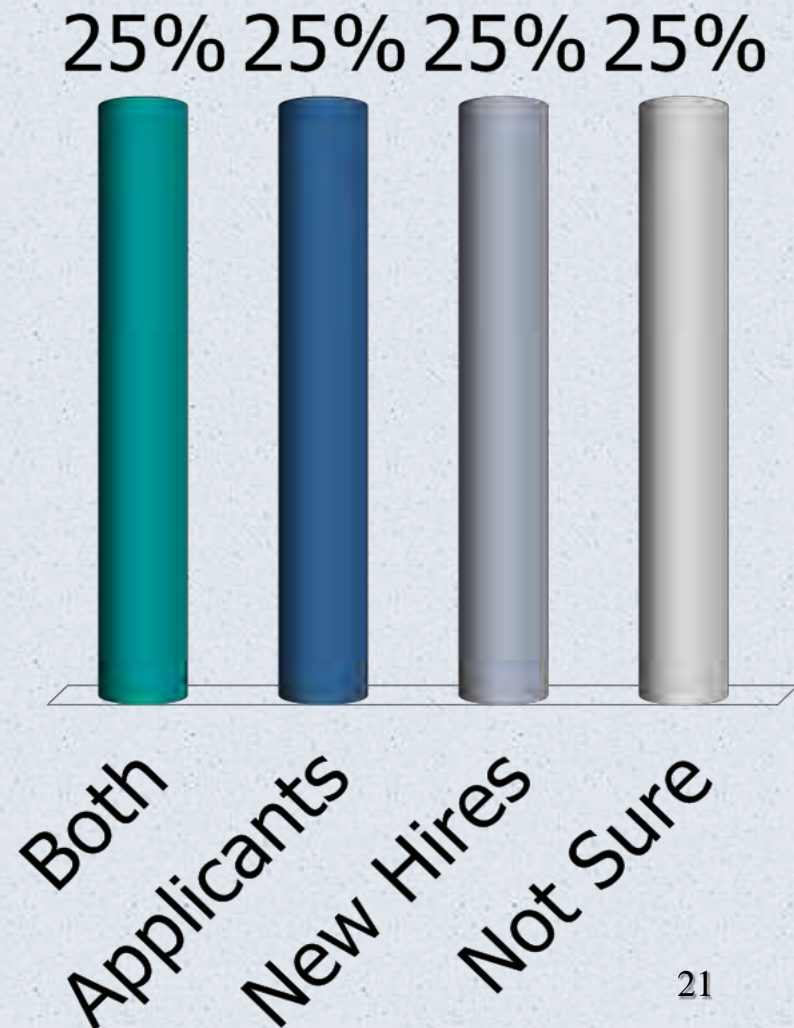
# Do you have a driver orientation program?

- A. Yes
- B. No
- C. Don't know



# Is the orientation for new hires or for applicants you are considering hiring?

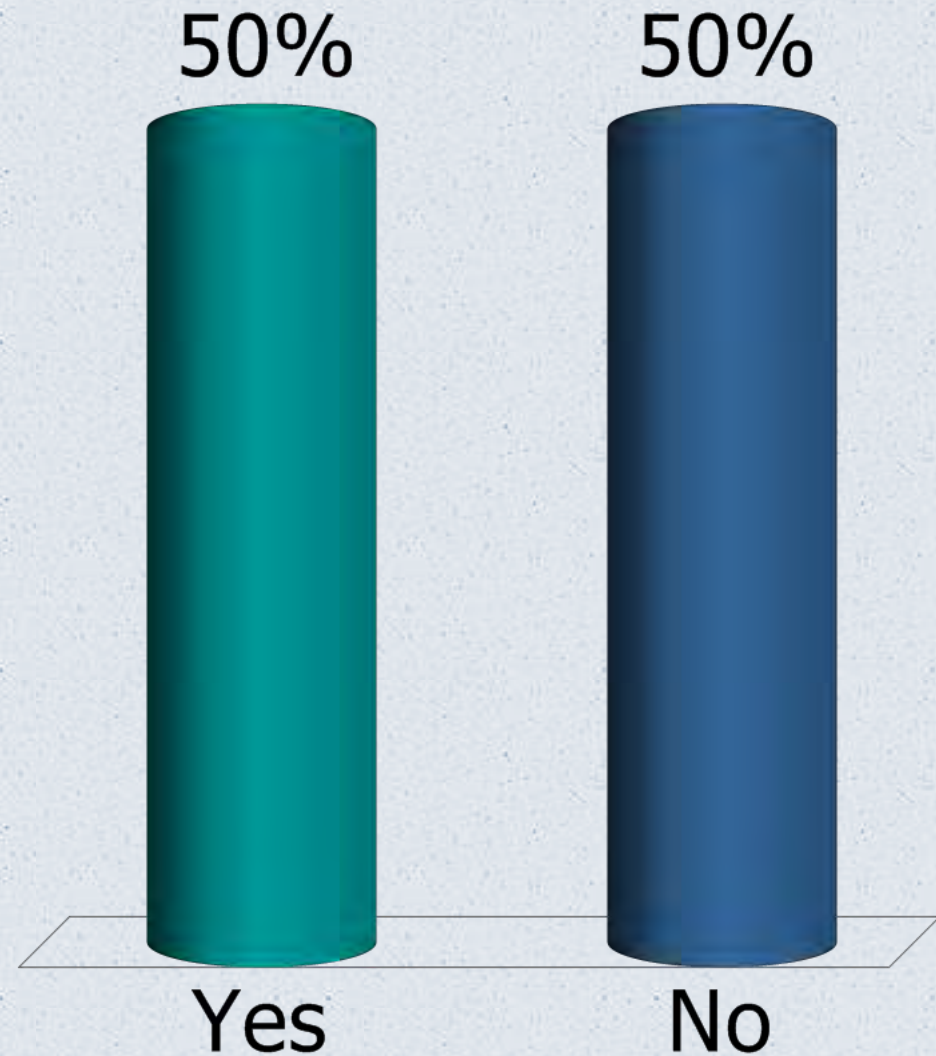
- A. Both
- B. Applicants
- C. New Hires
- D. Not Sure



# Do you pay the people for time spent in orientation?

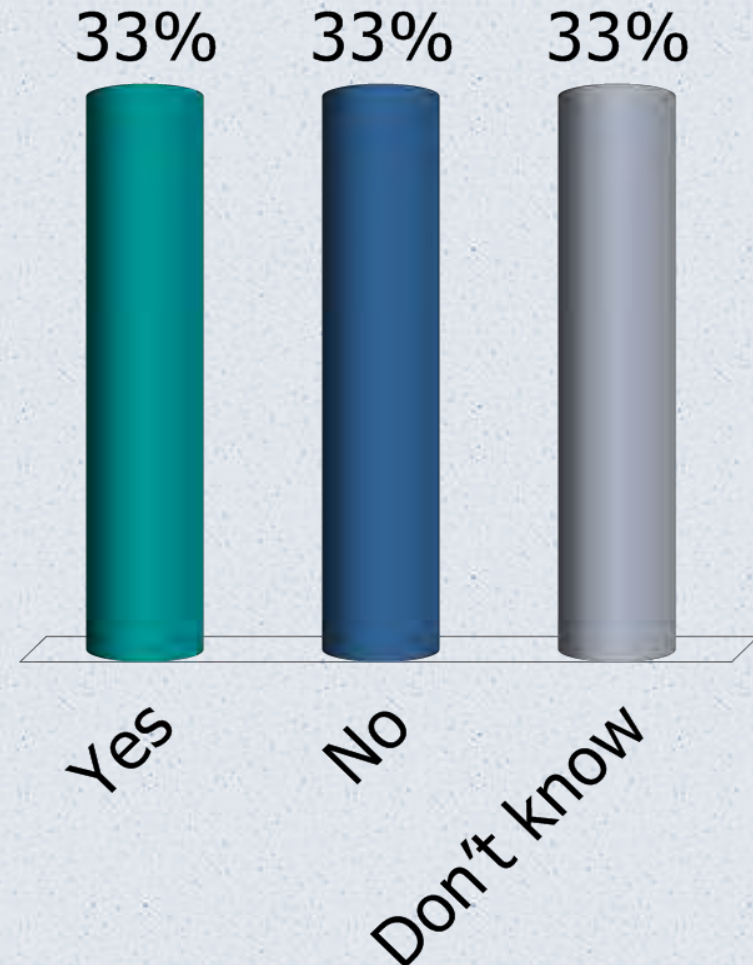
A. Yes

B. No



# Do your driver contracts require that all disputes be subject to arbitration?

- A. Yes
- B. No
- C. Don't know



Have there been any instances on which you required that a driver's claim be submitted to arbitration?

- A. Yes
- B. No
- C. Don't know

