



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

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Trading Shifts

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal 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 municipal 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 MTAS website material.

Sincerely,

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Trading Shifts

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Police officers may trade shifts or substitute tours of duty with another employee without the employer being subject to additional overtime by virtue of one employee working the additional hours during the work period. The following criteria must be met in order for there to be no effect on hours worked:

- Substitution or trading is done voluntarily; and
- The substitution or trading is approved by the employer.

29 U.S.C. § 207 p(3).

The employees' decision to substitute for each other must be made without any coercion by the employer, and they should be free to refuse the substitution without sanction or explanation. There is no requirement that the employer maintain a record of the time traded or substituted, nor is there any period of time for which the time traded must be paid back by the other employee. 29 C.F.R. § 553.31.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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