

Paid Employment in an Unrelated Job

Dear Reader:

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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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Employees can work another *unrelated job* on an occasional or sporadic basis with the employer at the same or a different rate of pay without the hours of the second job counting toward overtime in the primary job. A police officer could work as a summer lifeguard at a city swimming pool, and the hours worked in that job could be separated from the hours worked with the police department for the purposes of computing overtime. 29 C.F.R. § 553.212(a).

Assuming the officer is scheduled to work 40 hours per week as a police officer and eight hours per week as a lifeguard, the eight hours worked as a lifeguard do not have to be added to the police work time to compute overtime.

The employer should be very careful to ensure that the secondary work is completely different from the work performed in the primary job and that the employee chooses to work the secondary job, rather than being assigned the duties. To retain the 207(k) exemption (work periods that are more than one week in length and a higher overtime threshold), the unrelated secondary work must be sporadic, occasional, or seasonal.

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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