

STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

Curt T. Schneider
Attorney General

January 6, 1978

ATTORNEY GENERAL OPINION NO. 78- 6

Mr. Robert W. Manske
Woodson County Attorney
Post Office Box 100
Yates Center, Kansas 66783

Re: Counties--Employees--Minimum Wage

Synopsis: Under ch. 179, § 6(a), L. 1977, effective January 1, 1978, no employer shall employ any employee for a work week longer than forty-six hours unless such employee receives compensation for employment in excess of forty-six hours in a work week at a rate of not less than one and one-half times the hourly wage rate at which such employee is regularly employed. A person who holds the position of clerk of the district court is not thereby a county employee, and when such person, who serves a 40-hour work week in such capacity, is also employed by the county as a part-time dispatcher, there is no employment by a single employer in excess of 46 hours per week so as to invoke the additional pay entitlement of ch. 179, § 6(a), L. 1977.

* * *

Dear Mr. Manske:

You advise that the clerk of the district court is employed by the county as a part-time dispatcher. The clerk's position entails a 40-hour work week, and the question is raised whether the clerk is entitled to compensation at one and one-half times the hourly wage rate at which the employee is regularly employed.

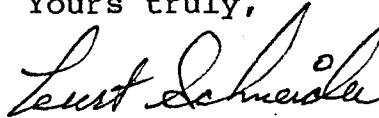
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Ch. 179, § 6(a), L. 1977, provides thus:

"On and after January 1, 1978, no employer shall employ any employee for a work week longer than forty-six (46) hours, unless such employee receives compensation for employment in excess of forty-six (46) hours in a work week at a rate of not less than one and one-half (1 1/2) times the hourly wage rate at which such employee is regularly employed."

In the position of clerk of the district court, the individual in question is not employed by the county, but by the district court. As a dispatcher, as you indicate, the individual is employed by the county. On the facts you state, there is no employment by a single employer in excess of 46 hours per week, and hence no occasion to invoke the additional pay entitlement recited above.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj