

Even under Belo plan, it pays to track overtime

The so-called Belo plan exception lets employers pay a set amount to employees who have irregular schedules, even if they sometimes work overtime because of the nature of their jobs. For some employers and employees, it may make sense. However, it might be easier to simply track hours worked every week and pay accordingly.

Recent case: Two hourly employees sued over an allegedly illegal Belo plan. The workers were paid for 40 hours per week plus 11 hours of overtime. Each week they got the same amount in their checks with the exception of several times when they worked less and an amount was deducted for those hours.

But the employer showed that it kept track of each hour worked and calculated the pay every week. The court tossed out the lawsuit. (*Garcia v. U Pull It Auto & Truck Salvage*, No. 3:14-CV-03655, ND TX, 2016)