

Changing nature of work affects seaman classification

Generally, seamen aren't covered by the Fair Labor Standards Act's overtime provisions. However, it's not as simple as one might think to decide who should be classified as a seaman.

New technologies have created new ways to work in and around the water. The tasks a seaman performs may not fit the traditional concept of a crew member who works on a ship or other vessel.

Recent case: Kyle's job is to operate an unoccupied remotely operated vehicle, or ROV. ROVs are used to repair offshore underwater oil rigs.

Kyle sued, alleging he should have received overtime pay despite being classified as a seaman.

The court agreed. It said Kyle performed his job with a joystick on a vessel but was not involved in that vessel's operations. He wasn't a seaman and was due overtime. (*Halle v. Galliano Marine Service*, 5th Cir., 2017)