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School bus drivers get \$1.3 million OT settlement in Palm Beach County

By Rhonda J. Miller | South Florida Sun-Sentinel
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Palm Springs - School bus drivers on their regular routes were bringing students home Wednesday afternoon when the Palm Beach County School Board approved a \$1.3 million settlement that will be shared by 900 bus drivers and attendants.

The agreement resolves a federal class-action lawsuit initiated by bus driver Evangeline Patterson, 45, of West Palm Beach, charging that drivers did not get overtime pay despite working more than 40 hours a week.

"This means justice for the bus drivers who were complaining that they worked a lot of overtime and it wasn't reflected in their paychecks," said Frank Sosa, administrator of Service Employees International Union and its local Florida Public Services Union, of which about 75 percent of bus drivers and attendants are members. The union was not a party in the lawsuit but referred many drivers with paycheck complaints to attorneys representing the bus drivers, Sosa said.

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Every bus driver will get \$1,200 to \$1,300 and bus attendants about \$900 from the settlement, Sosa said.

Drivers often seek to beef up their \$11.53 per hour, an average of \$17,000 a year, with time-and-a-half overtime runs for field trips and football games. Overtime paycheck mistakes were exacerbated when the School District switched to the troublesome PeopleSoft payroll

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system has caused paycheck crises for the district's 23,000 employees since it was implemented.

"I look at it as human error. I don't think they had the right training and weren't putting in the accurate time for the drivers," Sosa said.

Some bus drivers were paid overtime, but there were discrepancies in pay and the amount of hours, School District attorney Gerald Williams said.

"There's no admission in the agreement that we violated the Fair Labor Standards Act," Williams said. "It's the way in which we were paying. We were paying people a certain amount regardless of the hours they worked, not for the number of hours they worked, so they could receive a paycheck during holidays like the Winter Break and Spring Break."

All bus drivers and attendants will be allowed to opt in for the settlement payments if they worked more than 40 hours a week on or after July 2003 and did not get overtime pay, Williams said. The amount each driver or attendant gets depends on how long each has been working and other details, he said.

The School Board has a settlement account that will cover part of the payments. District officials will make a recommendation to the board on where the remainder could come from, said Joe Moore, the district's chief financial officer.

"It will not be taken from the classrooms," Moore said.

Bus drivers who joined Patterson in the lawsuit against the School Board were Dale Banks, Kerra George and Dolly Noriega. They were represented by the Shavitz Law Group of Boca Raton.

School officials will negotiate a change in payment methods with the union as a result of the agreement, Williams said.

Bus drivers and attendants will be paid for hours worked under the new agreement, he said.

The agreement came as Friday's settlement deadline neared. U.S. District Judge Daniel T.K. Hurley granted a stay requested by both parties on Oct. 22. If a settlement had not been reached, the class-action case would have continued, based on Hurley's Oct. 3 order to notify potential members of the class-action suit. The lawsuit was filed in March in U.S. District Court in West Palm Beach.

Rhonda J. Miller can be reached at rjmiller@sun-sentinel.com or 561-243-6605.

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