

Minimum Wage Opinion Letter **04-23-02 - School Bus Drivers for Chartered Trips**

April 23, 2002

Your letter to Angelo Buonopane, Director of the Massachusetts Department of Labor and Workforce Development (DLWD), has been forwarded to me for a response. The Division of Occupational Safety (DOS), an agency under DLWD, is responsible for responding to inquiries concerning the applicability of the Massachusetts Minimum Fair Wage Law, M.G.L. 151, and regulations promulgated thereunder, as well as the Prevailing Wage Law, M.G.L. c. 149, §§26-27D. You have asked the following three questions on behalf of your client, \*\*\*:

1. What is the minimum wage paid to school bus drivers carrying adults (non students) on charter trips outside of the jurisdiction of the local school district?
2. What is the minimum wage paid to school bus drivers carrying students on charter trips that are not related to school activities nor ordered/approved by the \*\*\* School Department, i.e. Girl Scouts, organized trips to the Red Sox, etc.?
3. What is the minimum wage paid to school bus drivers on charter trips where the bus company is providing a community service (free of charge) for both school related events and non-school related events.

As I understand it, none of the above-described trips are performed as part of a school bus transportation contract for which reimbursement is provided pursuant to M.G.L. c. 71, §7A for the transportation of pupils. [1] Therefore, in all of these situations, the appropriate minimum wage would be the statutory minimum wage, \$6.75 per hour, established by the Massachusetts Minimum Fair Wage Law, M.G.L. c. 151, §1.

I hope this information has been helpful. If I can be of any further assistance, please feel free to contact me.

Sincerely,  
Lisa C. Price  
Legal Counsel

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[1] School bus transportation contracts subject to reimbursement under M.G.L. c. 71, §7A must be awarded on the basis of prevailing wage rates as determined by the Division of Occupational Safety, under the authority of the Director of the Department of Labor and Workforce Development. M.G.L. c. 71, §7A.

= Names have been omitted