

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3949

Entitled the "Volunteer Firefighter and Rescue Squad Worker Act".

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IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 1994

Mr. BATEMAN introduced the following bill; which was referred to the  
Committee on Education and Labor

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## A BILL

Entitled the "Volunteer Firefighter and Rescue Squad  
Worker Act".

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FIREFIGHTER AND RESCUE SQUAD SERVICES.**

4       Paragraph (4) of section 3(e) of the Fair Labor  
5       Standards Act of 1938 (29 U.S.C. 303(e)) is amended by  
6       adding after subparagraph (B) the following:

7       “(C) The term ‘employee’ does not include a fire-  
8       fighter or a member of a rescue squad during the period  
9       in which the firefighter or rescue squad member volunteers  
10      the firefighter’s or member’s services at a location where  
11      the firefighter or member is not employed.”.

1 **SEC. 2. WAIVER OF OVERTIME COMPENSATION.**

2 The employer of a firefighter or member of a rescue  
3 squad is not required to pay the firefighter or member  
4 overtime compensation under section 7 of the Fair Labor  
5 Standards Act of 1938 for a period—

6 (1) when the firefighter or member volunteered  
7 their services to the employer, and

8 (2) for which the firefighter or member signed  
9 a legally binding waiver of such compensation.

10 **SEC. 3. COERCION.**

11 Section 7 of the Fair Labor Standards Act of 1938  
12 (29 U.S.C. 207) is amended by adding at the end the  
13 following:

14 “(r) No employer may require (directly or indirectly)  
15 an employee who is a firefighter or member of a rescue  
16 squad to volunteer the employee’s firefighting or rescue  
17 squad services during any period in which such employee  
18 would be entitled to receive compensation for overtime em-  
19 ployment under subsection (a) if section 3(e)(4)(C) was  
20 not in effect.”.

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