

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 324

To amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 1 (legislative day, JANUARY 30), 1995

Mr. WARNER (for himself, Mr. COCHRAN, Mr. THOMAS, Mr. SIMPSON, Mr. BROWN, Mr. GREGG, and Mr. ROTH) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## A BILL

To amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes.

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. SHORT TITLE.**

4        This Act may be cited as the “Volunteer Firefighter  
5 and Rescue Squad Worker Act”.

6 **SEC. 2. FIREFIGHTER AND RESCUE SQUAD SERVICES.**

7        Section 3(e)(4) of the Fair Labor Standards Act of  
8 1938 (29 U.S.C. 203(e)) is amended by adding at the end  
9 the following new subparagraph:

10        “(C) The term ‘employee’ does not include a fire-  
11 fighter or a member of a rescue squad during the period  
12 in which the firefighter or rescue squad member volunteers  
13 to perform firefighting or rescue squad services at a loca-  
14 tion where the firefighter or member is not then or regu-  
15 larly employed.”.

16 **SEC. 3. WAIVER OF OVERTIME COMPENSATION.**

17        The employer of a firefighter or member of a rescue  
18 squad shall not be required to pay the firefighter or mem-  
19 ber overtime compensation under section 7 of the Fair  
20 Labor Standards Act of 1938 for a period during which  
21 the firefighter or member—

22            (1) volunteered to perform services for the em-  
23            ployer; and

24            (2) signed a legally binding waiver of such com-  
25            pensation.

1 **SEC. 4. COERCION.**

2 Section 7 of the Fair Labor Standards Act of 1938  
3 (29 U.S.C. 207) is amended by adding at the end the  
4 following:

5 “(r) No employer may require (directly or indirectly)  
6 an employee who is a firefighter or member of a rescue  
7 squad to volunteer the employee’s firefighting or rescue  
8 squad services during any period in which the employee  
9 would be entitled to receive compensation for overtime em-  
10 ployment under subsection (a).”

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