

105TH CONGRESS
1ST SESSION

H. R. 94

To amend the Fair Labor Standards Act of 1938 to provide an exemption from overtime compensation for firefighters and rescue squad members who volunteer their services.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

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

A BILL

To amend the Fair Labor Standards Act of 1938 to provide an exemption from overtime compensation for firefighters and rescue squad members who volunteer their services.

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 Protection Act”.

1 **SEC. 2. EXEMPTION.**

2 Paragraph (4) of section 3(e) of the Fair Labor
3 Standards Act of 1938 (29 U.S.C. 203(e)) is amended by
4 adding after subparagraph (B) the following:

5 “(C) The term ‘employee’ does not include a fire-
6 fighter or a member of a rescue squad during the period—

7 “(1) in which the firefighter or rescue squad
8 member volunteers the firefighter’s or member’s
9 services at a facility where the firefighter or member
10 is not then regularly employed; and

11 “(2) for which the firefighter or member signed
12 a legally binding waiver of overtime compensation
13 for such services.”.

14 **SEC. 3. COERCION.**

15 Section 7 of the Fair Labor Standards Act of 1938
16 (29 U.S.C. 207) is amended by adding at the end the fol-
17 lowing:

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

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