

106TH CONGRESS  
1ST SESSION

# H. R. 1382

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.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 1999

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

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## 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”.

6 **SEC. 2. EXEMPTION.**

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

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

3               “(1) in which the firefighter or rescue squad  
4 member volunteers the firefighter’s or member’s  
5 services at a facility where the firefighter or member  
6 is not then regularly employed; and

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

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 fol-  
13 lowing:

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 fire-fighting or rescue squad services  
17 during any period in which such firefighter or member  
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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