

106TH CONGRESS  
1ST SESSION

# H. R. 1693

To amend the Fair Labor Standards Act of 1938 to clarify the overtime exemption for employees engaged in fire protection activities.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 5, 1999

Mr. EHRLICH (for himself, Mr. WELDON of Pennsylvania, Mr. CUNNINGHAM, Ms. HOOLEY of Oregon, Mrs. MORELLA, and Mr. ENGLISH) 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 clarify the overtime exemption for employees engaged in fire protection activities.

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. DEFINITION OF FIRE PROTECTION ACTIVITIES.**

4 Section 3 of the Fair Labor Standards Act of 1938  
5 (29 U.S.C. 203) is amended by adding at the end the fol-  
6 lowing:

7 “(y) ‘Employee in fire protection activities’ means an  
8 employee, including a firefighter, paramedic, emergency

1 medical technician, rescue worker, ambulance personnel,  
2 or hazardous materials worker, who—

3 “(1) is trained in fire suppression, has the legal  
4 authority and responsibility to engage in fire sup-  
5 pression, and is employed by a fire department of a  
6 municipality, county, fire district, or State, and

7 “(2) is engaged in the prevention, control, and  
8 extinguishment of fires or response to emergency sit-  
9 uations where life, property, or the environment is at  
10 risk.”.

11 **SEC. 2. CONSTRUCTION.**

12 The amendment made by section 1 shall not be con-  
13 strued to reduce or substitute for compensation standards  
14 (1) contained in any existing or future agreement or  
15 memorandum of understanding reached through collective  
16 bargaining by a bona fide representative of employees in  
17 accordance with the laws of a State or political subdivision  
18 of a State, and (2) which result in compensation greater  
19 than the compensation available to employees under the  
20 overtime exemption under section 7(k) of the Fair Labor  
21 Standards Act of 1938.

○