

106TH CONGRESS
1ST SESSION

H. R. 1693

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 1999

Received

AN ACT

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,*

1 **SECTION 1. DEFINITION OF FIRE PROTECTION ACTIVITIES.**

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

5 “(y) ‘Employee in fire protection activities’ means an
6 employee, including a firefighter, paramedic, emergency
7 medical technician, rescue worker, ambulance personnel,
8 or hazardous materials worker, who—

9 “(1) is trained in fire suppression, has the legal
10 authority and responsibility to engage in fire sup-
11 pression, and is employed by a fire department of a
12 municipality, county, fire district, or State; and

13 “(2) is engaged in the prevention, control, and
14 extinguishment of fires or response to emergency sit-
15 uations where life, property, or the environment is at
16 risk.”.

17 **SEC. 2. CONSTRUCTION.**

18 The amendment made by section 1 shall not be con-
19 strued to reduce or substitute for compensation standards
20 (1) contained in any existing or future agreement or
21 memorandum of understanding reached through collective
22 bargaining by a bona fide representative of employees in
23 accordance with the laws of a State or political subdivision
24 of a State, and (2) which result in compensation greater
25 than the compensation available to employees under the

1 overtime exemption under section 7(k) of the Fair Labor
2 Standards Act of 1938.

Passed the House of Representatives November 4,
1999.

Attest:

JEFF TRANDAHL,

Clerk.