

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.

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## 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

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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”.

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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