

To Get Overtime Pay—

Firefighters, Others

On Jan. 1, 1975, firefighters and law enforcement employees come under overtime pay provisions of the 1974 amendments to the Fair Labor Standards Act (FLSA), Secretary of Labor Peter J. Brennan reminded state and local government agencies recently.

Because of the special nature of the work of these public employees, Brennan said new FLSA overtime provisions are based on the concept of a work period of 28 consecutive days and 240 hours maximum (instead of the standard 7-day, 40-hour week) before overtime is paid.

Brennan said overtime at one and one-half times the employee's regular rate of pay may be based on a work period as short as seven days and 60 hours

maximum before overtime is paid, or any number of days up to 28 in the same ratio as 240 hours is to 28 days.

Betty Southard Murphy, administrator of the Wage and Hour Division of the U.S. Labor Department's Employment Administration, said that the 240-hours, 28-consecutive days ratio will be adjusted on Jan. 1, 1976, to 232 hours in 28 days, and on Jan. 1, 1977, to 216 hours in 28 days. The following chart shows the maximum hours standards for 1975.

Work Period (days)	Maximum Hours Standard	Work Period (days)
7	60	15
8	69	16
9	77	17
10	86	18
11	94	19
12	103	20
13	111	21
14	120	
Maximum Hours Standard	Work Period (days)	Maximum Hours Standard
129	22	189
137	23	197
146	24	206
154	25	214
163	26	223
171	27	232
180	28	240

Overtime must be paid by any public agency with five or more people working as firefighters or law enforcement officers (including security personnel in correctional institutions). The special overtime provisions also apply to certain ambulance and rescue service employees of public agencies.

Mrs. Murphy stated that the first-year cost impact of the FLSA amendments would depend in large part upon which of several available alternatives a public agency elects to use.

She pointed out that the new standards are interim standards. She said the 1974 amendments call on the Labor Department to conduct a study in calendar year 1976 of the hours ordinarily worked by fire protection and law enforcement employees.

The interim rules and definitions appeared in the Register on Dec. 20, 1974. They apply to sections 7 (k) and 13 (b) (20) of the Act.

The special FLSA provisions apply only to public agencies

and their employees. They do not apply to private organizations engaged in furnishing fire protection or law enforcement services even if these services are provided under contract to a public agency.

No distinction is made between full-time and part-time employees and both must be counted in determining whether the exemption of fewer than five applies. Bona fide volunteers may be excluded from the count.