

105TH CONGRESS
1ST SESSION

S. 656

To amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 25, 1997

Mr. WARNER (for himself, Mr. THOMAS, Mr. COCHRAN, Mr. ENZI, Mr. HELMS, Mr. HUTCHINSON, Mr. ROTH, and Mr. SESSIONS) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes.

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 Act”.

6 **SEC. 2. FIREFIGHTER AND RESCUE SQUAD SERVICES.**

7 Section 3(e)(4) of the Fair Labor Standards Act of
8 1938 (29 U.S.C. 203(e)) is amended by adding at the end
9 the following new subparagraph:

10 “(C) The term ‘employee’ does not include a fire-
11 fighter or a member of a rescue squad during the period
12 in which the firefighter or rescue squad member volunteers
13 to perform firefighting or rescue squad services at a loca-
14 tion where the firefighter or member is not then or regu-
15 larly employed.”.

16 **SEC. 3. WAIVER OF OVERTIME COMPENSATION.**

17 The employer of a firefighter or member of a rescue
18 squad shall not be required to pay the firefighter or mem-
19 ber overtime compensation under section 7 of the Fair
20 Labor Standards Act of 1938 (29 U.S.C. 207) for a period
21 during which the firefighter or member—

22 (1) volunteered to perform services for the em-
23 ployer; and

24 (2) signed a legally binding waiver of such com-
25 pensation.

1 **SEC. 4. LIMITATIONS ON THE PERFORMANCE OF VOLUN-**
 2 **TEER SERVICES.**

3 (a) OVERTIME COMPENSATION REQUIREMENT.—
 4 Section 7 of the Fair Labor Standards Act of 1938 (29
 5 U.S.C. 207) is amended by adding at the end the follow-
 6 ing:

7 “(r) No employer may require (directly or indirectly)
 8 an employee who is a firefighter or member of a rescue
 9 squad to volunteer the employee’s firefighting or rescue
 10 squad services during any period in which the employee
 11 would be entitled to receive compensation for overtime em-
 12 ployment under subsection (a).”.

13 (b) PROHIBITION AGAINST COERCION.—

14 (1) IN GENERAL.—An employer shall not di-
 15 rectly or indirectly intimidate, threaten, or coerce, or
 16 attempt to intimidate, threaten, or coerce, an em-
 17 ployee who is a firefighter or member of a rescue
 18 squad for the purpose of requiring the employee to
 19 volunteer the employee’s firefighting or rescue squad
 20 services.

21 (2) DEFINITION.—In this subsection, the term
 22 “intimidate, threaten, or coerce” includes promising
 23 to confer or conferring any benefit (such as appoint-
 24 ment, promotion, or compensation) or effecting or

- 1 threatening to effect any reprisal (such as depriva-
- 2 tion of appointment, promotion, or compensation).

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