

104TH CONGRESS  
1ST SESSION

# H. R. 94

Entitled the “Volunteer Firefighter and Rescue Squad Worker Protection Act”.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. BATEMAN introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

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## A BILL

Entitled the “Volunteer Firefighter and Rescue Squad Worker Protection Act”.

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. FIREFIGHTER AND RESCUE SQUAD SERVICES.**

4 Paragraph (4) of section 3(e) of the Fair Labor  
5 Standards Act of 1938 (29 U.S.C. 303(e)) is amended by  
6 adding after subparagraph (B) the following:

7 “(C) The term ‘employee’ does not include a fire-  
8 fighter or a member of a rescue squad during the period  
9 in which the firefighter or rescue squad member volunteers  
10 the firefighter’s or member’s services at a location where

1 the firefighter or member is not then or regularly  
2 employed.”.

3 **SEC. 2. WAIVER OF OVERTIME COMPENSATION.**

4 The employer of a firefighter or member of a rescue  
5 squad is not required to pay the firefighter or member  
6 overtime compensation under section 7 of the Fair Labor  
7 Standards Act of 1938 for a period—

8 (1) when the firefighter or member volunteered  
9 their services to the employer, and

10 (2) for which the firefighter or member signed  
11 a legally binding waiver of such compensation.

12 **SEC. 3. COERCION.**

13 Section 7 of the Fair Labor Standards Act of 1938  
14 (29 U.S.C. 207) is amended by adding at the end the  
15 following:

16 “(r) No employer may require (directly or indi-  
17 rectly) an employee who is a firefighter or member  
18 of a rescue squad to volunteer the employee’s fire-  
19 fighting or rescue squad services during any period  
20 in which such employee would be entitled to receive  
21 compensation for overtime employment under sub-  
22 section (a) if section 3(e)(4)(C) was not in effect.”.

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