

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

S

D

SENATE DRS75279-LR-91 (03/07)

Short Title: City Firefighters/Overtime Pay. (Public)

Sponsors: Senator Atwater.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE HOURS OF LABOR AND VACATION OF
3 MEMBERS OF MUNICIPAL FIRE DEPARTMENTS .

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The following definitions apply in this act:

6 (1) Firefighter. – A full-time, paid employee of an employer, maintaining
7 a fire department certified by the North Carolina Department of
8 Insurance, who is actively serving in a position with assigned primary
9 duties and responsibilities for the prevention, detection, and
10 suppression of fire.

11 (2) Supervisory personnel. – An employee of a fire department who has
12 the authority to hire, fire, discipline, and transfer other personnel
13 without authority of personnel above them.

14 **SECTION 2.(a)** A firefighter or a member of a fire department who
15 provides emergency medical services other than supervisory personnel and who is
16 required or permitted to work more than the number of hours that bears the same ratio to
17 212 hours as the number of days in the work period bears to 28 days is considered to
18 have worked overtime. The person is entitled to be compensated for the overtime as
19 provided by subsection (d) of this section.

20 **SECTION 2.(b)** A member of a fire department other than supervisory
21 personnel who does not fight fires or provide emergency medical services, including a
22 mechanic, clerk, investigator, inspector, fire marshal, fire alarm dispatcher, or
23 maintenance worker, and who is required or permitted to average more hours in a week
24 than the number of hours in a normal workweek of the majority of the employees of the
25 municipality other than firefighters, emergency medical service personnel, and police
26 officers, is considered to have worked overtime. The person is entitled to be
27 compensated for the overtime as provided by subsection (d) of this section.

1 **SECTION 2.(c)** In computing the hours worked in a workweek or the
2 average number of hours worked in a workweek during a work cycle of a firefighter or
3 other member of a fire department covered by this section, all hours are counted during
4 which the firefighter or other member of a fire department is required to remain on call
5 on the employer's premises or so close to the employer's premises that the person cannot
6 use those hours effectively for that person's own purposes. Hours in which the
7 firefighter or other member of a fire department is required only to leave a telephone
8 number at which that person may be reached or to remain accessible by radio or pager
9 are not counted in. In computing the hours in a workweek or the average number of
10 hours in a workweek during a work cycle of a firefighter or a member of a fire
11 department who provides emergency medical services, vacation, sick time, holidays,
12 time in lieu of holidays, or compensatory time may be excluded as hours worked.

13 **SECTION 2.(d)** A firefighter or other member of a fire department may be
14 required or permitted to work overtime. A firefighter or other member of a fire
15 department other than supervisory personnel who is required or permitted to work
16 overtime as provided by subsections (a) and (b) of this section is entitled to be paid
17 overtime for the excess hours worked without regard to the number of hours worked in
18 any one week of the work cycle. Overtime hours are paid at a rate equal to 1-1/2 times
19 the compensation paid to the firefighter or member of the fire department for regular
20 hours.

21 **SECTION 2.(e)** This act applies only as to municipalities with full-time paid
22 firefighters.

23 **SECTION 3.** This act is effective when it becomes law.