

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 963

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

Sponsors: Senator Atwater.

Referred to: Commerce, Small Business and Entrepreneurship.

March 20, 2007

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

The General Assembly of North Carolina enacts:

SECTION 1. The following definitions apply in this act:

- (1) Firefighter. – A full-time, paid employee of an employer, maintaining a fire department certified by the North Carolina Department of Insurance, who is actively serving in a position with assigned primary duties and responsibilities for the prevention, detection, and suppression of fire.
- (2) Supervisory personnel. – An employee of a fire department who has the authority to hire, fire, discipline, and transfer other personnel without authority of personnel above them.

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

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

SECTION 2.(c) In computing the hours worked in a workweek or the average number of hours worked in a workweek during a work cycle of a firefighter or

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

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

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

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