

**Government Finance Officers Association (GFOA)
International Municipal Lawyers Association (IMLA)
International Public Management Association for Human Resources (IPMA-HR)
National Association of Counties (NACo)
National League of Cities (NLC)
National Public Employer Labor Relations Association (NPELRA)
United States Conference of Mayors (USCM)**

March 7, 2006

Mr. Alfred B. Robinson Jr.
Acting Administrator
Wage and Hour Division
United States Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

Re: Interpretation of 29 USC § 203(y), 29 USC § 207(k)

Dear Mr. Robinson:

We are writing to respectfully ask for immediate action on an Opinion Letter request submitted to your office on December 13, 2005 by the City of Los Angeles for clarification of the section 7(k) partial overtime exemption of the Fair Labor Standards Act (FLSA) to dual function firefighter/paramedics.

The undersigned organizations represent county, municipal and local governments that sponsor or maintain fire departments that include not only firefighters but also paramedics and emergency medical technicians as described in section 203(y).

Unfortunately, notwithstanding the 1999 amendments to the FLSA, there is continuing confusion regarding the appropriate classification of these job functions. In particular, the Ninth Circuit holding in the case of *Cleveland et al. v City of Los Angeles* and the decision by the U.S. Supreme Court to deny certiorari in this case have greatly exacerbated the uncertainty regarding these job classifications.

This current state of uncertainty creates the potential for substantial operational disruptions that would impact the emergency response capabilities of our nation's municipal and county governments. In addition, this uncertainty subjects emergency first-responder departments to mounting costs and time-consuming and expensive litigation.

On September 9, 2005, Barbara Releford from the Office of Enforcement Policy issued an Opinion Letter addressing some aspects of this issue. However, we believe that more definitive guidance from the Administrator is vitally important. We therefore respectfully urge you to give this matter your immediate attention and provide the needed guidance requested by the City of Los Angeles.

If you have any questions or concerns, please feel free to contact the individuals listed below. Thank you for your consideration.

Sincerely,

Barrie Tabin Berger, GFOA (202) 393-8020
Henry Underhill, IMLA (202) 466-5424
Tina Ott Chiappetta, IPMA-HR (703) 549-7100
Daria Daniel, NACo (202) 393-6226
David Parkhurst, NLC (202) 626-3033
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Larry Jones, USCM (202) 293-7330

cc: Honorable Elaine L. Chao
Secretary of Labor

Honorable Victoria A. Lipnic
Assistant Secretary for Employment Standards