

Local Governments Achieve Victory in FLSA Matter

GFOA along with several other local government associations scored a significant victory on June 1, 2006, when the U.S. Department of Labor (DOL) found that dual-function firefighters (those who operate as both firefighters and paramedics) are exempt from the overtime compensation requirements of the Fair Labor Standards Act (FLSA) when they are assigned to paramedic vehicles.

The local government associations had submitted an opinion letter request to DOL asking for such clarification after the U.S. Supreme Court denied review of the Ninth Circuit Court of Appeals case, *Cleveland v. City of Los Angeles*, in 2005. Here, the Ninth Circuit had ruled that dual-function firefighters/paramedics were entitled to overtime compensation.

This decision by DOL is a significant victory for local governments since the cost to localities of having to pay dual-function firefighters/paramedics overtime compensation, if local government efforts to resolve the issue favorably proved unsuccessful, was predicted to reach nearly \$500 million per year.

The opinion letter is unequivocal, Alfred B. Robinson, acting director of the wage and hour division wrote, "Based on a review of the information provided, it is our opinion that the dual-function firefighter/paramedics described in your letter qualify for the partial overtime exemption."