

Fair Labor Standards Act reform urged

By Lisa Gilman
staff writer

The federal Fair Labor Standards Act (FLSA) is not designed for city employees.

That's the opinion of the Farmington City Council, which passed a motion to support a Senate bill providing short-term relief for local governments. The U.S. Department of Labor enforces the act.

The FLSA calls for an undesirable minimum wage and overtime pay structure for local governments, according to Farmington City Manager Robert Deadman.

FLSA provisions were instituted

April 15, according to Frank Lauboff, Farmington public safety director. Cities had until Oct. 15 to figure out FLSA provisions and bargain with employees. Neither the city nor the federal government was sure of the standards set by the FLSA, Lauboff said.

After two months of negotiating a contract with Farmington public safety officers, "the feds said your contract is void," Lauboff said. "It's unfair to the city and the officers."

"There's going to be some changes, I don't know what," Deadman said. "Removing overtime provisions is a step in the right direction."

ACCORDING TO THE FLSA, city em-

ployees who work more than a 40-hour week are eligible for time-and-a-half overtime pay, a provision that creates several problems in local government, according to Deadman.

"Our officers (public safety) rotate on a six-week schedule," Deadman explained. The FLSA is set up to coincide with a four-week rotation and a limit of 171 hours per four-week schedule, or slightly more than 40 hours per week.

The current six-week rotation system for Farmington public safety officers amounts to 40 hours per week. If changed to a four-week rotation, it would not amount to that.

The present system was the result of a long and drawn out bargaining pro-

cess between the city and public safety union officials, Deadman said. The union contract has compensation time provisions and straight time for longer than 40-hour-a-week training periods, a system that works well in Farmington, according to Deadman.

A POLICE department's special functions would also be hindered by the FLSA, Deadman said.

Narcotics or homicide detectives may work undercover 24 hours in a row, then take compensation time to make up for overtime. Under the FLSA, a city would be liable for overtime pay towards such police personnel — an unnecessary expense to the city,

Deadman said.

"It seems clear that the act discriminates against employees of government who may wish to assist in a city-sponsored activity with other volunteers," Deadman said.

Volunteer outreach to the community would be hindered.

Under the FLSA, a full-time city employee who might volunteer time in a city hospital, recreation program or fire-fighting program would be paid time-and-a-half for every work hour over 40 in a one-week period. Because of the expense, the city would prohibit government personnel from community volunteer work.

"CONGRESS IS not sympathetic to changing the act," Deadman said. Congress recently postponed an investigation of the FLSA. "There are currently pending at the Department of Labor over 600 complaints against local governments," Deadman said.

"The penalty provisions of the act generally provide fines and compensa-

tion far in excess of the compensation lost by the employee as a result of the local government's failure to comply with the act," he added.

Mayor Ed Koch said his New York City would have to pay \$40 million to comply with the act, Deadman said. A new work force could be hired for that amount of money.

Farmington has joined the National League of Cities in supporting Senate Bill 1570. The league also seeks support for a more comprehensive legislation package, which would provide a permanent solution to the problems caused by this act, Deadman said.

"Legislation is now being introduced which would exempt localities and states from the overtime provisions of the act and exclude individuals who provide services on a voluntary basis," Deadman said.

The council's move to support future legislation protecting city governments from large wage expenses is only the first step, Deadman said.

Discounts are offered

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