

117TH CONGRESS
1ST SESSION

S. 838

To amend section 5542 of title 5, United States Code, to provide that any hours worked by Federal firefighters under a qualified trade-of-time arrangement shall be excluded for purposes of determinations relating to overtime pay.

IN THE SENATE OF THE UNITED STATES

MARCH 18, 2021

Mr. VAN HOLLEN (for himself, Mr. TESTER, Ms. COLLINS, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend section 5542 of title 5, United States Code, to provide that any hours worked by Federal firefighters under a qualified trade-of-time arrangement shall be excluded for purposes of determinations relating to overtime pay.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Firefighter
5 Flexibility and Fairness Act”.

1 **SEC. 2. TREATMENT OF HOURS WORKED UNDER A QUALI-**
 2 **FIED TRADE-OF-TIME ARRANGEMENT.**

3 Section 5542 of title 5, United States Code, is
 4 amended by adding at the end the following:

5 “(h)(1) Notwithstanding any other provision of this
 6 section, any hours worked by a firefighter under a quali-
 7 fied trade-of-time arrangement shall be disregarded for
 8 purposes of any determination relating to eligibility for,
 9 or the amount of, any overtime pay under this section.

10 “(2) For purposes of this subsection—

11 “(A) the term ‘qualified trade-of-time arrange-
 12 ment’ means an arrangement under which 2 fire-
 13 fighters who are employed by the same agency
 14 agree, solely at their option and with the approval
 15 of their employing agency, to substitute for one an-
 16 other during scheduled work hours in the perform-
 17 ance of work in the same capacity; and

18 “(B) the term ‘firefighter’ means a firefighter
 19 as defined by section 8331(21) or 8401(14).”.

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