

## **Public Safety Overtime: "This fight is far from over!"**

On 20 April 2004, U.S. Secretary of Labor Elaine L. Chao announced the final regulations on the exemptions from overtime pay under the Fair Labor Standards Act. The final rule accomplishes the F.O.P.'s goal of strengthening overtime protections for police officers and other first responders.

National President Chuck Canterbury called the publication of the final regulations an "unprecedented victory" for America's public safety officers. In addition, Canterbury stated that the final rule confirms the F.O.P.'s confidence in this Administration's commitment to our nation's police officers, firefighters and EMTs, and their intention to resolve this issue to the benefit of these vital public servants. Read the complete text of the F.O.P.'s [press release](#).

Later that day, [Secretary Chao sent a letter to National President Canterbury](#) to thank the F.O.P. for its constructive engagement in the rulemaking process, and for demonstrating "the kind of principled leadership that has made it America's largest labor organization for police officers." Secretary Chao also noted that "the Department could not have crafted a final rule that does so much to strengthen overtime protections for the men and women of law enforcement without the F.O.P.'s input."

However, despite the historic gains for public safety officers which were realized with the publication of these regulations, there are still those supposedly rank and file police organizations who want to make sure that these regulations will not take effect as planned in August 2004. Their continued opposition can only be attributed to a selfish desire to advance their own partisan political agenda at the expense of law enforcement officers and their families. These groups continue to advocate for legislation such as the "Harkin Amendment," and persist in spreading [untrue, unfounded, and misleading information](#) about the impact of these regulations on public safety employees.

Due in part to the efforts of these organizations, on 4 May a slim majority of the United States Senate was able to pass the "Harkin Amendment" to S. 1637, the "Jumpstart Our Business Strength (JOBS) Act." Immediately following the vote, [National President Canterbury](#) expressed his profound disappointment at the actions of the Senate to roll back the recently won improvements in overtime protections for public safety employees.

Earlier that day, [National President Canterbury](#) joined [Tammy McCutchen, Administrator for the Wage and Hour Division at the Department of Labor](#), and Ed Mullins, President of the Sergeants Benevolent Association of New York City, to denounce the campaign of misinformation being waged against the Department's new overtime rules and to urge the defeat of the Harkin Amendment.

Yesterday's passage of the Harkin Amendment is no more than a momentary setback in our continuing efforts to protect and expand the right to overtime for America's public safety officers. Despite what others may claim, these final regulations are still scheduled to go into effect in August 2004. And the F.O.P. will use every available means to ensure that they do!!

The final Part 541 regulations are currently available on the [Department of Labor web site](#).

[Read more](#) about the FOP's efforts concerning this important issue.

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SECRETARY OF LABOR  
WASHINGTON

APR 20 2004

Mr. Chuck Canterbury  
National President  
Fraternal Order of Police  
309 Massachusetts Avenue, NE  
Washington, DC 20002

Dear Chuck:

Today the Department of Labor issued its final regulations defining who is and is not a white collar worker exempt from overtime. The final rule accomplishes our goal of strengthening overtime protections for millions of American workers and clarifying outdated rules that have become a burgeoning source of complex litigation. While many of the early news reports are not completely accurate in describing the final rule, they are accurate in noting that the regulations strengthen overtime protections for police and other first responders.

Now that the rulemaking process is concluded, I want to personally thank you for the constructive engagement of the Fraternal Order of Police in the rulemaking process. Unlike some smaller police organizations that sought to turn this rulemaking into a partisan political fight, the FOP demonstrated the kind of principled leadership that has made it America's largest labor organization for police officers. The FOP's prompt written comments gave the Department information it needed to effectuate our stated intention to strengthen and expand overtime for America's police, fire fighters and other first responders.

It is somewhat amusing to now see groups that wanted to turn this important policy matter into a partisan issue scrambling to take credit for the substantive work of the FOP. These organizations and the entire law enforcement community owe a debt of gratitude to the FOP for its early and expert engagement in this rulemaking. The Department could not have crafted a final rule that does so much to strengthen overtime protections for the men and women of law enforcement without the FOP's input.

Sincerely,



Elaine L. Chao