



**GRAND LODGE
FRATERNAL ORDER OF POLICE®**

309 Massachusetts Ave., N. E.
Washington, DC 20002
Phone 202-547-8189 • FAX 202-547-8190

CHUCK CANTERBURY
NATIONAL PRESIDENT

JAMES O. PASCO, JR.
EXECUTIVE DIRECTOR

13 May 2004

Dear Representative:

It has come to our attention that a motion to instruct conferees to the FY 2004 Labor-HHS Appropriations Act regarding the Department of Labor's (DOL) final regulations on the exemptions from overtime for executive, administrative and professional employees may be offered again today on the House floor. Therefore, I am writing on behalf of the more than 312,000 members of the Fraternal Order of Police to advise you of our opposition to this measure, and any similar legislative action, which would block, hinder, or otherwise effect the scheduled implementation of these regulations in August 2004.

It is particularly ironic that the opponents of the DOL regulations have chosen to make their attempts to weaken the overtime rights of public safety employees during National Police Week. Despite what some may have you believe, the final regulations will guarantee overtime compensation to an expanded majority of our nation's police officers and other public safety employees—but only if they are allowed to take effect later this year. Specifically, Section 541.3(b) of the final rule provides that neither the exemptions contained in the Act nor the regulations apply to police officers, firefighters, EMTs and others—regardless of their rank or pay level—who perform public safety work. The regulations go on to clarify why these employees cannot be classified as executive, administrative or professional employees, and thus be exempted from receiving overtime pay.

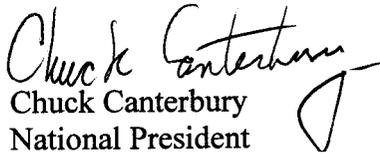
In addition, DOL has acknowledged that the right to overtime compensation may be *extended* to some public safety employees who are currently classified as exempt because of other changes to the regulations. One group in particular that will likely benefit from the final regulations are the thousands of police sergeants who serve in cities across the nation. In the preamble, the Department addressed their eligibility by noting that “police sergeants, for example, are entitled to overtime pay even if they direct the work of other police officers because their primary duty is not management or directly related to management...; neither do they work in a field of science or learning where a specialized academic degree is a standard prerequisite for employment.”

Passage of any legislation which would require DOL to go back to the drawing board would most likely ensure that no further rules could be issued any time in the near future. That also means that the regulation's new “public safety exclusion”—the addition of which was a major and historic victory for public safety officers—will also not take

effect, and many of our nation's public safety employees will continue to be ineligible to receive overtime pay. That is simply unacceptable.

On behalf of the membership of the Fraternal Order of Police, I again stress our strong opposition to the motion to instruct, and request your vote against this measure today and in the future. Please do not hesitate to contact me, or Executive Director Jim Pasco, if we can provide you with any additional information.

Sincerely,


Chuck Canterbury
National President