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Defendant's Exhibit No. 1

METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY
DEPARTMENT OF LAW
204 COURTHOUSE
NASHVILLE, TENNESSEE 37201

November 4, 1974

Mr. Charles S. Rhyne
General Counsel
National Institute of Municipal Law Officers
839 - 17th Street, N. W.
Washington, D. C. 20006

Dear Mr. Rhyne:

This acknowledges receipt of your letter of October 15.

You asked if the Metropolitan Government would experience a large increase in costs for Firemen and Policemen due to the Fair Labor Standards Act. From the best estimates available, we have concluded that the annual costs in the early stages of the implementation of the Fair Labor Standards Act for Policemen and Firemen would amount to approximately \$938,000.00. This computation is based on no increase in the present compensation. Obviously, the implementation of the Fair Labor Standards Act is going to have a serious financial impact on the Metropolitan Government of Nashville.

If we can be of further service to you, please advise.

Very truly yours,

/s/ Milton H. Sitton
Milton H. Sitton
Director of Law

Defendant's Exhibit No. 2

METROPOLITAN GOVERNMENT OF NASHVILLE
AND DAVIDSON COUNTY
DEPARTMENT OF LAW
204 COURTHOUSE
NASHVILLE, TENNESSEE 37201

November 25, 1974

Mr. Charles S. Rhyne
Rhyne & Rhyne
400 Hill Building
Washington, D.C. 20006

Dear Mr. Rhyne:

This refers to your letter of November 22 in which you enclosed rough drafts of the proposed complaint and brief to be filed in the U.S. District Court for the District of Columbia contesting the extension of the Fair Labor Standards Acts to governmental functions.

We note that you have shown Metropolitan Nashville, Tennessee; the correct legal name is The Metropolitan Government of Nashville and Davidson County, Tennessee. Please correct on the final complaint.

As you know, the Department of Labor has proposed definitions and rules for determining hours worked and what constitutes a work period with respect to employees of public agencies engaged in fire protection or law enforcement activities.

We have previously furnished you with an estimate of the financial impact that the Act will impose upon the operational costs of our Fire and Police Departments.

The proposed Rules, if enacted, would have a further effect on our Police Department and could affect the cost of operating our Fire protection. Section 553.8 of the proposed Rules, as we interpret same, would require the payment of overtime where a fireman or policeman is engaged by another public agency of some other state or political subdivision, or by a private employer and the work performed by the employee is not completely disassociated from his employment with the Metropolitan Government; for example, a policeman who is required to wear his uniform and performs services which would deter the commission of a crime; i.e., security guard at a bank. We estimate that 40% of our policemen work in positions requiring police authority. These police officers average at least 16 hours a week in this employment. If the proposed Rules become effective and we have interpreted the proposal correctly, it is possible that the Metropolitan Government would have to pay overtime on 16 hours a week. We estimate that this would cost us in round figures \$19,000.00 per week, or a total of approximately \$1,000,000.00 per year. This would seriously place a burden on the property taxpayers and might require the curtailment of some needed services.

Mr. Rick Bacigalupo asked for the above information. This, of course, is predicated on the approval of the proposed Rules.

Sincerely,

/s/ Edward W. McCabe
Edward W. McCabe
Deputy Director of Law

Defendant's Exhibit No. 3

International
City
Management
Association

Management Information Service

SPECIAL
REPORT
JUNE 1974

The fair labor standards act: effects on fire overtime costs & staffing

Effective January 1, 1975, the federal Fair Labor Standards Act will apply to fire department and police department overtime practices. Many cities now are preparing budgets for the fiscal year July 1, 1974, through June 30, 1975. Also, many cities now are in the process of negotiating with representatives of fire-fighter or police groups. The new federal law may have very significant effects on both the budgeting plans of cities and negotiations of city management with police and fire groups.

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Management Association.

This special MIS report discusses problems and possible solutions in planning for the January 1, 1975, changes required by the Fair Labor Standards Act.

GOVERNMENT ADDED TO FLSA COVERAGE

Congress enacted a compromise version of the Fair Labor Standards Act placing federal, state, and local governments under the act on March 28, 1974. The President signed the bill on April 8, 1974, and it became effective May 1, 1974. Some changes in the new law will affect cities on January 1, 1975, and in subsequent years when the overtime provisions for fire and police take effect.

The Fair Labor Standards Act provides that the U.S. Secretary of Labor will issue a new regulation that will identify the policies and practices of the Department of Labor in regulating minimum wage and overtime provisions of the act for police and fire departments. It is not likely that the regulation will be issued by the Secretary until later in the summer of 1974 and almost certainly after July 1, 1974. As almost all cities that use a July 1 fiscal year must have completed budget preparations and negotiations with organized employee groups by that date, and as cities will not be able to know exactly what the Department of Labor regulations will be prior to July 1, this report is issued to help local government administrators plan in an uncertain area for the coming year. Local officials are specifically cautioned that the infor-

mation in this report may subsequently turn out to be inconsistent with the regulations to be issued later this year. When the Department of Labor regulation is issued, managers should obtain copies immediately and review local policy in comparison with the final regulation to make any additional policy changes necessary.

FIRE SUPPRESSION OVERTIME PRACTICES AND THE FLSA LAW

Effective January 1, 1975, fire overtime hours are mandated by federal law whenever hours on duty exceed an average of 60 hours per week, or 240 hours in 28 days, or any proportionate ratio of hours to days between 7 days and 28 days. Many cities in the United States presently have fire duty schedules averaging more than 60 hours per week. Any city will be free to continue to schedule firefighters for hours longer than an average of 60 per week. However, each such city will be required to pay overtime at time-and-one-half for hours worked over the 60 hours per week average.

A major unknown is whether, in calculating overtime hours, the Department of Labor will grant an exemption for sleeping and/or eating time for part of the hours spent in a fire duty period. Previous practice by the department has permitted an exemption of up to eight hours for sleeping time and additional hours for bona fide meal times which, if applied

in the fire service, could have the possible effect of exempting up to 11 hours out of a 24-hour duty period for the purpose of determining hours to be included in overtime calculations. A ruling by the Secretary of Labor regarding hours for which the minimum wage must be paid, issued in May 1974, requires that policemen and firefighters who are required to be on duty for 24 hours or less will use the Wage and Hour Division rule set forth in 29 C.F.R. 785.21. (This is the rule which previously applied to duty time of less than 24 hours.) Thus, for firemen with tours of duty of 24 hours or less, no time may be deducted for meals or sleeping. If this rule is extended and made permanent for calculations of overtime for firemen, it then would not be possible to exempt any sleeping or eating hours from overtime calculations. This report is written assuming the possibility that all scheduled hours will be counted for purposes of calculating overtime. Should the Secretary of Labor's regulations permit some exemptions for fire hours used for eating and/or sleeping, cities will have greater options in budgeting and negotiating with employee groups.

1975 REQUIREMENTS FOR FIRE OVERTIME

Effective January 1, 1975, overtime payment will be required for work over 60 hours average per week, or 240 hours in 28 days, or any proportionate ratio. For cities that use a 24-hour fire duty period, a "10-14" fire duty period, or a

"9-15" fire duty period, there are only two possible fire duty schedules between 7 and 28 days that are equivalent to an average of exactly 60 hours per week. In the examples listed, "X" equals a continuous 24-hour fire duty period. Most often a 24-hour fire duty period will begin at 8:00 a.m. and continue until 8:00 a.m. the following morning. An "0" indicates 24-hours off duty:

Five 24-Hour Fire Duty Periods in 14 Days
(60-Hour Average Fire Duty Week):

<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u>	<u>14</u>
X	0	X	0	X	0	X	0	X	0	0	0	0	0

Ten 24-Hour Fire Duty Periods in 28 Days
(60-Hour Average Fire Duty Week):

<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u>	<u>14</u>
X	0	X	0	X	0	X	0	X	0	X	0	X	0
<u>15</u>	<u>16</u>	<u>17</u>	<u>18</u>	<u>19</u>	<u>20</u>	<u>21</u>	<u>22</u>	<u>23</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>	<u>28</u>
X	0	X	0	X	0	0	0	0	0	0	0	0	0

These schedules would not necessarily be the exact ones that would be placed into effect by any given city. For example, on the five 24-hour-periods-in-14 cycle, it is not necessary to have five consecutive days off. On the ten 24-hour-periods-in-28 cycle, it is not necessary to have nine consecutive days off. However, normal scheduling of 24-hour fire duty periods provides for a 24-hour period off duty immediately following a 24-hour on-duty shift.

Many other options are possible in arranging five 24-hour fire duty periods in 14 days or ten 24-hour fire duty periods in 28 days. Two additional examples of each are shown below.

Five 24-Hour Fire Duty Periods in 14 Days
(60-Hour Average Fire Duty Week):

$\frac{1}{X}$	$\frac{2}{0}$	$\frac{3}{X}$	$\frac{4}{0}$	$\frac{5}{0}$	$\frac{6}{X}$	$\frac{7}{0}$	$\frac{8}{X}$	$\frac{9}{0}$	$\frac{10}{0}$	$\frac{11}{X}$	$\frac{12}{0}$	$\frac{13}{0}$	$\frac{14}{0}$
---------------	---------------	---------------	---------------	---------------	---------------	---------------	---------------	---------------	----------------	----------------	----------------	----------------	----------------

X 0 X 0 X 0 0 0 X 0 X 0 0 0

Ten 24-Hour Fire Duty Periods in 28 Days
(60-Hour Average Fire Duty Week):

$\frac{1}{X}$	$\frac{2}{0}$	$\frac{3}{X}$	$\frac{4}{0}$	$\frac{5}{X}$	$\frac{6}{0}$	$\frac{7}{X}$	$\frac{8}{0}$	$\frac{9}{X}$	$\frac{10}{0}$	$\frac{11}{0}$	$\frac{12}{0}$	$\frac{13}{0}$	$\frac{14}{0}$
---------------	---------------	---------------	---------------	---------------	---------------	---------------	---------------	---------------	----------------	----------------	----------------	----------------	----------------

X 0 X 0 X 0 0 0 0 X 0 X 0 X

$\frac{15}{X}$	$\frac{16}{0}$	$\frac{17}{X}$	$\frac{18}{0}$	$\frac{19}{X}$	$\frac{20}{0}$	$\frac{21}{X}$	$\frac{22}{0}$	$\frac{23}{X}$	$\frac{24}{0}$	$\frac{25}{0}$	$\frac{26}{0}$	$\frac{27}{0}$	$\frac{28}{0}$
----------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------

0 0 0 0 X 0 X 0 X 0 X 0 0 0

Many combinations of on-duty and off-duty shifts are possible. The city administrator and fire chief should carefully structure the fire duty cycle to best meet the city's particular needs.

AVOIDING UNNECESSARY FIRE OVERTIME

City councils and local administrators no longer can afford the luxury of dele-

gating completely to fire departments the determination of the fire duty cycle. Any fire duty cycle less than seven days or more than 28 days in length will cost a city unnecessary overtime. For example, some cities presently have a fire duty cycle three days in length. This cycle calls for 24 hours on duty and 48 hours off duty prior to repeating. Even though this cycle is equivalent to an average of 56 hours per week, a city that maintains this particular cycle, beginning January 1, 1975, may be liable to pay unnecessary overtime every third week, as follows:

Three-Day Fire Duty Cycle

Sun.	Mon.	Tues.	Wed.	Thur.	Fri.	Sat.	
0	0	X	0	0	X	0	48 hrs.
0	X	0	0	X	0	0	48 hrs.
X	0	0	X	0	0	X	72 hrs.

In this example, in the first two weeks an individual firefighter would be on duty 48 hours each week, but in the third week he would be on duty for three 24-hour periods for a total of 72 hours. In that third week, the city would be liable to pay 12 hours of overtime at time-and-one-half. This kind of unnecessary overtime can be avoided by adopting a fire duty cycle at least seven days in length and not exceeding 28 days in length. Specific examples of duty schedules that can be adopted are listed in Table 1.

THE "10-14"

Fire groups have been able to legislate in some states the use of the 10-14 type of fire duty scheduling. The 10-14 basically is identical to a 24-hour period except that it is broken into two parts. Typically, the "day shift" is ten hours in length and most often begins at 8:00 a.m. and ends at 6:00 p.m. The day shift usually will include lunch, and usually sleeping is not permitted on this shift. The "night shift" is 14 hours in length, usually from 6:00 p.m. to 8:00 a.m., and includes dinner and sleeping time. Scheduled fire department activities, such as drills, are uncommon. Firefighters of course are on call to answer an alarm at any time throughout the day shift or night shift.

The 10-14 fire duty schedule requires an identical number of day shifts as night shifts. Basically, a 10-hour day shift and a 14-hour night shift are identical to a 24-hour fire duty period in terms of the amount of work-related hours and standby time. Typically, on either a 24-hour fire duty period or a 10-14, there is a maximum of eight hours of work-related activity and a minimum of 16 hours of standby time.

Examples of a 10-14 schedule that would average 60 hours per week over a 14-day or 28-day period are as follows:

D = day shift
(e.g., 8:00 a.m. to 6:00 p.m. -- 10 hours)

N = night shift
(e.g., 6:00 p.m. to 8:00 a.m. -- 14 hours)

0 = off duty

(Text continued

Table 1
FIRE DUTY SCHEDULES FOR 1975

No. of Days in Fire Duty Schedule	Fire Duty Schedules	Average Fire Duty Week (Hours)	No. of 24-Hour Periods on Duty in Fire Duty Cycle
7	XOX0000	48	2 in 7
8	XOX00000	42	2 in 8
9	XOXOX0000 XOX000000	56 37.3	3 in 9 2 in 9
10	XOXOX00000 XOX0000000	50.4 33.6	3 in 10 2 in 10
11	XOXOX000000	45.8	3 in 11
12	XOXOXOX00000 XOXOX0000000	56 42	4 in 12 3 in 12
13	XOXOXOX000000 XOXOX00000000	51.6 38.7	4 in 13 3 in 13

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No. of Days in Fire Duty Schedule	Fire Duty Schedules	Average Fire Duty Week (Hours)	No. of 24-Hour Periods on Duty in Fire Duty Cycle
14	XOXOXOX0000000	48	4 in 14
	XOXOXOXOX00000	60	5 in 14
15	XOXOXOXOX000000	56	5 in 15
	XOXOXOX00000000	44.8	4 in 15
16	XOXOXOXOX0000000	52.5	5 in 16
	XOXOXOX000000000	42	4 in 16
17	XOXOXOXOX00000000	49.4	5 in 17
	XOXOXOXOXOX000000	59.3	6 in 17
18	XOXOXOXOXOX0000000	56	6 in 18
	XOXOXOXOX000000000	46.6	5 in 18
19	XOXOXOXOXOX00000000	53.05	6 in 19
	XOXOXOXOX0000000000	44.21	5 in 19
20	XOXOXOXOXOXOX0000000	58.8	7 in 20
	XOXOXOXOXOX000000000	50.4	6 in 20
	XOXOXOXOX00000000000	42.0	5 in 20

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No. of Days in Fire Duty Schedule	Fire Duty Schedules	Average Fire Duty Week (Hours)	No. of 24-Hour Periods on Duty in Fire Duty Cycle
21	XOXOXOXOXOXOX00000000	56.0	7 in 21
	XOXOXOXOXOX0000000000	48.0	6 in 21
	XOXOXOXOX000000000000	40.0	5 in 21
22	XOXOXOXOXOXOX00000000	53.45	7 in 22
	XOXOXOXOXOX0000000000	45.81	6 in 22
23	XOXOXOXOXOXOXOX00000000	58.43	8 in 23
	XOXOXOXOXOXOX0000000000	51.18	7 in 23
	XOXOXOXOXOX000000000000	43.82	6 in 23
24	XOXOXOXOXOXOXOX00000000	56.00	8 in 24
	XOXOXOXOXOXOX0000000000	49.00	7 in 24
	XOXOXOXOXOX000000000000	42.00	6 in 24
25	XOXOXOXOXOXOXOX0000000000	53.76	8 in 25
	XOXOXOXOXOXOX000000000000	47.04	7 in 25
	XOXOXOXOXOX00000000000000	40.32	6 in 25
26	XOXOXOXOXOXOXOXOX0000000000	58.15	9 in 26
	XOXOXOXOXOXOXOX000000000000	51.69	8 in 26
	XOXOXOXOXOXOX00000000000000	45.23	7 in 26

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No. of Days in Fire Duty Schedule	Fire Duty Schedules	Average Fire Duty Week (Hours)	No. of 24-Hour Periods on Duty in Fire Duty Cycle
27	XOXOXOXOXOXOXOXOX000000000000	56.00	9 in 27
	XOXOXOXOXOXOXOXOX000000000000	49.77	8 in 27
	XOXOXOXOXOXOXOXOX000000000000	43.55	7 in 27
28	XOXOXOXOXOXOXOXOXOX0000000000	60.0	10 in 28
	XOXOXOXOXOXOXOXOXOX0000000000	54.0	9 in 28
	XOXOXOXOXOXOXOXOX000000000000	48.9	8 in 28
	XOXOXOXOXOXOXOXOX000000000000	42.0	7 in 28

60-Hour Average Fire Duty Schedule
"10-14" Shifts, 7- Through 28-Day Cycle

In the schedules below, assume that
the schedule begins at 8:00 a.m.

14-Day Fire Duty Cycle (60-Hour Average)

1	2	3	4	5	6	7
D N	D N	D N	D N	D N	D N	D N
D 0	D 0	D 0	D 0	D 0	0 0	0 0

8	9	10	11	12	13	14
D N	D N	D N	D N	D N	D N	D N
0 N	0 N	0 N	0 N	0 N	0 0	0 0

28-Day Fire Duty Cycle (60-Hour Average)

1	2	3	4	5	6	7
D N	D N	D N	D N	D N	D N	D N
D 0	D 0	D 0	D 0	D 0	0 0	0 0

8	9	10	11	12	13	14
D N	D N	D N	D N	D N	D N	D N
0 N	0 N	0 N	0 N	0 N	0 0	0 0

15	16	17	18	19	20	21
D N	D N	D N	D N	D N	D N	D N
D 0	D 0	D 0	D 0	D 0	0 0	0 0

22	23	24	25	26	27	28
D N	D N	D N	D N	D N	D N	D N
0 N	0 N	0 N	0 N	0 N	0 0	0 0

DOL SURVEY OF 1975 FIRE DUTY HOURS

The Department of Labor will conduct a survey in 1976 to ascertain fire duty hours used by cities during the calendar year 1975. Local government administrators should insure that adequate records are kept of fire duty hours, cycles, and schedules of uniformed fire personnel during the calendar year 1975. The law passed by Congress requires the Secretary of Labor to use the information gathered on hours actually served on duty to determine administratively the maximum number of hours over which fire overtime will be paid beginning January 1, 1978.

Administrators can anticipate substantial demands by fire groups to lower fire hours for the calendar year 1975. The lower the average of fire duty hours is determined to be in 1975, the lower the hours over which overtime payment will be required for firefighters beginning in 1978. It is possible that beginning in 1978 the Secretary of Labor could determine that overtime will be required over 54 hours per week (as in 1977) or over a number of hours less than 54 hours per week. City administrators and city councils should recognize that reduction of fire duty hours in 1975 will affect significantly the number of hours over which overtime must be paid beginning in 1978. It is theoretically possible that the Secretary of Labor could determine that 52, 50, 48, 46, 44, 42 or even 40

hours per week--the goal of firefighter groups--could be established as the number of fire hours per week over which overtime must be paid.

1976 REQUIREMENTS FOR FIRE OVERTIME

Effective January 1, 1976, cities will be required to pay overtime for any hours over 58 per week, or 232 hours in 28 days. Therefore, to avoid overtime payments, cities using a 60-hour schedule will need to revise the schedule.

With the 24-hour fire duty period, the 10-14 period, or the 9-15 period, there are no fire duty schedules possible that are equivalent to 58 hours using a cycle of seven days through 28 days. The next lowest fire duty schedule possible arithmetically between seven days and 28 days is a 56-hour average schedule. The practical effect of the law enacted by Congress is to require a 56-hour schedule starting in 1976 rather than a 58.

A 56-hour fire duty schedule basically involves being on duty one-third of the time and being off duty two-thirds of the time. The basic ratio is simple: one on-duty hour or one on-duty day out of three. Therefore, to obtain a permissible schedule, it is necessary to devise a ratio of fire duty schedules using cycles of duties divisible by three. Between seven and 28 days, there are seven options of schedules as follows:

56-Hour Fire Duty Schedules
Between 7 Days and 28 Days

Three 24-hour periods in 9:
XOXOX0000

Four 24-hour periods in 12:
XOXOXOX00000

Five 24-hour periods in 15:
XOXOXOXOX000000

Six 24-hour periods in 18:
XOXOXOXOXOX0000000

Seven 24-hour periods in 21:
XOXOXOXOXOXOX00000000

Eight 24-hour periods in 24:
XOXOXOXOXOXOXOX000000000

Nine 24-hour periods in 27:
XOXOXOXOXOXOXOXOX0000000000

The lower the number of hours per fire duty week, the greater the variety of options in scheduling fire duty periods. Within each of the schedules shown above, a great variety of arrangements of on-duty periods and off-duty periods can be utilized. For example, a common optional scheduling of the four 24-hour duty periods in a 12-day cycle is as follows:
XOX00XOX0000.

Cities should avoid a 56-hour average duty cycle less than seven days in length or greater than 28 days in length in order to

avoid paying unnecessary overtime. Therefore, cities should not use a day cycle of 1 in 3 or 2 in 6, such as:

$$\frac{1}{X} \quad \frac{2}{0} \quad \frac{3}{0}$$

$$\frac{1}{X} \quad \frac{2}{0} \quad \frac{3}{X} \quad \frac{4}{0} \quad \frac{5}{0} \quad \frac{6}{0}$$

If these schedules are used, 18 hours of unnecessary overtime every third week may have to be paid for every firefighter--equivalent to six hours unnecessary overtime cost per week per firefighter. This would result in unnecessary overtime cost of 10.7 percent of the fire salary budget. Similarly, the use of a 56-hour schedule greater than 28 days will result in unnecessary overtime costs. Such schedules would be: ten 24-hour fire duty periods in 30 days, eleven 24-hour fire duty periods in 33, twelve 24-hour fire duty periods in 36 days, etc.

1977 FIRE OVERTIME REQUIREMENTS

Effective January 1, 1977, the Fair Labor Standards Act will require the payment of overtime for hours in excess of 54 hours per week, or 216 hours in 28 days. Only one schedule exactly fits this description. This is a schedule of nine 24-hour fire duty periods in 28 days, or nine 10-hour day shifts and nine 14-hour night shifts in 28 days. (Nine 24-hour fire duty periods equal 216 hours.)

<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>
X	O	X	O	X	O	X	O	X	O	X	O	X	O	X	O

<u>17</u>	<u>18</u>	<u>19</u>	<u>20</u>	<u>21</u>	<u>22</u>	<u>23</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>	<u>28</u>
X	O	O	O	O	O	O	O	O	O	O	O

"10-14"

<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>
D	D	D	D	D	O	O	N	N	N	N	N	O	O	D	D

<u>17</u>	<u>18</u>	<u>19</u>	<u>20</u>	<u>21</u>	<u>22</u>	<u>23</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>	<u>28</u>
D	D	O	O	N	N	N	N	O	O	O	O

Again, the above examples of 24-hour or 10-14 fire duty schedules for a 54-hour week may be rearranged in other ways. Managers and fire chiefs should be aware, however, that the 9-in-28 fire duty cycle is the only cycle that will yield an average duty week of 54 hours. Any other fire duty cycle will result in payment of unnecessary overtime or in the use of a duty schedule that averages less than 54 hours per week.

1978 REQUIREMENTS FOR FIRE OVERTIME

Effective 1, 1978, the Secretary of Labor is required by law to determine, based on the Department of Labor's survey to be made in 1976 of fire hours used in 1975, whether overtime shall continue to be paid for hours over 54 hours per week or whether a lower figure is required. If the Secretary of Labor determines that a lower figure is required, city administrators and fire chiefs should review carefully the duty schedule that then would have to be placed into effect.

The advent of Fair Labor Standards Act coverage to cities will require all persons concerned with fire suppression duty hours to think ahead not simply for one year but for the next four years. As the fire duty schedule hours over which overtime must be paid are reduced in 1975, 1976, 1977, and potentially in 1978, the great majority of fire duty schedules in American cities will have to be revised to accommodate the annually changing law and regulations. Even cities that presently have fire duty schedules significantly lower than the 60-hour limit that will go into effect on January 1, 1975, may find it necessary to review their schedules to avoid payment of unnecessary overtime. This is because many cities presently have fire duty cycles that repeat in fewer than seven days or repeat in a number of days larger than 28. It becomes necessary, therefore, for each city to determine exactly what the present practice is within the fire department in scheduling and using fire duty hours.

FIRE DUTY PERIOD

The city administrator should determine what is currently the exact practice as to the length of the fire duty period. Is the fire duty period 24 hours in length? When does it start and end? On occasion, city officials and city councils have been misled by schedules that show 16 hours one day and eight hours on the succeeding day. While technically correct in terms of a 24-hour calendar day,

such schedules usually involve 24 continuous fire duty hours from 8:00 a.m. one day until 8:00 a.m. the succeeding day.

FIRE DUTY CYCLE

City administrators should determine the exact fire duty cycles. Determination should be made to ascertain exactly how the fire duty schedule operates. A fire duty cycle can be as short as two days or as long as the entire calendar year. Some fire duty cycles may even require two or three years before repeating. Most do not exceed a period of 60 days, but many do. If the fire duty cycle is less than seven days or greater than 28 days in length, the cycle should be adjusted to be between seven days and 28 days in length in order to avoid the payment of unnecessary overtime. In devising an appropriate fire duty cycle when using a 10-14 or 9-15 schedule, there must be an identical number of day shifts as night shifts within the cycle.

"PAY BACKS"

Managers should determine whether the fire duty schedule includes "pay-backs." A pay-back is an on-duty period which a firefighter owes the city in addition to the duty periods in his regular day cycle. Pay-backs may be scheduled or unscheduled (e.g., sick leave, relief). When computing the average duty week, the number of pay-backs for each firefighter must be included in the total number of duty periods scheduled per week.

As an example, city X has a 60-hour fire duty week. However, the city is using a three-platoon schedule. The fire duty cycle is three 24-hour on-duty periods out of nine days. In this city, if the firefighters did not pay back any 24-hour duty periods in a year, they would have a 56-hour average duty week. On a 56-hour schedule, a firefighter will be scheduled to be on duty about 122 times per year. On a 60-hour average duty schedule, he will be scheduled to be on duty about 130 times a year. If the firefighter in this example is regularly scheduled to be on duty only 122 times, he must be scheduled, in addition, to serve eight more (pay-back) 24-hour periods in order to serve an average of 60 hours per week.

Some of the reasons pay-backs are used include ease of scheduling (a three-platoon system is easier to schedule than a two-platoon system with many subsections) and the fact that pay-backs enable fire administrators to have greater flexibility in covering time off, vacation, and sick leave. If pay-backs are used, it is important for city administrators to learn specifically when the on-duty periods firefighters owe the city actually are paid back. The new FLSA law probably will force the elimination of pay-back scheduling because of potential overtime liability.

PAID TIME OFF

Fire departments often grant paid time off to uniformed firefighters for holidays,

sick leave, injuries, and other purposes. Holidays many times are not granted directly but indirectly through the use of the fire duty schedule. As there is no standard practice in the granting of vacation, sick, or other paid leave, it is important in auditing fire duty schedule practices for city administrators to determine exactly in what units vacation, sick leave, and other paid time off may be taken. For example, is a day of vacation considered to be 8 hours, 10 hours, 12 hours, 14 hours, 24 hours, or what? Similarly, how many hours are credited to use as a day of sick leave? City administrators should determine how many 24-hour fire duty periods or 10-14 hour periods actually are scheduled per week and, secondly, how many of the duty periods hit on holidays. This information is absolutely necessary in planning for fire duty schedule changes which a city may need to make in planning for the impact of the FLSA on January 1, 1975, and succeeding years.

SHIFT TRADES

Firefighters assigned to fire suppression activity rarely come to work, on the average, more than three times per week. Fire duty schedules, because of the infrequency of periods on duty, permit a practice which is perhaps unique to the fire service--"shift trading." Typically, a firefighter on one platoon will "trade" one or more duty periods with a firefighter on another platoon. This practice en-

ables individual firefighters occasionally to obtain a longer number of consecutive days off than the regular fire duty schedule otherwise would provide.

A very simplified example of shift trading is shown in the table at the top of page 10. In the example, assume two consecutive 28-day periods. For ease of identification, assume these to be February 1, to 28, 1975, and March 1 to 28, 1975. The fire duty period is 24 consecutive hours. The fire duty cycle is nine days in length. There are three platoons--A, B, and C. There are three scheduled 24-hour duty periods in every nine days, as follows: XOXOX0000. The average fire duty week is 56 hours--less than the 60-hour maximum mandated effective January 1, 1975.

Assume that firefighter Jones on A platoon has arranged a shift trade with firefighter Smith on C platoon. On February 7, the C platoon is scheduled to be on duty, and therefore firefighter Smith would be on duty. However, on February 7, firefighter Smith's shift is served by firefighter Jones, and firefighter Smith does not come to work that day. Instead, firefighter Smith has six consecutive days off between the end of the shift at 8:00 a.m., February 3, and the beginning of the shift at 8:00 a.m., February 9. This does not count as time off for vacation.

On March 13, the A shift is scheduled to be on duty. Therefore, firefighter Jones is scheduled to be on duty. However, on March 13, firefighter Smith serves in firefighter Jones' place and "repays" the shift trade. Firefighter Jones therefore

		February 1975																											
Fire-fighter	Platoon	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
Jones	A	X		X		X					X		X		X					X		X		X					X
	B				X		X		X				X		X		X		X				X		X		X		X
Smith	C		X					A		X		X				X		X		X		X			X		X		X

TRADE
 ↖
 ↘
 March 1974

		March 1974																											
Fire-fighter	Platoon	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
Jones	A		X		X					X		X		C				X		X		X		X				X	
	B			X		X		X				X		X		X		X				X		X		X		X	
Smith	C	X				X		X		X		X			X		X		X		X			X		X		X	

X = 24-hour fire duty period
 8:00 a.m. to 8:00 a.m.

has six consecutive days off from the end of the shift at 8:00 a.m., March 13, to the beginning of the shift at 8:00 a.m., March 18. This does not count as time off for vacation.

In this example, two firefighters have each worked one 24-hour fire duty period on another platoon's schedule. They also have worked in such a way as potentially to be able to claim overtime under the new law. Each took time off in one 28-day "work period" and worked an additional 24-hour duty period in a different work period of 28 days. This may require the city as the employer to pay overtime to each firefighter--even though the shift trades were for the convenience of the employees involved and of no benefit to the employer.

In this example, each firefighter worked an extra 24 hours on duty in the 28-day work period. The fire schedule is an average of 56 hours per week. Therefore, in 28 days (four weeks) the federal law would assume an on-duty schedule of 4 x 56 hours or 224 hours worked.

On-duty schedule	224 hours
Shift trade "overtime"	<u>24</u> hours
	248 total hours worked

Total hours worked 248
 1975 fire overtime
 law -240

8 hours overtime at
 1-1/2 equals 12
 hours pay due to
 firefighter Smith
 and to firefighter
 Jones.

The Department of Labor regulations to be issued will contain provisions as to whether shift trades will penalize employers who permit them.

SHIFT TRADE RECOMMENDATIONS

Each city should identify its own practice in permitting shift trades. Some fire departments have no formal restrictions concerning this matter; others have stringent regulations. Some departments forbid shift trades. A city that ignores this matter may later find that it has incurred substantial overtime liability once the new law becomes operative on January 1, 1975. Probably shift trades that occur within a given 28-day work period will not require payment of unnecessary overtime. In the example, if firefighter Smith on C platoon had traded with firefighter Jones on A platoon within the 28 days in February (the 28-day work period), each firefighter would have served the same number of 24-hour duty periods as he would have on his regular platoon schedule. The problem will arise when firefighters trade shifts over periods of time beyond the 28-day work period.

City administrators and fire chiefs may well be advised to plan to withhold shift trade privileges for 1975, or to restrict shift trades within 28-day work periods, pending the issuance of the Department of Labor regulation on the subject. If shift trades are subject to negotiation with firefighter employee groups, persons responsible for negotiating for city management should consider either (1) stopping the practice of shift trades, (2) restricting shift trades to require prior approval of management to avoid payment of unnecessary overtime, or (3) leaving an "opener" in the agreement pending the DOL regulation being issued.

THE POTENTIAL FIRE OVERTIME "BOOBY TRAP"

In addition to all the problems of fire service costs and staffing that have been discussed in this report, there remains at least one unknown but possibly very expensive fire overtime problem that may occur because of the new federal law.

Section 7(a)(1) of the Fair Labor Standards Act states:

"Except as otherwise provided in this section, no employer shall employ any of his employees...for a workweek longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed."

The newly added Section 7(k) for police and firemen states:

"No public agency shall be deemed to have violated subsection (a) with respect to the employment of any employee in fire protection activities...if
(emphasis added)

"(1) in a work period of 28 consecutive days the employee receives for tours of duty which in the aggregate exceed 240 hours; or

"(2) in the case of such an employee to whom a work period of at least 7 but less than 28 days applies, in his work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his work period as 240 hours bears to 28 days,

"compensation at a rate not less than one and one-half times the regular rate at which he is employed."

The term "work period" used in the new Section 7(k) above has a special meaning. Every employer covered by the act must declare what is the work period; that is, the days for record-keeping purposes in which the number of work hours will be counted. For almost all employers, the work period is seven days; the employer specifies at what point in the week the work period begins and ends (e.g., 12:01 a.m. Sunday through midnight Saturday; or 8:00 a.m. Monday through 7:59 a.m. Monday, etc.).

The new Department of Labor regulation will spell out what is meant by "work period" for firefighters. Cities may have many options in declaring what is the work period because of the provisions of Section 7(k)(2) above, which enable cities to use ratios in determining average fire hours per week. Therefore, a permissible work period might be 7 days, 8 days, 9 days, 10 days...27 days, 28 days. A city that fails to declare a work period potentially is very vulnerable to substantial "booby trap" unnecessary overtime costs, particularly a city that fails to readjust its fire duty cycle schedule to be between seven days and 28 days.

For example, assume a city now has a 56-hour average fire duty week. It uses a 24-hour fire duty period. It has three platoons. The duty cycle is three days. The duty schedule is 24 hours on-duty and 48 hours off-duty (X 0 0). Assume that January 1, 1975, comes and goes and the city has not changed its schedule or declared a work period for firefighters. Firefighters continue to work the same fire duty schedule in the year 1975 as in 1974. After a period of time, the booby trap explodes: City officials learn that the city is liable for overtime costs for time over 40 hours for every third week that firefighters have worked on the old schedule.

Where did this booby trap come from? The trap is the little word "if" in Section 7 (k). Section 7(k) is an exemption from the 40-hour week and from paying time-and-

one-half for hours worked over 40. In order to obtain the exemption, cities must comply with the provisions of Section 7 (k). Section 7(k) states that a city must pay a firefighter at time-and-one-half for hours worked over 60 hours in a work period of seven days, 240 hours in a work period of 28 days, or the same ratio to the number of consecutive days in his work period as 240 hours bears to 28 days.

If a city does not pay a firefighter time-and-one-half for hours worked in excess of 60 in a seven-day work period, etc., the city has not met the test of the exemption of Section 7(k) and, therefore, will be held in violation of Section 7(a) for the given work period. Section 7(a) requires overtime for work over 40 hours in seven days at time-and-one-half.

What would this mean for the city with the three-day fire duty cycle which has not declared its work period? Probably, on receiving a complaint from the firefighters' union or employee organization, or from individual firefighters, the Wage and Hour Division would conduct an audit of the city's wage and hour records. The Wage and Hour staff persons would find that every third week each firefighter was on duty three 24-hour shifts: XOOXOOX. Therefore, each firefighter served in those weeks 72 hours. As the firefighters were not paid overtime for work over 60 hours in each of these weeks, the city's exemption does not apply--and the city will be required to pay time-and-one-half for hours over 40!

72 hours every third week
-40 hour requirement (the booby trap)

32 hours overtime
x 1.5

48 hours overtime for each week

As the salary probably would be computed on a 40-hour basis, this could amount to more than double pay for every week in which this situation occurred! This could amount to more than a 40 percent of payroll cost for back overtime claims filed for a period of one year. A city with a \$10 million fire salary payroll, for example, could find itself ordered to pay back overtime of \$4 million. If "liquidated damages" were assessed (double costs), the bill could be \$8 million. And all for firefighters on a fire duty schedule of less than the maximum required by law!

The new Department of Labor regulations will detail how to keep records, how to determine work period, and, in effect, how to deactivate the Section 7(a) booby trap.

THE WAGE AND HOUR DIVISION,
DEPARTMENT OF LABOR

The Department of Labor maintains regional and area offices throughout the United States. A list of these offices appears in the appendix.

Staff members of the Wage and Hour Division are available to assist city officials in any way possible to understand and to

comply with the law. City officials are advised to contact Wage and Hour offices to obtain answers to specific questions concerning the Fair Labor Standards Act.

It is the apparent intention of the Department of Labor to treat cities like any other employer, except where Congress has provided that special regulations are needed. Except in the new coverage provided in Section 7(k) for police and fire personnel, it is expected that almost all other provisions of the act will apply to cities as they have in the past to private employers. The Department of Labor Wage and Hour Division will make available to cities copies of DOL regulations that cities will need to observe.

Wage and Hour Division staff members at the national, regional, and area offices have been very helpful to city officials seeking information and assistance. Managers, fire chiefs, and other concerned with the special provisions of the law pertaining to fire or police overtime or other provisions and regulations of the act should contact the Department of Labor offices for help.

MIS REPORT TO BE ISSUED

This report is intended to help city administrators become aware of many of the problems raised by the new federal legislation. As the Department of Labor regulations pertaining to overtime will not be issued until the summer of 1974, many answers cannot now be provided to questions that city administrators and

fire chiefs may have. This report is intended, however, to serve as a guide in planning for budgeting and negotiating based upon the latest available information. By January 1975 a revised and updated MIS report will be issued on fire duty schedules and staffing for fire departments considering the impact of FLSA. By that time, the final Department of Labor regulations will have been issued, and much more specific information will be available for publication. In the meantime, the International City Management Association will present to the Department of Labor relevant statistics on duty hours of firefighters.

This special MIS report has been prepared to provide local government administrators with guidelines for avoiding unnecessary overtime costs for fire service under provisions of the recently enacted Fair Labor Standards Act.

The report was prepared by William F. Danielson, Director of Personnel for the City of Sacramento, California. Mr. Danielson formerly served as Director of Personnel for Berkeley, California. He has extensive experience in advising local governments on fire duty schedules and staffing and has authored an earlier MIS report on the topic.

Appendix

WAGE-HOUR AREA DIRECTORS

Atlanta Region

Birmingham, Ala.--Hansel J. Hunter, 1931
Ninth Avenue South, Birmingham 35202

Mobile, Ala.--Charles A. Roberts, P.O.
Box 4396, Mobile 36604

Montgomery, Ala.--Dalton O. Blake, 421 S.
McDonough Street, Montgomery 36104

Fort Lauderdale, Fla.--Area Director,
Romark Building - Room 215, 3521 West
Broward Boulevard, Fort Lauderdale 33312

Jacksonville, Fla.--Labon F. Chappell, Jr.,
3947 Boulevard Center Drive - Suite 121,
Jacksonville 32207

Miami, Fla.--Area Director, 1150 S.W. 1st
Street - Room 202, Miami 33130

Orlando, Fla.--William C. Truman, P.O.
Box 8024A, 22 West Lake Beauty Drive,
Orlando 32806

Tampa, Fla.--Delbert L. Coleman, Mills
Building - Suite 110, 5410 Mariner
Street, Tampa 33609

Atlanta, Ga.--Le Roy Reid, Citizens Trust
Building - Room 1100, 75 Piedmont Avenue,
Atlanta 30303

Columbus, Ga.--Robert E. Lamb, P. O. Box
1717, Columbus 31902

Savannah, Ga.--William A. Savage, P. O.
Box 8046, Wright Square Station,
Savannah 31402

Lexington, Ky.--Ernest C. Orr, Fuller
Building - Room 118, 120 W. Second,
Lexington 40507

Louisville, Ky.--Richard D. Robinette,
187-E. Federal Building, 600 Federal
Place, Louisville 40202

Charlotte, N.C.--Fred A. Carlock, BSR
 Building - Room 401, 316 E. Morehead
 Street, Charlotte 28202

Greensboro, N.C.--Raymond G. Cordelli,
 P.O. Box 2220, Greensboro 27402

Raleigh, N.C.--Area Director, P.O. Box
 27486, Raleigh 27611

Columbia, S.C.--Richard F. Gardner,
 Room 105-C, Liberty House, 2001
 Assembly Street, Columbia 29201

Jackson, Miss.--Joseph C. Massey, Room 675
 Milner Building, 210 South Lamar Street,
 Jackson 39201

Knoxville, Tenn.--Lillard Trice, P. O.
 Box 631, Knoxville 37901

Memphis, Tenn.--Area Director, 486 Federal
 Office Building, 167 North Main Street,
 Memphis 38103

Nashville, Tenn.--Claiborne W. Carden,
 1720 West End Building - Room 610, 1720
 West End Avenue, Nashville 37203

Boston Region

Hartford, Conn.--John J. Reardon, 305 Post
 Office Building, 135 High Street,
 Hartford 06101

Portland, Maine--Philip Schilling, P. O.
 Box 211, Portland 04112

Boston, Mass.--William L. Smith, 38
 Chauncy Street - Room 912, Boston 02111

Springfield, Mass.--James F. Coakley,
 Room 340 - Federal Building, 436 Dwight
 Street, Springfield 01103

Providence, R.I.--John S. Dawber, 210-212
 John E. Fogarty Federal Building, 24
 Weybosset Street, Providence 02903

Chicago Region

Chicago, Ill.--Herbert A. Goldstein, 4030
North Milwaukee Avenue, Chicago 60641

Chicago, Ill. - South--Daniel P. New,
2222 West 95th Street, Chicago 60643

Springfield, Ill.--Henry Neuhaus, Federal
Building - Room 25, 600 E. Monroe Street,
Springfield 64701

Indianapolis, Ind.--Kenneth J. Graue, Ohio
and Pennsylvania Streets, Room 409,
Federal Building, Indianapolis 46204

South Bend, Ind.--Area Director, 103 West
Wayne Street, Commerce Building - Room
406, South Bend 46601

Detroit, Mich. - East--Arthur H. Buchman,
16641 East Warren Avenue, Detroit 48224

Detroit, Mich. - West--Frank C. Modetz,
14740 Plymouth Road, Detroit 48227

Grand Rapids, Mich.--Gordon L. Claucherty,
Room 134, Federal Building and U.S.
Courthouse, 110 Michigan Street, N.W.,
Grand Rapids 49502

Minneapolis, Minn.--Phillip Granquist, 110
South 4th Street, Room 396 - Federal
Building, Minneapolis 55401

Cincinnati, Ohio--Glen A. Fierst, 550 Main
Street, Federal Office Building - Room
1010, Cincinnati 45202

Cleveland, Ohio--Robert F. Pietrykowski,
1240 E. 9th Street - Room 817, Federal
Office Building, Cleveland 44199

Columbus, Ohio--Karl A. Jemison, 700 Bryden
Road, 213 Bryson Building, Columbus 43215

Madison, Wis.--Jerome H. Estock, 303 Price
Place, Room 114, Lincoln Building,
Madison 53705

Milwaukee, Wis.--Edmund Shedd, 741 N.
Milwaukee Street, 535 Grain Exchange
Building, Milwaukee 53202

Dallas Region

Little Rock, Ark.--Bill D. Guse, Room 3527
 Federal Office Building, 700 West
 Capitol Avenue, Little Rock 72201

Baton Rouge, La.--Donald E. Zimpfer, Room
 216-B, Hoover Building, 8312 Florida
 Boulevard, Baton Rouge 70806

New Orleans, La.--Thomas B. Killeen, Room
 632, Federal Building, 600 South Street,
 New Orleans 70130

Albuquerque, N.M.--Willie G. Thurman,
 P.O. Box 1869, Albuquerque 87103

Oklahoma City, Okla.--Shirley C. Thorne,
 Room 210, Post Office Building, 3rd
 and Robinson Streets, Oklahoma City
 73102

Tulsa, Okla.--Bill M. Hamilton, Room 3014,
 Federal Building, 333 West Fourth Street,
 Tulsa 74103

Dallas, Tex.--Edgar M. Wiemar, Room 1A3,
 Federal Building, 1100 Commerce Street,
 Dallas 75202

El Paso, Tex.--William C. Calvit, Suite
 1103, Mills Building, 303 North Oregon
 Street, El Paso 79901

Fort Worth, Tex.--L. C. Chandler, 819
 Taylor Street - Room 7A12, Fort Worth
 76102

Harlingen, Tex.--Alfred A. Ramsey, P.O.
 Box 1147, Harlingen 78550

Houston, Tex. - East--Karle G. Berg, 2320
 LaBranch, Room 2103, Houston 77004

Houston, Tex. - West--William H. Lemons,
 Jr., 2320 LaBranch Street - Room 2101,
 Houston 77004

San Antonio, Tex.--Harry B. Nunn, Jr.,
 403 Kallison Building, 434 South Main
 Avenue, San Antonio 78204

Waco, Tex.--Ben W. Ferrell, 621 Citizen's
 Tower, Fifth and Franklin Streets,
 Waco 76701

Denver Region

Denver, Colo.--Wilbur J. Olson, 228 U.S.
Custom House, 721-19th Street, Denver
80202

Salt Lake City, Utah--Area Director, 3207
Federal Building, 125 South State Street,
Salt Lake City 84138

Kansas City Region

Des Moines, Iowa--Paul A. Lynn, 638
Federal Building, 210 Walnut Street,
Des Moines 50309

Wichita, Kans.--Walter S. Gick, 411 Beacon
Building, 114 South Main, Wichita 67202

Kansas City, Kans.--Rex L. Wayman, 241
U.S. Courthouse, 811 Grand Avenue,
Kansas City 64106

St. Louis, Mo.--Jack R. Younce, 210 North
12th Boulevard - Room 563, St. Louis
63101

Omaha, Nebraska--Floyd L. Wilson, 2118
Federal Building, 215 North 17th Street,
Omaha 68102

New York Region

Newark, N.J.--Area Director, 870 Broad
Street - Room 836, Newark 07102

Paterson, N.J.--Leonard R. Jacoby, 133
Ellison Street, Paterson 07505

Trenton, N.J.--Area Director, 143 East
State Street, Trenton 08608

Albany, N.Y.--Julius R. Chenu, 41 State
Street, Albany 12207

Brooklyn, N.Y.--Joseph Shaffer, 271 Cadman
Plaza East - Room 631, Brooklyn 11201

Bronx, N.Y.--Abraham Klainbard, 881 Gerard
Avenue - Room 4, Bronx 10452

Buffalo, N.Y.-- Edward J. McNamara, 617
 Federal Building, 111 West Huron Street,
 Buffalo 14202

Hempstead Long Island, N.Y.--Joseph F.
 Gorga, Street Floor, 159 North Franklin
 Street, Hempstead 11550

New York, N.Y.--Area Director, 26 Federal
 Plaza - Room 2946, New York 10007

Hato Rey, Puerto Rico--Pedro Montes-
 Herdandez, Pan Am Building - Suite 310
 255 Ponce de Leon Avenue, Hato Rey 00917

Mayaguez, Puerto Rico--Eddie Bonar-Antonetti,
 Americo Marin Building, 105 East Mendez
 Vigo Street, Mayaguez 00708

Philadelphia

Region

Baltimore, Md.--Hillard Curland, 1022
 Federal Office Building, 31 Hopkins
 Plaza, Charles Center, Baltimore 21201

Hyattsville, Md.--Area Director, Suite 904
 Presidential Building, 6525 Belcrest
 Road, Hyattsville 20782

Harrisburg, Pa.--David Feinberg, Federal
 Building - Room 74, 228 Walnut Street,
 Box 1005, Harrisburg 17108

McKeesport, Pa.--Area Director, 224 Fifth
 Avenue, Room 205, McKeesport 15132

Philadelphia, Pa.--Theodore M. Rogers,
 600 Arch Street - Room 4244, Philadelphia
 19106

Pittsburgh, Pa.--Area Director, 702 Federal
 Building, 1000 Liberty Avenue, Pittsburgh
 15222

Wilkes-Barre, Pa.--Jack R. Elliott, 602
 Wyoming Valley, Veterans Building,
 19 North Main Street, Wilkes-Barre 18701

Richmond, Va.--Robert F. Ferguson, Jr.,
7000 Federal Building, 400 North 8th
Street, Richmond 23240
Roanoke, Va.--David E. Pickard, 609-13
Peoples Federal Building, 101 S.
Jefferson Street, Roanoke 24011
Charleston, W.Va.--Eldon F. Spurlock, 22
Capitol Street, Charleston 25301

San Francisco Region

Phoenix, Ariz.--John Breen, Park Plaza
Building, 1306 North 1st Street,
Phoenix 85004
Hollywood, Calif.--Robert C. Sturgis,
Room 504, 6777 Hollywood Boulevard,
Hollywood 90028
Los Angeles, Calif.--Carl M. Oelrich, 7717
Federal Building, 300 North Los Angeles
Street, Los Angeles 90012
Sacramento, Calif.--John F. Cooper, 8410
Federal Building and U.S. Courthouse,
650 Capitol Mall, Sacramento 95814
San Francisco, Calif.--Patricia H. Mills,
409 Phelan Building, 760 Market Street,
San Francisco 94102
Whittier, Calif.--Theodore Revak, Main
Floor, 7238 South Painter Avenue,
P. O. Box 81, Whittier 90602
Honolulu, Hawaii--Thomas N. Moriki, 1833
Kalakaua Avenue - Room 614, Honolulu
96815

Seattle Region

Portland, Oreg.--Donald W. Henry,
528 Pittock Block, 921 S.W. Washington
Street, Portland 97205
Seattle, Wash.--Eugene T. Kord, Room 1821
Smith Tower, 506 Second Avenue,
Seattle 98104

Defendant's Exhibit No. 4

NATIONAL LEAGUE OF CITIES
UNITED STATES CONFERENCE OF MAYORS
July 5, 1974

Warren D. Landis, Administrator
Wage and Hour Division
Department of Labor
711 14th Street, N.W.
Room 1107
Washington, D.C. 20210

Dear Warren:

Attached, as promised, are the results of the survey of cities over 10,000 population relative to "tours of duty" and fire department "work cycles."

It is our hope that you will find the information useful, relevant and helpful to you and your staff in the development of regulations for public safety employees.

If you have any questions, or if we can be of further assistance, please call.

Sincerely,

/s/ Don
Donald A. Slater
Director
Office of Federal Relations

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Attached for your information are the results of the ICMA survey discussed by Chief Mitchell in his testimony on behalf of the National League of Cities, U.S. Conference of Mayors, International City Management Association, National Governors Conference and National Association of Counties before the Department of Labor on the development of regulations for implementation of the Fair Labor Standards Act Amendments of 1974 relating to public safety personnel.

All cities in the United States over 10,000 population were surveyed to determine fire “tours of duty” and fire department “work cycle” practices.

A key finding in the survey is that 80% of American municipal fire departments use a “tour of duty” which is 24 hours in length. Only 18% use a “split-shift” such as 10/14 (10 hour day shift; 14 hour night shift), 9/15 (9 hour day shift; 15 hour night shift), or the 11/13 (11 hour day shift; 13 hour night shift). Two percent of municipal fire departments use eight hour work shifts or other shift arrangements.

The prevailing practice among fire departments in the United States (except in a few states such as New Jersey and Pennsylvania) is to use the 24 hour duty period for firefighters assigned to fire suppression.

The Department of Labor decision as to whether to exempt or not exempt time spent in eating and sleeping thus has great importance in over a thousand American cities. The decision will affect fire department operations, costs of fire service and levels of fire service in a great many cities. The Department of Labor May 14 interim ruling, which requires that for firefighters with tours of duty of 24 hours or less no time may be deducted for meals or sleeping, reverses the historic practice of exempting meal and sleeping time for just this one group

of employees. Eating and sleeping time has been deducted for industrial firefighters assigned to a 24 hour tour of duty, as well as other employees in both the private and public sector assigned to 24 hour tours of duty. Equity requires that the ruling promulgated in the interim regulation be reversed and that the traditional and longstanding Wage and Hour ruling on 24 hour tours of duty be continued across the board to all employees who work such shifts.

Another key finding of the survey is that a majority of municipal fire departments have “work cycles” which are less than 7 days in length or greater than 28 days in length. Forty-one percent of municipal fire departments have “work cycles” which are two, three, four, five or six days in length. Nine and one-half percent of municipal fire departments report cycles ranging from 29 days to a year in length. These findings contradict testimony in the June 3 hearing that very few cities have “work cycles” in excess of 28 days. A further finding is that over one-third of fire department use a 24 hour on/48 hour off duty cycle. This averages 56 hours per week; the cycle is three days in length. Detailed information concerning the great variety of lengths of duty cycles is reported in the attached survey.

To accommodate to the new requirements imposed by Section 7 (k) of the Act, municipalities must have the discretion to determine the length of the “work period” at any point between 7 days and 28 days. Notwithstanding statements presented at the hearings, we submit that nowhere in the legislation or legislative intent can be found any support for the contention that the “work cycle” be the shortest number of days within the 7 to 28 day period within which the fire duty schedule is established without repeating itself.

While the question was not asked in the survey, many cities reported the use of “paybacks” and “Kelly days.” The use of “paybacks” and “Kelly days” has the effect of lengthening the work cycle – often to as much as a year. A brief definition of these terms is: A “*payback*” is a tour of duty which the firefighter owes the city. It is a scheduled tour of duty within the calendar year but is paid back on occasions outside the regular work cycle. E.g. assume a fire department which has a 60 hour average fire duty week; the work cycle is 9 days in length. A fireman is scheduled to be on duty three 24-hour periods in the cycle as follows: (XOXOXOOO). On this work cycle a fireman would have a 56-hour average duty week. However, he is required during the year to “pay back” eight 24-hour duty periods. Each fire duty period paid back has the effect of one-half average hour per week. Therefore, the 8 fire duty periods served raises the average of the fire duty week over the course of a year to 60 hours. The use of “paybacks” is very common among many fire departments because of the several advantages to both firefighters and fire management in this kind of scheduling arrangement. The fire department can thus establish a three platoon system, and at the same time have the use of payback time for filling in for scheduled vacations or unscheduled absences such as sick leave relief.

The “Kelly Day” is the reverse of the payback in fire department scheduling of tours of duty. In the 1930’s, Chicago firemen were on duty for 24 hours, then off duty 24 hours (equivalent to an average 84 hour week). Legend says that Mayor Kelly, then Mayor of Chicago, reduced Chicago fire hours by providing that every eighth scheduled 24-hour duty period would be taken off.

Thereupon, the Chicago fire duty cycle was changed from 2 days in length (XO) to a schedule of 16 days in length (XOXOXOXOXOXO*O). The formerly scheduled 24-hour period not worked was thus nicknamed the “Kelly Day” in recognition and appreciation of Mayor Kelly’s action.

During the past thirty-plus years, the term “Kelly Day” has spread to many other cities and has more recently acquired a meaning somewhat parallel to that of “payback”, except that the fireman will not serve one or more schedule shifts during the year, rather than to have to pay them back. For example, again assume that the fire department has a 9-day cycle, with 3 scheduled 24-hour periods on duty every 9 days (XOXOXOOOO). Now assume that each firefighter has 8 “Kelly Days” throughout the year. This means that instead of being scheduled to be on duty 121 times per year, a firefighter would actually be scheduled to be on duty only 113 (121-8) times per year. Thus, instead of an average 56-hour average duty week, in this example the firefighter would have an average 52-hour week. The “work cycle”, in this example, would be extended from 9 days to possibly as long as an entire year. The administrative advantages of the Kelly Day are similar to the payback. The fire department can retain a basic platoon arrangement and permit “Kelly Days” off either on a regular recurring cycle, or perhaps on an irregular basis at times when the fire department can better afford to have fewer firefighters on duty.

Many cities surveyed volunteered the information that their particular departments use a “payback” or a “Kelly Day”, on either a regular basis or an irregular basis. Since

*Kelly Day

the specific question was not asked on the survey questionnaire, it is not possible to report exact information as to how fire departments use one or the other of these scheduling methods. It is probable that as many as 20% of the municipal fire departments may use some variation of “payback” or “Kelly Day” scheduling. Therefore, the more likely percentage of fire departments having work cycles of other than between 7 and 28 days, rather than 50.5% is in excess of 60%.

With the requirement of the law being that the work period must be between 7 and 28 days, many fire departments throughout the United States will need to re-structure the fire duty schedule thus eliminating the present, and long-prevailing, practice of using “paybacks” and “Kelly Days.”

Since there was no discussion at the hearing of the problems of paybacks and Kelly Days, these definitions and examples are presented to alert the Department of Labor to yet another complexity in dealing with fire duty schedules.

After the fire duty schedules had been returned and were being tabulated and analyzed, another pattern began to emerge from comments volunteered by respondents. In a number of states, laws have been enacted which regulate various aspects of fire hours, such as the length of the tour of duty, the length of the work cycle, or to specify the maximum average number of hours per week. Therefore, a special survey was prepared by the National League of Cities and sent to each State Municipal League, asking whether the individual state had legislation enacted which restricted or affected fire duty hours. Of 36 states which have replied to date, 18 have reported that there is current legislation in force within the state which restricts fire hours or scheduling. Many Leagues

attached copies of state statutes. As many of these statutes contain provisions which are contrary to the provisions of the Amendments to the Fair Labor Standards Act, copies of these statutes are included as attachments to this letter.

The regulation to be issued by the Department of Labor must specifically nullify any existing state statute which mandates less than a 7 day "work cycle" or more than a 28 day "work cycle". Cities must not be caught on the horns of a dilemma of complying with a state statute which will in turn cause unnecessary mandatory overtime

We especially would like to call to your attention the Texas statute, which requires cities to average fire duty hours over the course of an entire year. The Maine statute requires the work cycle to be not longer than 12 weeks. North and South Dakota each restrict the fire duty cycle to 2 weeks. For certain cities, New Jersey requires a 6-week fire duty cycle. Kentucky limits cities to 24-hours on-duty, 48-hours off-duty: a three day cycle. Michigan requires municipal fire departments to use a 24-hour fire duty period, with at least 24-hours off duty following an on duty period. On the other hand, New Jersey and Pennsylvania require a 10/14 system (10 hour day shift 8 a.m. to 6 p.m.; 14 hour night shift 6 p.m. to 8 a.m.). Montana has a law which appears to limit the work-related hours of a 24-hour fire duty period to a maximum of 8 hours, except for fire or emergency responses. A telephone call to Montana to identify more specifically the meaning of this statute produced the information that there are four cities of the first class and that each such city uses a 24-hour duty period. Therefore, this law seems to emphasize the difference between the traditional fire duty period in which up to a

third of the 24 hours are spent in active work-related activities, and at least two thirds of the 24-hour period is spent in sleeping, eating and other standby activities, but during which the firefighter is always subject to call to respond to alarms.

In addition to the supplemental attachment of the survey of state statutes, the final attachment is a computer printout of information for almost all cities participating in the survey. For technical reasons, as information was introduced into the computer on two occasions, we are informed that the computer run will not print individual data for 85 cities. Therefore, the array of data is not totally complete.

ICMA Survey on Firefighter Schedules

The recently passed Fair Labor Standards Act will have major implications for local government in the areas of police and fire. The Department of Labor is in the process of developing regulations which will determine how this law will be administered. They will be holding hearings on these regulations shortly. It is imperative that they receive local input to guide them.

By filling out the questionnaire below you will be giving us necessary information to make positive recommendations. Time is limited. Hearings begin on *June 3*. Please fill out the questionnaire and return it in the enclosed business reply envelope *immediately*.

* * *

1. Does your municipality have a full-time paid uniformed fire department (excluding departments with only a paid fire chief and the remainder volunteer)?

YES () NO ()

If "NO", please indicate which of the following is applicable to your municipality. (Check one)

- _____ a. Volunteer fire department
 _____ b. Contract for fire service
 _____ c. Fire service provided by a special district
 _____ d. Metropolitan government provides service
 _____ e. Public Safety Department
 _____ f. County provides service

2. DUTY SHIFT: Please indicate the length of the duty shift for personnel engaged in *actual* firefighting or suppression. (Check one)

- _____ a. 24-hour continuous shift (includes sleeping and eating time)
 _____ b. 10/14 shift (10 hour daytime, 14 hour nighttime shifts, e.g. a typical 10 hour shift would be 8 am to 6 pm and 14 hour shift; 6 pm to 8 am)
 _____ c. 9/15 shift (9 hour daytime, 15 hour nighttime shifts)
 _____ d. 8 hour work day (firefighters are on the job during the shift, not just on call)
 _____ e. Other (Please explain) _____

3. DUTY CYCLE: Work schedules are computed on the basis of a duty cycle of a certain number of days on and off. The cycle is not necessarily a week. For instance, it might be one day on duty, two days off duty and then repeating; this would be a three day work cycle. Cycles may range from 2 days to 28 days or longer.

Please indicate the length of your firefighters' duty cycle _____

(# of days)

Please indicate the number of days on duty during cycle _____

(# of days on duty)

4. HOURS ON DUTY PER WEEK: When averaged over the year, how many hours per week (7 days) are your firefighters on duty? _____ hours.

Name _____

Position _____

City _____

State _____

July 2, 1974

TABLE 1

CITIES OVER 10,000 POPULATION IN THE UNITED STATES
RESPONDING TO SURVEY OF MUNICIPAL FIREFIGHTERS

<u>Population Group</u>	<u>No. of cities surveyed (A)</u>	<u>No.</u>	<u>% of (A)</u>
Total, all cities....	2,290	1,637	72
Over 500,000	26	21	81
250,000 - 499,999 ...	30	23	77
100,000 - 249,999 ...	98	78	80
50,000 - 99,999 ...	256	193	75
25,000 - 49,999 ...	520	395	76
10,000 - 24,999 ...	1,360	927	68

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July 2, 1974

Table 2

CITIES OVER 10,000 IN THE UNITED STATES
HAVING FULL TIME PAID UNIFORMED FIREFIGHTERS

Population Group	No. of cities reporting (A)	Cities having full-time paid uniformed fire department								Cities not having full-time paid uniformed fire department							
		TOTAL		FF 5 & over		FF 4&under		Size unknown		Total		FF 5&over		FF 4&under		Size unknown	
		No. (B)	% of (A)	No. (B)	% of (A)	No. (B)	% of (A)	No. (B)	% of (A)	No. (C)	% of (A)	No. (C)	% of (C)	No. (C)	% of (C)	No. (C)	% of (C)
Total, all cities ...	1,637	1,270	78	966	76	8	1	296	23	367	22	24	7	28	8	315	86
Over 500,000	21	21	100	16	76	0	.	5	24	0	...	...	.	..	.	...	..
250,000 - 499,999 ...	23	23	100	22	96	0	.	1	4	0	...	...	.	..	.	...	..
100,000 - 249,999 ...	78	78	100	68	87	0	.	10	13	0	...	...	.	..	.	...	..
50,000 - 99,999 ...	193	175	91	136	78	0	.	39	22	18	9	2	11	0	.	16	89
25,000 - 49,999 ...	395	336	85	267	79	2	0	67	20	59	15	3	5	3	5	53	90
10,000 - 24,999 ...	927	637	69	457	72	6	1	174	27	290	31	19	7	25	9	246	85

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Table 3

TOURS OF DUTY FOR FIREFIGHTERS IN CITIES OVER 10,000

Population Group	# of Cities Reporting (A)	24 Hour Continuous Shift		10/14 Shift		9/15 Shift		11/13 Shift		8 Hour Workday		Other	
		No.	% of (A)	No.	% of (A)	No.	% of (A)	No.	% of (A)	No.	% of (A)	No.	% of (A)
Total, all cities	1,296	1,012	80	207	16	6	1	6	1	24	2	14	1
Over 500,000	21	13	62	7	33	1	5	0	0	0	0	0	0
250,000 - 499,999	22	18	82	3	14	0	0	1	4	0	0	0	0
100,000 - 249,000	78	62	79	16	21	0	0	0	0	0	0	0	0
50,000 - 99,999	175	127	73	45	26	0	0	0	0	2	1	1	.↓
25,000 - 49,999	336	270	80	53	16	1	.↓	3	1	5	2	4	1
10,000 - 24,999	637	522	82	83	13	4	1	2	.↓	17	3	9	1

.↓. Less than .5%

July 2, 1974

Table 3(a)

MUNICIPALITIES HAVING 24-HOUR CONTINUOUS
DUTY SHIFT FOR FIREFIGHTERS

Population Group	No. of cities reporting (A)	FF 5&over		FF 4&under		Size unknown	
		% of No. ()	% of No. ()	% of No. ()	No. % of ()		
Total, all cities...	1,012	804	79	7	1	201	20
Over 500,000.....	13	10	77	0	..	3	23
250,000 - 499,999...	18	18	100	0	..	0	..
100,000 - 249,999...	62	57	92	0	..	5	8
50,000 - 99,999...	127	107	84	0	..	20	16
25,000 - 49,999...	270	225	83	2	1	43	16
10 00 - 24,999...	522	237	74	5	1	130	25

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.. LESS THAN 5%

July 2, 1974

Table 3(b)

MUNICIPALITIES HAVING A 10/14 DUTY SHIFT FOR FIREFIGHTERS

Population Group	No. of cities reporting (A)	FF 5 & over		FF 4 & under		Size unknown	
		No.	% of (A)	No.	% of (A)	No.	% of (A)
Total, all cities...	207	136	66	0	..	71	34
Over 500,000.....	7	6	86	0	..	1	14
250,000 - 249,999...	3	2	67	0	..	1	33
100,000 - 249,999...	16	12	75	0	..	4	25
50,000 - 99,999 ...	45	26	58	0	..	19	42
25,000 - 49,999....	53	37	70	0	..	16	30
1 000 - 24,999...	83	53	64	0	..	30	36

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Table 3(c)

MUNICIPALITIES HAVING A 9/15 DUTY SHIFT FOR FIREFIGHTERS

Population Group	No. of cities reporting (A)	FF 5 and over		FF 4 and under		Size unknown	
		% of		% of		% of	
		No.	(A)	No.	(A)	No.	(A)
Total, all cities...	6	4	67	0	...	2	33
Over 500,000	1	1	100	0	...	0	...
250,000 - 499,999 ..	0
100,000 - 249,999 ..	0
50,000 - 99,999 ..	0
25,000 - 49,999 ..	1	1	100	0	...	0	...
10,000 - 24,999 ...	4	2	50	0	...	2	50

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Table 3(d)

MUNICIPALITIES HAVING AN 11/13 DUTY SHIFT FOR FIREFIGHTERS

Population Group	No. of cities reporting (A)	FF 5 and over		FF 4 and under		Size unknown	
		No.	% of (A)	No.	% of (A)	No.	% of (A)
Total, all cities....	6	4	67	0	..	2	33
Over 500,000.....	0	..	..	..	..	..	..
250,000 - 499,999....	1	1	100	0	..	0	..
100,000 - 249,999....	0
50,000 - 99,999.....	0
25,000 - 49,999.....	3	3	100	0	..	0	..
,000 -24,999.....	2	3	..	0	..	0	100

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Table 3(e)-

MUNICIPALITIES HAVING AN 8-HOUR WORK DAY FOR FIREFIGHTERS

Population Group	No. of cities reporting (A)	FF 5 and over		FF 4 and under		Size unknown	
		No.	% of (A)	No.	% of (A)	No.	% of (A)
Total, all cities...	24	11	46	0	..	13	54
Over 500,000.....	0	..	..	..	..	..	..
250,000 - 499,999...	0	..	..	..	..	..	..
100,000 - 249,999...	0
50,000 - 99,999....	2	2	100	0	..	0	..
25,000 - 49,999....	5	3	60	0	..	2	40
10,000 - 24,999....	17	6	35	0	..	11	65

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Table 3(f)

MUNICIPALITIES HAVING "OTHER" DUTY SHIFTS FOR FIREFIGHTERS

Population Group	No. of cities reporting (A)	FF 5 and over		FF 4 and under		Size unknown	
		No.	% of (A)	No.	% of (A)	No.	% of (A)
Total, all cities...	14	8	57	0	..	6	43
Over 500,000.....	0	..	..	..	..	..	..
250,000 - 499,999...	0	..	..	..	..	..	..
100,000 - 249,999....	0
50,000 - 99,999....	1	1	100	0	..	0	..
25,000 - 49,999....	4	2	50	0	..	2	50
10,000 - 24,999....	9	5	55	0	..	4	45

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Table 4

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LENGTH OF FIREFIGHTERS DUTY CYCLE (IN DAYS)

Population Group	No. of cities reporting (A)	2								3							
		Total No. (B)	FF 5&over		FF 4 & Under		Size unknown		Total No. (C)	% of (A)	FF 5&over		FF 4&under		Size unknown		
			% of (A)	No. (B)	% of (B)	No. (B)	% of (B)	No. (C)			% of (C)	No. (C)	% of (C)	No. (C)	% of (C)		
Total, all cities.....	1,209	12	1	9	75	0	..	3	25	438	36	338	77	5	1	95	22
Over 500,000.....	21	0	..	..	..	..	..	..	..	6	29	5	83	0	..	1	17
250,000 - 499,999.....	22	0	..	..	..	..	..	..	..	11	50	11	100	0	..	0	..
100,000 - 249,999.....	78	0	..	..	..	..	..	..	..	22	28	20	91	0	..	2	9
50,000 - 99,999	165	0	..	..	..	..	..	..	..	48	29	40	83	0	..	8	17
25,000 - 49,999.....	321	1	..	1	100	0	..	0	..	116	36	100	86	3	3	13	11
10,000 - 24,999.....	602	11	2	8	73	0	..	3	27	235	39	162	69	2	1	71	30

375

.. less than .5%

July 2, 1974

Table 4 (cont'd.)

LENGTH OF FIREFIGHTERS DUTY CYCLE (in days) cont'd.

Population Group	No. of cities reporting (A)	4								5							
		Total		FF 5&over		FF 4 &Under		Size unknown		Total		FF 5&over		FF 4&under		Size unknown	
		No. (D)	% of (A)	No. (D)	% of (D)	No. (D)	% of (D)	No. (D)	% of (D)	No. (E)	% of (A)	No. (E)	% of (E)	No. (E)	% of (E)	No. (E)	% of (E)
Total, all cities....	1,209	17	1	11	65	0	..	6	35	1	..	1	100	0	..	0	..
Over 500,000.....	21	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
250,000 - 499,999.....	22	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
100,000 - 249,999.....	78	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
50,000 - 99,999.....	165	4	2	2	50	0	..	2	50	0
25,000 - 49,999.....	321	4	1	2	50	0	..	2	50	0
10,000 - 24,999.....	602	9	2	7	78	0	..	2	22	1	..	1	..	0	..	0	..

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∨ less than .5%

July 2, 1974

Table 4 (cont'd.)

LENGTH OF FIREFIGHTERS DUTY CYCLE (in days) cont'd.

Population Group	No. of cities reporting (A)	6						7									
		Total		FF 5&over		FF 4 &Under		Total		FF 5&over		FF 4&under		Size unknown			
		No. (F)	% of (A)	No. (F)	% of (F)	No. (F)	% of (F)	No. (G)	% of (A)	No. (G)	% of (G)	No. (G)	% of (G)	No. (G)	% of (G)		
Total, all cities....	1,209	28	2	23	82	0	..	5	18	44	4	30	68	0	..	14	32
Over 500,000.....	21	1	5	1	100	0	..	0	..	0	..	..	..	..	..	..	..
7,000 - 499,999.....	22	1	5	1	100	0	..	0	..	0	..	..	..	..	..	..	..
100,000 - 249,999.....	78	2	3	2	100	0	..	0	..	0	..	..	..	..	..	..	..
50,000 - 99,999.....	165	3	2	3	100	0	..	0	..	4	2	4	100	0	..	0	..
25,000 - 49,999.....	321	8	3	7	88	0	..	1	13	9	3	6	67	0	..	3	23
10,000 - 24,999.....	602	13	2	9	69	0	..	4	31	31	5	20	65	0	..	11	35

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Table 4 cont'd.

LENGTH OF FIREFIGHTERS DUTY CYCLE (in days) cont'd.

Population Group	8								9								
	No. of cities reporting (A)	Total No. (H)	FF 5&over		FF 4 &Under		Size unknown		Total No. (I)	%of (A)	FF 5&over		FF 4&under		Size unknown		
			%of (A)	No. (H)	%of (H)	No. (H)	%of (H)	No. (I)			%of (I)	No. (I)	%of (I)	No. (I)	%of (I)		
Total, all cities....	1,209	118	10	89	75	2	2	27	23	182	15	148	81	1	1	33	18
Over 500,000.....	21	2	10	1	50	0	..	1	50	3	14	2	67	0	..	1	33
,000 - 499,999....	22	1	5	1	100	0	..	0	..	2	9	2	100	0	..	0	..
100,000 - 249,999....	78	6	8	6	100	0	..	0	..	18	23	16	89	0	..	2	11
50,000 - 99,999.....	165	14	8	6	43	0	..	8	57	38	23	34	89	0	..	4	11
25,000 - 49,999.....	321	35	11	29	83	0	..	6	17	58	18	51	88	0	..	7	12
10,000 - 24,999.....	602	60	10	46	77	2	3	12	20	63	11	43	68	1	2	19	30

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Table 4 cont'd.

LENGTH OF FIREFIGHTERS DUTY CYCLE (in days) cont'd.

10

11

Population Group	No. of cities reporting (A)	10				11											
		Total No. (J)	% of (A)	FF 5&over % of (J)	FF 4 &Under % of (J)	Size unknown % of (J)	Total No. (K)	% of (A)	FF 5&over % of (K)	FF 4&under % of (K)	Size unknown % of (K)						
Total, all cities....	1,209	21	2	20	95	0	..	1	5	4	..	3	75	0	..	1	25
Over 500,000.....	21	0	..	..	..	..	..	..	..	1	5	1	100	0	..	0	..
100,000 - 499,999.....	22	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
100,000 - 249,999.....	78	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
50,000 - 99,999.....	165	3	2	3	100	0	..	0	..	0	..	..	..	..	..	..	..
25,000 - 49,999.....	321	4	1	4	100	0	..	0	..	1	..	0	..	0	..	1	100
10,000 - 24,999.....	602	14	2	13	93	0	..	1	7	2	..	2	100	0	..	0	..

379

2.5% (less than .5%)

July 2, 1974

Table 4 cont'd.

LENGTH OF FIREFIGHTERS DUTY CYCLE (in days) cont'd.

Population Group	No. of cities reporting (A)	12							14								
		Total		FF 5&over		FF 4 &Under		Size unknown		Total		FF 5&over		FF 4&under		Size unknown	
		No. (L)	% of (A)	No. (L)	% of (L)	No. (L)	% of (L)	No. (L)	% of (L)	No. (M)	% of (A)	No. (M)	% of (M)	No. (M)	% of (M)	No. (M)	% of (M)
Total, all cities....	1,209	56	5	40	71	0	..	16	29	27	2	22	81	0	..	5	19
Over 500,000.....	21	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
50,000 - 499,999.....	22	2	9	1	50	0	..	1	50	0	..	..	..	..	..	..	..
100,000 - 249,999.....	78	4	5	3	75	0	..	1	25	2	3	2	100	0	..	0	..
50,000 - 99,999.....	165	14	9	9	64	0	..	5	36	2	1	1	50	0	..	1	50
25,000 - 49,999.....	321	14	4	9	64	0	..	5	36	6	2	6	100	0	..	0	..
10,000 - 24,999.....	602	22	4	18	82	0	..	4	18	17	3	13	76	0	..	4	24

380

Table 4 cont'd.

LENGTH OF FIREFIGHTERS DUTY CYCLE (in days) cont'd.

Population Group	No. of cities reporting (A)	15							16								
		Total		FF 5&over		FF 4 &Under		Size unknown		Total		FF 5&over		FF 4&under		Size unknown	
		No. (N)	% of (A)	No. (N)	% of (N)	No. (N)	% of (N)	No. (N)	% of (N)	No. (O)	% of (A)	No. (O)	% of (O)	No. (O)	% of (O)	No. (O)	% of (O)
Total, all cities.....	1,209	14	1	12	86	0	..	2	14	11	1	8	73	0	..	3	27
Over 500,000.....	21	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
50,000 - 499,999.....	22	1	5	1	100	0	..	0	..	0	..	..	..	..	..	..	..
100,000 - 249,999.....	78	2	3	2	100	0	..	0	..	0	..	..	..	..	..	..	..
50,000 - 99,999.....	165	2	1	2	100	0	..	0	..	0	..	..	..	..	..	..	..
25,000 - 49,999.....	321	5	2	5	100	0	..	0	..	1	..	0	..	0	..	1	100
10,000 - 24,999.....	602	4	1	2	50	0	..	2	50	10	2	8	80	0	..	2	20

↓. less than .5%

July 2, 1974

Table 4 cont'd.

LENGTH OF FIREFIGHTERS DUTY CYCLE (in days) cont'd.

Population Group	No. of cities reporting (A)	17							18								
		Total No. (P)	FF 5&over		FF 4 &Under		Size unknown		Total No. (Q)	FF 5&over		FF 4&under		Size unknown			
			% of (A)	No. (P)	% of (P)	No. (P)	% of (P)	No. (P)		% of (Q)	No. (Q)	% of (Q)	No. (Q)	% of (Q)	No. (Q)	% of (Q)	
Total, all cities....	1,209	1	↓	0	..	0	..	1	100	4	↓	4	100	0	..	0	..
Over 500,000.....	21	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
50,000 - 499,999.....	22	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
100,000 - 249,999.....	78	1	1	0	..	0	..	1	100	0	..	..	..	..	..	..	..
50,000 - 99,999.....	165	0	..	..	..	..	..	..	..	1	1	1	100	0	..	0	..
25,000 - 49,999.....	321	0	..	..	..	..	..	..	..	1	↓	1	100	0	..	0	..
10,000 - 24,999.....	602	0	..	..	..	..	..	..	..	2	↓	2	100	0	..	0	..

382

↓ less than .5%

Table 4 cont'd.

July 2, 1974

LENGTH OF FIREFIGHTERS DUTY CYCLE (in days) cont'd.

Population Group	No. of cities reporting (A)	20								21							
		Total		FF 5&over		FF 4 &Under		Size unknown		Total		FF 5&over		FF 4&under		Size unknown	
		No. (R)	% of (A)	No. (R)	% of (R)	No. (R)	% of (R)	No. (R)	% of (R)	No. (S)	% of (A)	No. (S)	% of (S)	No. (S)	% of (S)	No. (S)	% of (S)
Total, all cities....	1,209	2	↓	2	100	0	..	0	..	27	2	16	59	1	4	10	37
Over 500,000.....	21	0	..	..	..	..	..	..	..	1	5	0	..	0	..	1	100
100,000 - 499,999.....	22	0	..	..	..	..	..	..	..	1	5	1	100	0	..	0	..
100,000 - 249,999.....	78	0	..	..	..	..	..	..	..	3	4	1	33	0	..	2	67
50,000 - 99,999.....	165	0	..	..	..	..	..	..	..	4	2	4	100	0	..	0	..
25,000 - 49,999.....	321	0	..	..	..	..	..	..	..	8	2	5	62	0	..	3	38
10,000 - 24,999.....	602	2	↓	2	100	0	..	0	..	10	2	5	50	1	10	4	40

303

↓ less than .5%

July 2, 1974

Table 4 cont'd.

LENGTH OF FIREFIGHTERS DUTY CYCLE (in days) cont'd

Population Group	No. of cities reporting (A)	22						24									
		Total No. (T)	FF 5&over		FF 4 &Under		Size unknown	Total No. (U)	FF 5&over		FF 4&under		Size unknown				
			%of (A)	No. (T)	%of (A)	No. (T)			%of (U)	No. (U)	%of (U)	No. (U)					
Total, all cities.....	1,209	1	↓	1	100	0	..	0	..	13	1	13	100	0	..	0	..
Over 500,000.....	21	0	..	..	..	..	..	..	..	2	10	2	100	0	..	0	..
0,000 - 499,999.....	22	0	..	..	..	..	..	..	..	1	1	1	100	0	..	0	..
100,000 - 249,999.....	78	0	..	..	..	..	..	..	..	4	5	4	100	0	..	0	..
50,000 - 99,999.....	165	0	1	1	1	100	0	..	0	..
25,000 - 49,999.....	321	0	5	2	5	100	0	..	0	..
10,000 - 24,999.....	602	1	↓	1	100	0	..	0	..	0

↓ less than .5%

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Table 4 cont'd.

LENGTH OF FIRST-GENERATION CYCLE (in days) cont'd

Population Group	No. of cities reporting (A)	25							26								
		Total No. (V)	FF 5&over		FF 4 & Under		Size unknown	Total No. (W)	FF 5&over		FF 4&under		Size unknown				
			% of (A)	No. (V)	% of (V)	No. (V)			% of (W)	No. (W)	% of (W)	No. (W)		% of (W)			
Total, all cities....	1,209	1	↓	1	100	0	..	0	..	1	↓	1	100	0	..	0	..
Over 500,000.....	21	1	5	1	100	0	..	0	..	0	....	..	..	..	..	..	..
0,000 - 499,999.....	22	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
100,000 - 249,999.....	78	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
50,000 - 99,999.....	165	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
25,000 - 49,999.....	321	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
10,000 - 24,999.....	602	0	..	..	..	..	..	..	..	1	↓	1	100	0	..	0	..

385

↓ less than 5%

July 2, 1974

Table 4 cont'd.

LENGTH OF FIREFIGHTERS DUTY CYCLE (in days) cont'd

Population Group	No. of cities reporting (A)	27							28								
		Total		FF 5&over		FF 4 &Under		Size unknown	Total		FF 5&over		FF 4&under		Size unknown		
		No. (X)	% of (A)	No. (X)	% of (X)	No. (X)	% of (X)	No. (X)	No. (Y)	% of (A)	No. (Y)	% of (Y)	No. (Y)	% of (Y)	No. (Y)		
Total, all cities....	1,209	13	1	10	77	0	..	3	23	58	5	44	76	1	2	13	22
Over 500,000.....	21	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
0,000 - 499,999.....	22	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
100,000 - 249,999.....	78	1	1	1	100	0	..	0	..	2	3	2	100	0	..	0	..
50,000 - 99,999.....	165	5	3	4	80	0	..	1	20	6	4	6	100	0	..	0	..
25,000 - 49,999.....	321	3	1	1	33	0	..	2	67	14	4	13	93	0	..	1	7
10,000 - 24,999.....	602	4	1	4	100	0	..	0	..	36	6	23	64	1	3	12	33

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Table 4 cont'd.

LENGTH OF FIREFIGHTERS DUTY CYCLE (in days) cont'd.

Population Group	No. of cities reporting (A)	30							32								
		Total		FF 5&over		FF 4 &Under		Size unknown		Total		FF 5&over		FF 4&under		Size unknown	
		No. (Z)	% of (A)	No. (Z)	% of (A)	No. (Z)	% of (A)	No. (Z)	% of (A)	No. (AA)	% of (AA)	No. (AA)	% of (AA)	No. (AA)	% of (AA)	No. (AA)	% of (AA)
Total, all cities....	1,209	27	2	25	93	0	..	2	7	9	1	9	100	0.	..	0.	..
Over 500,000.....	21	1	5	1	100	0	..	0.	..	0.	..	..	..	..	..	..	..
50,000 - 499,999....	22	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
100,000 - 249,999....	78	3	4	3	100	0	..	0	..	0.	..	..	..	..	..	..	..
50,000 - 99,999.....	165	0	..	..	..	..	..	..	..	1	1	1	100	0.	..	0	..
25,000 - 49,999.....	321	6	2	6	100	0	..	0	..	3	1	3	100	0.	..	0	..
10,000 - 24,999.....	602	17	3	15	88	0	..	2	12	5	1	5	100	0	..	0.	..

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Table 4 cont'd.

LENGTH OF FIREFIGHTERS DUTY CYCLE (in days) cont'd.

Population Group	No. of cities reporting (A)	33						35									
		Total No. (BB)	% of (A)	FF 5&over % of No. (BB)	FF 4 &Under % of No. (BB)	Size unknown % of No. (BB)	Total No. (CC)	% of (A)	FF 5&over % of No. (CC)	FF 4&under % of No. (CC)	Size unknown % of No. (CC)						
Total, all cities....	1,209	1	↓	1	100	0	..	0	..	1	↓	1	100	0	..	0	..
Over 500,000.....	21	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
0,000 - 499,999....	22	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
100,000 - 249,999....	78	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
50,000 - 99,999....	165	0	0
25,000 - 49,999....	321	1	↓	1	100	0	..	0	..	0
10,000 - 24,999....	602	0	1	↓	1	100	0	..	0	..

↓ less than .5%

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Table 4 cont'd.

LENGTH OF FIREFIGHTERS DUTY CYCLE (in days) cont'd.

Population Group	No. of cities reporting (A)	36						40									
		Total No. (D)	% of (A)	FF 5&over % of No. (DD)	FF 4 &Under % of No. (DC)	Size unknown % of No. (DE)	Total No. (E)	% of (A)	FF 5&over % of No. (EE)	FF 4&under % of No. (BE)	Size unknown % of No. (EB)						
Total, all cities....	1,209	3	↓	2	67	0	..	1	33	2	↓	0	..	0	..	2	100
Over 500,000.....	21	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
1,000 - 499,999....	22	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
100,000 - 249,999....	78	0	..	..	..	..	..	..	..	0	..	..	..	..	..	..	..
50,000 - 99,999.....	155	0	0
25,000 - 49,999.....	321	1	↓	1	100	0	..	0	..	1
10,000 - 24,999.....	602	2	↓	1	50	0	..	1	50	2	↓	0	..	0	..	0	100

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Table 4 cont'd.

LENGTH OF FIREFIGHTERS DUTY CYCLE (in days) cont'd.

Population Group	42						45									
	No. of cities reporting (A)	Total No. (FF)	FF 5&over		FF 4 &Under		Size unknown		Total No. (GG)	% of (A)	FF 5&over		FF 4&under		Size unknown	
			% of (A)	No. (FF)	% of (A)	No. (FF)	% of (FF)	No. (FF)			% of (GG)	No. (GG)	% of (GG)	No. (GG)		
Total, all cities...	1,209	10	1	8	80	0	---	2	20	↓	1	50	0	---	1	50
Over 500,000.....	21	0	---	---	---	---	---	---	---	(---	---	---	---	---	---
50,000 - 499,999...	22	0	---	---	---	---	---	---	0	---	---	---	---	---	---	---
100,000 - 249,999....	78	2	3	2	100	0	---	0	---	1	1	1	100	0	---	0
50,000 - 99,999.....	165	1	1	1	100	0	---	0	---	0	---	---	---	---	---	---
25,000 - 49,999.....	321	4	1	3	75	0	---	1	25	0	---	---	---	---	---	---
10,000 - 24,999.....	602	3	↓	2	67	0	---	1	33	1	↓	0	---	0	---	1

↓ Less than .5%

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Table 4 cont'd.

LENGTH OF FIREFIGHTERS DUTY CYCLE (in days) cont'd.

Population Group	48							49									
	No. of cities reporting (A)	Total No. (HH)	FF 5&over % of (A)	FF 5&over % of No. (HH)	FF 4 &Under % of (HH)	FF 4 &Under % of No. (HH)	Size unknown % of (HH)	Total No. (II)	Total % of (A)	FF 5&over % of No. (II)	FF 5&over % of No. (II)	FF 4&under % of (A)	FF 4&under % of No. (A)	Size unknown % of (II)	Size unknown % of No. (II)		
Total, all cities...	1,209	1	↓	0	---	0	---	1	100	4	↓	3	75	0	---	1	25
Over 500,000.....	21	0	---	---	---	---	---	1	5	1	100	0	---	0	---	0	---
50,000 - 499,999....	22	0	---	---	---	---	---	0	---	---	---	---	---	---	---	---	---
100,000 - 249,999....	78	0	---	---	---	---	---	0	---	---	---	---	---	---	---	---	---
50,000 - 99,999.....	165	0	---	---	---	---	---	0	---	---	---	---	---	---	---	---	---
25,000 - 49,999.....	321	1	↓	0	---	0	---	1	100	1	---	1	100	0	---	0	---
10,000 - 24,999.....	602	0	---	---	---	---	---	2	---	1	50	0	---	1	50	0	---

↓ Less than .5%

July 2, 1974.

Table 4 cont'd.

LENGTH OF FIREFIGHTERS DUTY CYCLE (in days) cont'd

Population Group	No. of cities reporting (A)	56						60									
		Total		FF 5&over		FF 4 &Under		Total		FF 5&over		FF 4&under		Size unknown			
		No. (J)	% of (A)	No. (I)	% of (I)	No. (II)	% of (II)	No. (KK)	% of (A)	No. (KK)	% of (KK)	No. (KK)	% of (KK)	No. (KK)	% of (KK)		
Total, all cities....	1,209	27	2	16	59	0	...	11	41	3	↓	2	67	0	...	1	33
Over 500,000.....	21	1	5	1	100	0	...	0	...	0	...	...	...	...	...	...	...
100,000 - 499,999....	22	2	9	2	100	0	...	0	...	0	...	...	...	...	...	...	...
50,000 - 249,999....	78	2	3	0	...	0	...	2	100	0	...	...	...	...	...	...	...
25,000 - 99,999.....	165	6	4	3	50	0	...	3	50	0	...	...	...	...	...	...	...
10,000 - 49,999.....	321	7	2	5	71	0	...	2	29	1	↓	1	100	0	...	0	...
10,000 - 24,999.....	602	9	1	5	56	0	...	4	44	2	↓	1	50	0	...	1	50

392

↓ less than .5%

Table 4 cont'd.

LENGTH OF FIREFIGHTERS DUTY CYCLE (in days) cont'd

Population Group	No. of cities reporting (A)	63							64								
		Total		FF 5&over		FF 4 &Under		Size unknown		Total		FF 5&over		FF 4&under		Size unknown	
		No. (LL)	% of (A)	No. (LL)	% of (LL)	No. (LL)	% of (LL)	No. (LL)	% of (LL)	No. (MM)	% of (A)	No. (MM)	% of (MM)	No. (MM)	% of (MM)	No. (MM)	% of (MM)
Total, all cities...1,209	7	1	5	71	0	...	2	29	1	↓	1	100	0	...	0	...	
Over 500,000.....	21	0	...	...	...	...	...	...	0	...	...	...	...	...	...	...
1,000 - 499,999...	22	0	...	...	...	...	...	...	0	...	...	...	...	...	...	...
100,000 - 249,999...	78	1	1	100	0	...	0	...	0	...	...	...	...	...	...	...
50,000 - 99,999....	165	4	2	3	75	0	...	1	25	1	↓	1	100	0	...	0	...
25,000 - 49,999....	321	1	↓	1	100	0	...	0	...	0	
10,000 - 24,999....	602	1	↓	0	...	0	...	1	100	0	

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↓ less than .5%

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Table 4 cont'd.

LENGTH OF FIREFIGHTERS DUTY CYCLE (in days) cont'd

Population Group	No. of cities reporting (A)	72						84									
		Total		FF 5&over		FF 4 &Under		Size unknown		Total		FF 5&over		FF 4&under		Size unknown	
		No. (NN)	%of (A)	No. (NN)	%of (NN)	No. (NN)	%of (NN)	No. (NN)	%of (NN)	No. (OO)	%of (A)	No. (OO)	%of (OO)	No. (OO)	%of (OO)	No. (OO)	%of (OO)
Total, all cities..	1,209	1	↓	1	100	0	...	0	...	8	1	8	100	0	...	0	...
Over 500,000.....	21	0	...	...	...	...	...	...	...	0	...	...	...	...	...	...	...
250,000 - 499,999...	22	0	...	...	...	...	...	...	...	0	...	...	...	...	...	...	...
100,000 - 249,999...	78	0	...	...	...	...	...	...	...	2	3	2	100	0	...	0	...
50,000 - 99,999....	165	0	2	1	2	100	0	...	0	...
25,000 - 49,999....	321	0	1	↓	1	100	0	...	0	...
10,000 - 24,999....	602	1	↓	1	100	0	...	0	...	3	↓	3	100	0	...	0	...

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Table 4 cont'd.

LENGTH OF FIREFIGHTERS DUTY CYCLE (in days) cont'd

Population Group	No. of cities reporting (A)	98							364								
		Total No. (PP)	FF 5&over %of %of		FF 4 &Under %of %of		Size unknown %of %of		Total No. (QQ)	FF 5&over %of %of		FF 4&under %of %of		Size unknown %of %of			
			(A)	No. (PP)	No. (PP)	No. (PP)	No. (PP)	(QQ)		No. (QQ)	No. (QQ)	No. (QQ)	No. (QQ)	No. (QQ)			
Total, all cities.....	1,209	3	↓	3	100	0	0	0	0	5	↓	4	80	0	...	1	20
Over 500,000.....	21	0	...	...	...	...	...	...	...	1	5	1	100	0	...	0	...
,000 - 499,999.....	22	0	...	...	...	...	...	...	...	0	...	...	...	...	...	...	...
100,000 - 249,999.....	78	0	...	...	...	...	...	...	...	0	...	...	...	...	...	...	...
50,000 - 99,999.....	165	1	↓	1	100	0	...	0	...	0	...	...	...	...	...	...	...
25,000 - 49,999.....	321	1	↓	1	100	0	...	0	...	0	...	...	...	...	...	...	...
10,000 - 24,999.....	602	1	↓	1	100	0	...	0	...	4	1	3	75	0	...	1	25

395

↓ less than .5%
 * Percent of (A) adds up to 93% because there were 20 categories of ↓'s.

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Table 4a

LENGTH OF FIREFIGHTERS DUTY CYCLE (IN DAYS)
IN UNITED STATES CITIES OVER 10,000; LESS THAN 7 DAYS

Population Group	No. of cities reporting (A)	Total		FF 5 & over		FF 4 & under		Size unknown	
		No. (B)	% of (A)	No. (B)	% of (B)	No. (B)	% of (B)	No. (B)	% of (B)
Total, all cities.	1,209	496	41	382	77	5	1	109	22
Over 500,000	21	7	33	6	28.6	0	---	1	14.3
150,000 - 499,999	22	12	54.5	12	54.5	0	---	0	---
100,000 - 249,999 .	78	24	30.8	22	28.2	0	---	2	8.3
50,000 - 99,999 . .	165	55	33.0	47	28.5	0	---	8	14.5
25,000 - 49,999 . .	321	129	40.2	110	34.3	3	2.3	16	12.4
10,000 - 24,999 . .	602	269	44.7	187	31.1	2	0.7	80	29.7

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Table 4b

LENGTH OF FIREFIGHTERS DUTY CYCLE (IN DAYS)
IN UNITED STATES CITIES OVER 10,000; 7 THROUGH 28 DAYS

Population Group	No. of cities reporting (A)	Total		FF 5 & over		FF 4 & under		Size unknown	
		No. (C)	% of (A)	No. (C)	% of (C)	No. (C)	% of (C)	No. (C)	% of (C)
Total, all cities. . .	1,209	598	49.5	464	77.6	5	0.8	129	21.6
Over 500,000	21	10	47.6	7	70	0	---	3	30
150,000 - 499,999. . .	22	8	36.4	7	87.5	0	---	1	12.5
100,000 - 249,999. . .	78	43	55.1	37	86	0	---	6	14
50,000 - 99,999. . . .	165	94	57	75	79.8	0	---	19	20.2
25,000 - 49,999. . . .	321	164	51.1	135	82.3	0	---	29	17.7
10,000 - 24,999. . . .	602	279	46.3	203	72.8	5	1.8	71	25.4

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Table 4c

LENGTH OF FIREFIGHTERS DUTY CYCLE (IN DAYS)
 UNITED STATES CITIES OVER 10,000; 29 OR MORE DAYS

Population Groups	No. of cities reporting (A)	Total		FF 5 & over		FF 4 & under		Size unknown	
		No. (D)	% of (A)	No. (D)	% of (D)	No. (D)	% of (D)	No. (D)	% of (D)
Total, all cities. . .	1,209	114	9.4	89	77.4	0	---	25	21.7
Over 500,000	21	4	19	4	100	0	---	0	---
150,000 - 499,999. . .	22	2	9.1	2	100	0	---	0	---
100,000 - 249,999. . .	78	11	14.1	9	81.8	0	---	2	18.2
50,000 - 99,999. . . .	165	16	9.7	12	75	0	---	4	25
25,000 - 49,999. . . .	321	27	8.4	23	85.2	0	---	4	14.8
10,000 - 24,999. . . .	602	54	9	39	72.2	0	---	15	27.8

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Table 4d

LENGTH OF FIREFIGHTERS DUTY CYCLE (in days);
2 and 6 days; 29 or more days.

Population Group	No. of cities reporting (A)	2,3,4,5,6 and 29 thru 364			FF 5&over %of No. (E)		FF 4&under %of No. (E)		Size unknown %of No. (E)	
		Total No. (G)	%of (A)							
Total, all cities.....	1,209	610	50.5	473	77.5	5	0.8	132	21.6	
Over 500,000.....	21	11	52.4	10	90.9	0	..	1	9.1	
250,000 - 499,999.....	22	14	63.6	14	100	0	..	0	..	
100,000 - 249,999.....	78	35	44.9	31	88.6	0	..	4	11.4	
50,000 - 99,999.....	165	71	43	59	83.1	0	..	12	16.9	
25,000 - 49,999.....	321	156	48.6	133	85.3	3	19	20	12.8	
10,000 - 24,999.....	602	323	53.7	226	70	2	0.6	95	29.4	

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Table 4e

CUMULATIVE PERCENTAGE OF LENGTH
OF FIREFIGHTER DUTY CYCLE

Number of Days in Fire Duty Cycle	Number of Cities	Cumulative Number Cities	Cumulative % of Total Re- porting (1299)
2	12	12	1
3	438	450	37.2
4	17	467	38.6
5	1	468	38.7
6	28	496	41.0
7	44	540	44.7
8	119	659	54.4
9	182	840	69.5
10	21	861	71.2
11	4	865	71.5
12	56	921	76.2
14	27	948	78.4
15	14	962	79.6
16	11	973	80.5
17	1	974	80.6
18	4	978	80.9
20	2	980	81.1
21	27	1007	83.3
22	1	1008	83.4
24	13	1021	84.4
25	1	1022	84.5
26	1	1023	84.6
27	13	1036	85.7
28	58	1094	90.5
30	27	1121	92.7
32	9	1130	93.5
33	1	1131	93.5
35	1	1132	93.6
36	3	1135	93.9
40	2	1137	94.0
42	10	1147	94.9
45	2	1149	95.0
48	1	1150	95.1
49	4	1154	95.5
56	27	1181	97.7
60	3	1184	97.9
63	7	1191	98.5
64	1	1192	98.6
72	1	1193	98.7
84	8	1201	99.3
98	3	1204	99.6
364	5	1209	100.0

Table 5

CUMULATIVE PERCENTAGE OF AVERAGE HOURS
PER WEEK FIREFIGHTERS ARE ON DUTY

Average Fire Hours on Duty per Week	Number of Cities	Cumulative Number of Cities	Cumulative % of Total Re- porting (1251)
37.3	1	1	0.1
40	46	47	3.8
40.3	1	48	3.8
42	142	190	15.2
42.5	2	192	15.3
44	2	194	15.5
45.8	1	195	15.6
46	1	196	15.7
46.9	1	197	15.7
47.5	1	198	15.8
48	39	237	18.9
49	1	238	19.0
50	3	241	19.3
50.2	2	243	19.4
50.3	1	244	19.5
50.4	5	249	19.9
50.5	1	250	20.0
51	1	251	20.1
51.3	2	253	20.2
52	7	260	20.8
52.2	1	261	20.9
52.3	1	262	21.0
52.5	1	263	21.0
53	2	265	21.2
53.3	1	266	21.3
53.5	1	267	21.3
54	8	275	22.0
54.6	1	276	22.1
55	2	278	22.2
55.2	1	279	22.3
56	702	981	78.4
56.3	1	982	78.5
57	1	983	78.6
57.4	1	984	78.7
57.5	1	985	78.7
57.84	1	986	78.8
58	7	993	79.4
58.1	2	995	79.5
58.6	3	998	79.8
58.7	1	999	79.8
58.8	2	1001	80.0
59	3	1004	80.3
59.5	2	1006	80.3
59.9	1	1007	80.5
60	50	1057	84.5

Table 5 (cont'd.)

Average Fire Hours on Duty per Week	Number of Cities	Cumulative Number of Cities	Cumulative % of Total (1251)
60.1	2	1059	84.7
60.4	1	1060	84.7
60.9	1	1061	84.8
61	2	1063	85.0
61.1	2	1065	85.1
61.3	1	1066	85.2
61.4	1	1067	85.3
62	4	1071	85.6
62.3	3	1074	85.9
62.5	2	1076	86.0
63	46	1122	89.7
63.1	1	1123	89.8
63.3	1	1124	89.8
63.4	2	1126	90.0
63.5	1	1127	90.1
64	4	1131	90.4
64.3	1	1132	90.5
65	1	1133	90.6
65.3	1	1134	90.6
65.9	1	1135	90.7
66	19	1154	92.2
66.2	1	1155	92.3
66.3	1	1156	92.4
66.4	1	1157	92.5
67	3	1160	92.7
67.2	11	1171	93.6
67.4	2	1173	93.8
67.5	1	1174	93.8
68	3	1177	94.1
68.1	1	1178	94.2
69	1	1179	94.2
70	3	1182	94.5
70.2	1	1183	94.6
70.5	1	1184	94.6
71	1	1185	94.7
71.3	1	1186	94.8
72	47	1233	98.6
72.5	1	1234	98.6
72.6	1	1235	98.7
73	1	1236	98.8
73.1	1	1237	98.9
73.5	1	1238	99.0
78	2	1240	99.1
78.4	2	1242	99.3
78.5	1	1243	99.4
84	7	1250	99.9
96	1	1251	100.0

Table 6

STATES HAVING LAWS REGULATING FIREFIGHTERS' HOURS

Alabama	New Hampshire
*Arkansas	*New Jersey
Georgia	*North Dakota
Illinois	Ohio
Indiana	Oregon
Kentucky	*Pennsylvania
*Maine	*South Dakota
*Michigan	*Texas
*Montana	Wisconsin

*Statute attached.

* * *

STATES HAVING NO LAWS REGULATING FIREFIGHTERS' HOURS

Arizona	New Mexico
California	North Carolina
Colorado	Oklahoma
Florida	South Carolina
Iowa	Tennessee
Kansas	Utah
Minnesota	Virginia
Mississippi	Washington
Missouri	Wyoming

[Statutes Regulating Firefighters' Hours—Attached to Letter from D. Slater, National League of Cities to W. Landis, Wage and Hour Division, Department of Labor, 7-5-74]

ARKANSAS

19-2102. Appointment of firemen in first class cities
[Repealed.]

Repeal.

This section (Act Mar. 21, 1885, No. 67, § 2 (1st par.), p. 92; Feb. 27, 1893, No. 42, § 1 (3rd sentence), p. 64; C. & M. Dig., § 7709; Pope's Dig. § 9878) was repealed by Acts 1953, No. 554, § 1.

19-2103. Hours of service.—In all cities of the first class, as shown by the last Federal Census, and all subsequent censuses, which maintain or may hereafter maintain an organized paid, or part paid fire department, no employee of such department shall be compelled to be on duty more than fourteen [14] consecutive hours, except when changing from one tour of duty to the other, or in case of an epidemic among the members of the department, or a conflagration requiring the service of more than one-half [$\frac{1}{2}$] of the force of the department. [Acts 1923, No. 135, § 1, p. 115; Pope's Dig., § 9852.]

19-2104. Two Platoons — Arrangement of hours — Maximum hours per week — Exceptions — Epidemics, conflagrations or emergencies. — The uniformed force of the fire department shall be divided into two (2) platoons. The officers and members assigned to which shall alternate on tours of duty at intervals of not more than fifteen (15) days.

The head or chief officer of the fire department shall so arrange the working hours of the employees of such fire department so that each employee shall work, as near as practical, an equal number of hours per month; but not to exceed seventy-two (72) hours per week; provided that the head or chief officer of such department, may at his discretion, in case of an epidemic, conflagration, or

such emergency, require such employees for a greater period than herein provided to continue on duty during such epidemic, conflagration or like emergency. [Acts 1923, No. 135, §2 p. 115; Pope's Dig., § 9853; Acts 1947, No. 240, § 1, p. 512; 1957, No. 157, § 1, p. 481.]

Compiler's Note.

A last paragraph of this section was held unconstitutional in *Mankin v. Dean* (1958), 228 Ark. 752, 310 S. W. (2d) 477. Such paragraph read, "Provided that in cities or towns having a commission form of government with a full paid fire department, no member of the fire department in such city or town shall be required to be on regular duty more than an average of fifty-six (56) hours per week computed annually over the city's fiscal year or any unexpired portion thereof; provided, further, that said members of said fire departments, excepting administrative and maintenance personnel, shall perform their duties in twenty-four (24) hour shifts; and provided further that there shall be no reduction of salaries or rates of pay of members of said fire departments because of the number of hours prescribed in this Act as constituting the average work week of regular duty."

Amendments.

The 1947 amendment inserted the provision limiting the number of hours per week.

The 1957 amendment added a paragraph which was held unconstitutional. See compiler's note.

Emergency.

Section 2 of Acts 1947, No. 240, read: "It is found that firemen have been working an excessive number of hours each week and that this condition should be corrected in the interest of public safety. An emergency is therefore declared to exist and this act shall be in full force and effect from and after its passage and approval." Approved March 18, 1947.