

**Testimony from Brian M. Daniels, Executive Director
In Opposition to Changes to Firefighter Overtime (H5662)
House Committee on Labor
March 6, 2019**

Thank you, Madam Chair and members of the committee, for the opportunity to testify. In the last few weeks, we have opposed contract continuation legislation and an expansion of binding arbitration because they would tie the hands of municipal leaders in negotiating in the best interests of taxpayers. Today we have another bill that would take more compensation items off the bargaining table and allow the state to pre-empt local governance.

H5662 would require firefighters to receive overtime pay for any hours worked over 42 in a workweek. It appears that this legislation is intended to limit local officials' ability to modify platoon structures in a way that meets the community's needs and will result in higher costs to cities and towns taxpayers. Last December, the RI Public Expenditure Council updated its annual report, "How Rhode Island Expenditures Compare." It again found that Rhode Island had the highest per capita spending on fire protection services in FY2016 – more than double the national average. That high level of spending contributes to a heavy property tax burden – the Tax Foundation reports that Rhode Islanders have the 7th highest property tax burden in the country. City and town managers and local public safety directors have tried to find efficiencies by addressing platoon structure and schedules. North Kingstown enacted a three-platoon structure that averaged 56 hours of work per week, but with two days off between 24-hour shifts. When this decision was challenged in court, the Rhode Island Supreme Court ruled that "the decision to implement the three-platoon structure is a management right of the town."

Further, the Fair Labor Standards Act – the Federal law and regulations that govern minimum wages and overtime – specifically allows higher overtime thresholds for police and firefighters than the standard 40 hours. Under FLSA, firefighters are not required to receive overtime unless they have worked more than 212 hours in 28 days. So, if the RI Supreme Court has upheld management's right to staff and schedule its fire services, and FLSA allows longer standard work weeks for firefighters, there is no reason for the state to set a lower threshold for overtime than required under federal law, as this bill would do. We are already paying the highest fire protection costs in the nation. This bill would infringe on local officials' ability to manage their public safety forces efficiently and would lead to even higher costs in numerous communities. The General Assembly has to stop tying the hands of municipal officials and pre-empting the decisions of local officials, and I urge the committee to oppose this bill.