

116TH CONGRESS  
2D SESSION

# S. 4695

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

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2020

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

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

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

10 “(2) For purposes of this subsection—

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

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

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