



OVERTIME COMPENSATION

BACKGROUND

Under the current overtime rules, law enforcement officers who earn less than \$23,660 annually become automatically eligible for overtime pay. However, officers earning more than \$23,660 might lose overtime based on a “duties test.” The “duties test” has been modified to make it easier for employers to reclassify employees and exempt them from overtime pay. For example, if employees perform a combination of front-line duties and supervisory/administrative duties, they would now meet the criteria for “executive” or “administrative” employees, thus making them exempt from overtime.

NAPO has fully and actively supported legislation that would prevent the DOL from taking away overtime pay rights from any worker who was previously eligible, while maintaining the new rights for low-income workers who earn up to \$23,660.

RECENT LEGISLATIVE HISTORY

109th Congress (2005-2007)

- S. 14, the “Fair Wage, Competition, and Investment Act of 2005.” Introduced by Debbie Stabenow (D-MI). On 1/24/2005, S. 14 was referred to the Senate Finance Committee. No further action was taken on the bill. It had the support of 13 co-sponsors.
- S. 223, the “Overtime Rights Protection Act.” Introduced by Tom Harkin (D-IA). On 3/1/2005, S. 223 was referred to the Senate Committee on Health, Education, Labor and Pensions. No further action was taken on the bill. It had the support of 15 co-sponsors.

For information on the legislative history of this issue prior to the 108th Congress please contact the NAPO office at (800) 322-NAPO (6276).

NAPO POSITION

NAPO fought hard to force the Department of Labor “to expressly provide in its final regulation a specific occupational rule on law enforcement.” That language was added to the final rule in Section 541.3(b), and it provided that law enforcement officers are entitled to overtime protections. However, it does not provide that all law enforcement occupations are entitled to overtime “regardless of rank or pay level,” but rather only those officers who perform front-line duties as their “primary duty.”

NAPO is continuing to fight to get the DOL to clarify their language to state that overtime rights of *all* law enforcement officers are protected. NAPO is also working closely with both Houses of Congress to clarify or rescind the new rules and restore overtime to 6 million American workers.