

**From:** [Beverly R. Cameron](#)  
**To:** [DHCD-Mandate Relief](#);  
**Subject:** Mandate Relief  
**Date:** Monday, November 14, 2011 10:14:26 AM

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Dear Sir or Madam,

Current Virginia law provides an overtime benefit that is far in excess of what is required by the Federal Fair Labor Standards Act. By counting annual leave and sick leave as “hours worked,” local governments are forced to pay overtime rates of pay when it is not required by Federal labor law. In addition to the fiscal burden, this creates inequity among public employees. This law should be changed so that only true “hours worked” are counted in the computation of overtime pay.

Catalog of State and Federal Mandates on Local Governments – 2011  
Page 214, NSO.125

### **Overtime Compensation for Law-Enforcement and Fire Protection Employees**

Law-enforcement and fire protection employees shall be required to be paid overtime compensation or leave for all hours of work between the maximum permitted under the Fair Labor Standards Act and the hours for which the employee receives his salary, or if paid on an hourly basis, the hours for which the employee receives hourly compensation. Further, for the purpose of determining entitlement to overtime compensation, all hours in which an employee works **or is in a paid status shall be counted as hours of work, meaning annual leave or sick leave that are used would be counted toward worked hours.** Employers with fewer than 100 law enforcement employees are exempt.

Reference: Code of Virginia §§ 9.1-700 and 9.1-701

Thank you for considering my request.

**Beverly R. Cameron**  
**City Manager**  
City of Fredericksburg  
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