



City of Newport News

Virginia 23607

2400 Washington Avenue

(757) 926-8411

Fax (757) 926-3503

Office Of The City Manager

November 15, 2011

Ms. Susan Williams
Commission on Local Government
Department of Housing and Community Development
600 East Main Street, Suite 300
Richmond, Virginia 23219

Dear Ms. Williams:

Allow me to applaud the efforts of the Governor's Task Force for Local Government Mandate Review to identify mandates for potential elimination in the 2012 legislative session. Given the limited time available to prepare legislative requests for this session and the historical rarity of mandate elimination, it is encouraging that the task force is acting so expediently.

As you know, there are numerous mandates that involve unfunded or underfunded programs and services, the elimination of which would require financial resources from the state. At the request of the task force Chairman, Pat Herrity, my staff and I have reviewed the Catalog of Mandates with the goal of identifying those which could be repealed and that do not require state funding. Of those we have reviewed, I suggest for elimination the state requirement to pay fire and law enforcement employees overtime based on their total paid hours as opposed to their total hours worked. *Code of Virginia* Section 9.1-701 requires that for the purposes of calculating overtime compensation for fire and law enforcement employees, paid leave such as annual and sick leave must be counted as hours of work. To date in the Fire Department alone this mandate has cost the City approximately \$390,000. This benefit exceeds the requirements of the Federal Fair Labor Standards Act. I hope that the task force will consider recommending to the Governor that this mandate be repealed.

I am pleased that we have the potential opportunity for short-term relief from burdensome mandates. However, I look forward to the long-term work of the task force as it considers unfunded and underfunded mandates that shift the financial responsibility for programs and services to local governments. I wish the task force great success as it moves forward.

Sincerely,

Neil A. Morgan
City Manager

NAM:rsw