

Fatigue, Overtime, and FLSA: A Growing Risk for Fire Departments

Fire departments across the country continue to face costly litigation and liability exposure under the Fair Labor Standards Act (FLSA) often not because of intentional wrongdoing, but because of outdated payroll practices, staffing shortages, mandatory overtime, and misunderstandings of how the law applies to emergency services personnel.

For fire service agencies, FLSA compliance is far more complicated than simply paying overtime after 40 hours. Firefighters commonly work under the 7(k) exemption, Kelly days, callback provisions, trade time agreements, standby assignments, training requirements, and mandatory holdovers, all of which can create significant legal exposure if improperly managed.

Departments often find themselves in trouble when mandatory shift holdovers are not compensated correctly, off-the-clock work such as training, equipment checks, report writing, or station duties goes unpaid, volunteer, reserve, or dual-role personnel classifications are improperly handled, comp time policies violate federal standards, misclassification of fire officers or supervisors leads to unlawful overtime exemptions, EMS crossover duties blur compensation requirements, automatic meal break deductions occur despite interruptions by emergency calls, and staffing shortages that force excessive overtime without proper calculation practices.

The result can be devastating such as significant backpay awards, liquidated damages, attorney fees, Department of Labor investigations, union grievances, morale problems, retention issues, and damaging public scrutiny.

From an operational standpoint, chronic understaffing and fatigue also increase the likelihood of emergency vehicle collisions, missed tactical benchmarks, poor fireground decision-making, delayed EMS interventions, increased injury rates, and potential negligence claims tied to exhaustion and overwork.

In litigation involving firefighter fatigue, emergency response operations, staffing levels, or departmental practices, understanding how FLSA violations intersect with operational safety can become critically important.

The fire service is built on sacrifice and service, but compliance with labor law is not optional. Proper staffing models, payroll auditing, policy review, and leadership accountability are essential to protecting both firefighters and the communities they serve.