



Bethel Township Fire Department

Clark County, Ohio



Station 51

3333 Lake Rd.
Medway, OH 45341
45319

Mailing Address

3333 Lake Rd.
Medway, OH 45341

Station 54

170 E. Main St.
Donnelsville, OH

Chairman Wiggam, Vice Chair John, Ranking Member Kelly and members of the State and Local Government Committee, thank you for allowing me to give sponsor testimony on House Bill 564.

Currently, Ohio Law caps part-time employees at 1,500 hours annually. This translates to roughly 28 hours per week. While this limit may be ideal in most circumstances, it is not for Fire/EMS. The persisting staffing issues, have made it difficult to ensuring safe staffing ratios and abiding by the part-time hour limit extremely challenging for fire departments.

The only definition that applies to township employees (including fire and EMS personnel) is found in ORC 505.60(G)(1) and is applicable for insurance purposes. The definition reads: “Part-time township employee’ means a township employee who is hired with the expectation that the employee will work not more than one thousand five hundred hours in any year.”

It is my understanding this simple bill will temporarily increases the 28 hour per week part-time worker designation to 38 hours per week for small townships, which constitutes a township with less than 50 full-time equivalent employees. Also, it is my understanding that language has been added to ensure the bill does not conflict with any current collective bargaining agreements.

In 29 CFR Ch 553 Subpart C—Fire Protection and Law Enforcement Employees of Public Agencies, provides for an exemption and the U.S. Department of Labor provided an opinion letter, FLSA 2006-20,

The exemption only applies to “employees in fire protection activities”, which is defined in Section 3(y) of the FLSA. The U.S. Department of Labor determined in an opinion letter that the Section 3(y) definition applies. If the exemption



Bethel Township Fire Department

Clark County, Ohio



applies, then the employee must be paid overtime (or accrue comp time) after working more than 53 hours, over a 7-day period.

Currently, I we have several shifts each day go unstaffed due to the current 1500-hour rule. I will see a dramatic reduction in availability of members as we approach September. The pandemic has made staffing increasingly more difficult as we have less personnel applying.

It is no secret that the number of people applying for Police, Fire and EMS jobs is at an all-time low, most affected departments are the small township departments. We typically have lower tax bases, not full-time departments and have a combination of part-time and volunteers to protect our communities.

I am able and willing to speak to the challenges that we are facing in Clark, Greene and Miami Counties. Another, change that would assist in the future is the opportunity to “waive” any requirements to allow members that already have healthcare, pension plans to exceed the 1500 rule and follow only FLSA requirements for pay.

Jacob King,
Fire Chief