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U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
WASHINGTON, D.C. 20210



P10

MAY 28 1975

This is in reply to your letter of March 24, 1975, concerning the application of the Fair Labor Standards Act as it was amended in 1974 to certain law enforcement officers of the Howard County Sheriff's Department.

In your area several government agencies, including the Howard County School Board, provide home sites for mobile homes at no cost, including free utility services, in exchange for having a person living on the premises to reduce vandalism. At the school sites and recreation sites where this program has been implemented it has been effective in reducing vandalism. We understand from the information given over the phone to [redacted] of my staff by you and by [redacted], Secretary to Sheriff [redacted], that most of these arrangements merely involve living on the premises and that the occupants generally have no active duties to perform. The occupant is free to leave the premises and return as he pleases for purposes of his own and virtually all of the occupant's time on the premises is free for normal private pursuits. If the occupant observes suspicious activity or acts of vandalism, he phones the local police. The fact that the property is occupied as a residence on a regular basis serves as a deterrent to vandalism. Any reliable citizen could qualify for one of these sites and being a police officer is not a qualification for occupancy. Many of the occupants are school teachers or others in the community.

However, six sites are occupied by deputy sheriffs of the Howard County Sheriff's Department. The Sheriff of Howard County has taken the position that when the persons involved in the above transaction are law

enforcement officers of his department, that he will be forced to pay such personnel overtime since he considers their function to be "job related". Accordingly, the Sheriff has issued orders to move or resign or be terminated by April 10, 1975 to his people. We understand that these orders have been temporarily stayed pending our consideration of this matter.

In determining compliance with the Act, the Department would, on these particular facts, disregard the time spent by law enforcement officers when they are in residence at the mobile homes provided by the school board or other public agencies.

We are also sending a copy of this letter to Sheriff [REDACTED] We appreciate your interest in resolving this matter.

Sincerely,

Warren D. Landis
Acting Administrator
Wage and Hour Division