

OCT 20 1993

This is in response to your inquiry concerning the application of the Fair Labor Standards Act (FLSA) to corrections officers who volunteer their services as reserve police officers.

We must reiterate the advice given in the letter to Congressman on this issue. Correction officers who also work as reserve police officers must be compensated for all hours worked in both capacities in accordance with the minimum wage and/or overtime compensation requirements of the FLSA.

The term "public safety employees" means those employees who are subject to §7(k) of the FLSA. See the discussion of this and related terms at 52 FR 2015 (copy enclosed). Section 7((k) provides a limited overtime exception for police officers, firefighters, and also, by express reference, "security personnel in correctional institutions." Correctional institutions include jails. See 29 CFR §553.211(f) (copy enclosed).

We trust that the above is responsive to your inquiry.

Sincerely,

Daniel F. Sweeney
Deputy Assistant Administrator

Enclosures