

Overtime ruling doesn't favor firefighters

BY HEMMY SO
STAFF WRITER

DEERFIELD BEACH • A federal judge has ruled that a group of firefighters was not entitled to more than an estimated \$1 million in overtime wages because these city employees are exempt from standard labor laws.

"This is a great victory for municipalities, whether it's cities or counties that run the fire department," said Stuart Michelson, the city's outside trial attorney.

Deerfield Beach spent \$85,000 litigating the case, which began in late August.

Retired firefighter Arnie Gonzalez sued Deerfield Beach, seeking three years' worth of unpaid overtime wag-

es and other damages for all city firefighters who had worked more than 40 hours a week.

About 20 firefighters joined him in the class-action lawsuit.

Federal labor laws, however, exempt firefighters from standard overtime requirements. Instead, they receive overtime pay after working more than 212 hours in a 28-day period.

His attorney, Bill Pincus, argued that while Gonzalez and others are trained as both firefighters and paramedics, they spent almost all their time as the latter.

"On a daily basis, they didn't fight fires. They tended to people's medical needs. They are paramedics and

emergency medical technicians," he said.

That distinction formed the core of the lawsuit because that determines whether standard overtime rules apply.

But in a 10-page opinion, Judge Donald M. Middlebrooks wrote that Gonzalez could not deny being employed as someone legally responsible for extinguishing fires, regardless of whether he actually spent most of his time doing so.

That meant he and other firefighters were exempt from standard overtime, Middlebrooks wrote.

That's also the reason why the court declined to follow the recent decision of a similar case against Planta-

tion.

There, 14 paramedics sued the city in May 2005 for lost overtime pay and eventually won \$100,000 in damages and back wages.

But because they were not all cross-trained in firefighting, as in Deerfield Beach, the standard 40-hour overtime law applied.

The Gonzalez lawsuit is the third legal action against the Deerfield Beach Fire Rescue Department in recent years.

Hemmy So can be reached at hso@sun-sentinel.com or 954-356-4552.