



County Technical Assistance Service

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Fire Protection Activities

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Fire Protection Activities

Reference Number: CTAS-971

The regulations setting out the requirements of the § 7(k) partial exemption for fire protection personnel are found at 29 C.F.R. § 553.210. To be eligible for this exemption, an employee must meet all of the following criteria:

- be trained in fire suppression;
- have the legal authority and responsibility to engage in fire suppression;
- be employed by a fire department of a municipality, county, fire district, or state; and
- be engaged in the prevention, control and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.

Fire protection employees can include firefighters, paramedics, emergency medical technicians, rescue workers, ambulance personnel, and hazardous materials workers as long as they meet the criteria listed above. There is no limit on the amount of nonexempt work that an employee employed in fire protection activities may perform. If the employee meets the criteria, the employee qualifies for the partial exemption. (The 80/20 rule for firefighters was deleted from the regulations in 2011.)

Not included in the term “employee in fire protection activities” are the so-called “civilian” employees of a fire department, fire district, or forestry service who engage in such support activities as those performed by dispatchers, alarm operators, apparatus and equipment repair and maintenance workers, camp cooks, clerks, stenographers, etc. These support employees do not qualify for the partial exemption.

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