

CUMBERLAND COUNTY FIRE CHIEF'S ASSOCIATION
Cumberland County, North Carolina

Monthly meeting June 27, 1988 held at the Lake Upchurch Fire Department #19.

The meeting was called to order by President Freddy Johnson. Invocation was given by Chaplain Junior McLean. Roll call was taken and there were 16 stations and 11 associate members present. Minutes from the May meeting were read and approved. The treasures report was read and approved.

GUEST:

1. E.J. Mercer====North Carolina Natural Gas Company
2. Gearld Bloom====Awarded firefighter I,II & Driver Operator Certificates.

OLD BUSINESS: (NONE)

COMMITTEE REPORTS: (NONE)

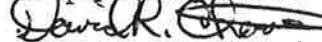
NEW BUSINESS:

1. Fire Commissioner Bob Lewis and the County Attorney Neil Yarbough explained how the funding for the mutual aid fund would work.
2. President Freddy Johnson ask for a roll call vote of all Fire Chiefs present to see if they would support giving 3% of their budget to a mutual aid fund. After a lengthy discussion there were 19 stations that would support the fund, three Chiefs would not vote without the approval of their board, and 2 stations were absent. The results of this voting were forwarded to the Fire Commissioner so he could present it to the Chairman of the County Commissioners.
3. There was some discussion concerning bulk purchasing of equipment, there is to be further discussion on this matter at the next meeting.
4. There was some discussion concerning the Fair Labor Standards Act. The County Attorney is to have further information at a later meeting.
5. Gearld Bloom handed out to each station a current list of the classes that their men had attended on the State Firefighter Certification. Mr Bloom ask that all Chiefs look over the list and if there were any corrections needed to please do so and forward them back to his office.
6. Fred Curley with FTCC handed out information concerning a Fire Prevention Festival to be held at Cross Creek Mall August 13,1988. Fred ask that if any department was interested in this program to contact his office at FTCC.
7. Doc Nunnery advised the association that if any departments were having base station radio problems to contact his office and he would contact N.C. Communications.
8. Hope Mills F.D. ask that all stations wishing to have a truck in the Hope Mills Parade to contact Chief Ronnie West at the Hope Mills F.D.
9. Chief Mike Middleton advised that his station had some hose available to any department that needed it, contact Dan Eberhardt or Chief Middleton at Lafayette Village Fire Department.

There being no further business, the meeting was adjourned at 9:40 p.m.

The next association meeting will be held at the Linden Fire Department station 20 July 25, 1988 at 1900 Hrs. DINNER WILL BE SERVED

Respectfully submitted;


David R. Chavis, Secretary

CUMBERLAND COUNTY FIRE CHIEF'S ASSOCIATION
Cumberland County, North Carolina

Treasurers Report.....June 1988

Checking Account

Previous Balance.....	\$ 621.33
Deposits.....	\$ 300.00
Checks.....	\$ 300.00
Balance as of 6-27-88.....	\$ 621.33

Savings Account

Balance last statement.....	\$ 1,696.57
Balance as of 6-27-88.....	\$ 1,696.57


Treasurer

CUMBERLAND COUNTY FIRE CHIEF'S ASSOCIATION
Cumberland County, North Carolina

Treasurers Report.....July 1988

Checking Account

Previous Balance.....\$ 621.33
Deposits.....\$ -0-
Checks.....\$ 15.75 *
Balance as of
7-25-88\$ 605.58

* check # 203 to Nunnery Florist

Savings Account

Balance last statement.....\$ 1,696.57
Intrest for Quarter
april-june.....\$ 21.28
Balance as of 7-25-88.....\$ 1,717.85

Fund Raiser

proceeds recieved on 6-29-88\$ 107.00


Treasurer



COUNTY OF CUMBERLAND
OFFICE OF THE COUNTY ATTORNEY

GARRIS NEIL YARBOROUGH
COUNTY ATTORNEY

G. B. JOHNSON
ASSISTANT COUNTY ATTORNEY

ROBERT H. BARTELT
ASSISTANT COUNTY ATTORNEY

BETSY G. CURRENCE
PARALEGAL

P.O. DRAWER 1829
FAYETTEVILLE, NORTH CAROLINA 28302
TELEPHONE: 919-483-8131

ELAINE J. BOWSER
ADMINISTRATIVE ASSISTANT

April 15, 1988

TO: Garris Neil Yarborough
County Attorney

FROM: G. B. Johnson
Assistant County Attorney

SUBJECT: FLSA Volunteer Fire Department Employees

Many of the Volunteer Fire Departments in Cumberland County are not paying their employees overtime for all hours worked in excess of 40 in any work week. This is based on their belief that either (1) the Volunteer Fire Departments are not subject to the Fair Labor Standards Act because they are not involved in Interstate Commerce or (2) that the Volunteer Fire Departments are public agencies and as such, are entitled to the limited exemption of Section 207K.

In the recent case of Conway v. Takoma Park Volunteer Fire Department, Inc., 666 F Supp 786 (D.Md. 1987), a Federal District Court held that Volunteer Fire Departments are not public agencies and are subject to the Fair Labor Standards Act and are required to pay their employees overtime for all hours worked in excess of 40 in any work week.

Many of the factors that the court used to determine that the Takoma Volunteer Fire Department was not a public agency are similar, if not the same, as exists with the typical Cumberland County Volunteer Fire Department. Therefore, there is strong reason to believe that if suit were filed by a Volunteer Fire Department employee for overtime, the Fire District may be liable. That liability could extend back as far as three years and could include twice the amount of money owed to the employee, plus attorney fees. This potential liability could seriously affect the continued financial solvency of many of our

Page 2

Fire Districts. This situation is exacerbated by the fact that the County would not be liable for the payment of any judgments. This, because the Volunteer Fire Districts are not agents of the County and the County is not liable for the violation of law by its contractors, the Fire Districts.

GBJ/ejb

Attachment