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Eugene Puett
Municipal Technical Advisory Service

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U. S. SUPREME COURT VOIDS FLSA AMENDMENTS AFFECTING LOCAL AND STATE GOVERNMENTS

On June 24, 1976, the Supreme Court of the United States decided the case of National League of Cities, et al. v. Usery, Secretary of Labor. The League and a number of cities and states had challenged the validity of the 1974 amendments to the Fair Labor Standards Act extending the Act's minimum wage and maximum hours provisions to almost all employees of states and their political subdivisions.

The effect of the decision is that the minimum wage and maximum hours (overtime) provisions of the Fair Labor Standards Act are not applicable to municipal employees in the areas of fire prevention, police protection, sanitation, public health, parks, recreation, schools and hospitals. The Act may not be applicable to employees in other areas, but this must await further proceedings for a more definite answer.

The Court held that insofar as the challenged amendments operate to directly displace the states' freedom to structure integral operations in areas of traditional governmental functions, they are not within the authority granted Congress by the Commerce Clause of the United States Constitution.

By way of illustration, the Court said that the application of the 1974 amendments "will nonetheless significantly alter or displace the states' abilities to structure employer-employee relationships in such areas as fire prevention, police protection, sanitation, public health, and parks and recreation," and that these activities "are typical of those performed by state and local governments in discharging their dual functions of administering the public law and furnishing public services." In a footnote the Court observed: "These examples are obviously not an exhaustive catalogue of the numerous line and support activities which are well within the area of traditional operations of state and local governments."

An earlier decision was overruled which sustained an amendment to the Act removing the exemption extended to states and their political subdivisions with respect to employees of hospitals and schools.

--Eugene Puett
Municipal Law Consultant
Municipal Technical Advisory Service
The University of Tennessee
Knoxville, TN 37916