

2001

Chad Ahlstrom and Stacy Ahlstrom v. Salt Lake City Corporation, Michelle S. Ross : Appellees' Brief in Reply to Brief of Amicus Curiae

Utah Court of Appeals

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ORIGINAL

IN THE UTAH SUPREME COURT

<p>CHAD AHLSTROM and STACY AHLSTROM,</p> <p>Plaintiffs/Appellees,</p> <p>vs.</p> <p>SALT LAKE CITY CORPORATION,</p> <p>Defendant/Appellant,</p> <p>MICHELLE S. ROSS,</p> <p>Defendant.</p>	<p>Case No. 20010830-SC</p> <p>Argument Priority 10</p>
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**APPELLEES' BRIEF IN REPLY
TO BRIEF OF AMICUS CURIAE**

Interlocutory Appeal from the Third Judicial District,
Salt Lake County, Judge Glenn K. Iwasaki

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PAT BARTHOLOMEW
CLERK OF THE COURT

IN THE UTAH SUPREME COURT

CHAD AHLSTROM and STACY
AHLSTROM,

Plaintiffs/Appellees,

vs.

SALT LAKE CITY CORPORATION,

Defendant/Appellant,

MICHELLE S. ROSS,

Defendant.

Case No. 20010830-SC

Argument Priority 10

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STATEMENT OF AUTHORITIES

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ARGUMENT

THE FAIR LABOR STANDARDS ACT HAS NO BEARING ON THIS CASE

The argument of Amicus Curiae West Valley City that affirming the trial court would have adverse financial consequences to the City, while not a legal argument, is based on an erroneous premise. A determination that conduct constitutes an act within the course and scope of employment does not translate into a determination that such conduct must be compensated for under the Fair Labor Standards Act (FLSA). Indeed, the Secretary of Labor has already opined on this question, undoubtedly in response to the issue being raised by prior judicial opinions concerning police officers in going and coming cases, and has adopted a regulation excluding travel time from time for which compensation must be paid under the FLSA. 29 C.F.R. § 553.211(f) provides, in part, that

[a] police officer, who has completed his or her tour of duty and who is given a patrol car to drive home and use on personal business, is not working during the travel time even when the radio must be left on so that the officer can respond to emergency calls.

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of May, 2002, I caused two true and correct copies of the foregoing **Appellees' Brief in Reply to Brief of Amicus Curiae** to be mailed, first-class postage prepaid, to the following:

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