

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-41468  
Summary Calendar

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MARY COLLINS, THOMAS MURPHY,  
ROBERT POLANCO, MARK ANTHONY WAGNER,  
JOHN CAMPBELL, WELDON WALKER,

Plaintiffs-Appellants,

versus

CITY OF CORPUS CHRISTI,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. C-00-CV-66  
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October 26, 2001

Before JONES, SMITH, EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Plaintiff firefighters appeal from the summary judgment entered for the City of Corpus Christi on their claims arising under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201, et seq. Plaintiffs argue that the City, through a collective bargaining agreement, requires them to work a 54-hour week without overtime pay in violation of the FLSA maximum of 53 hours. Plaintiffs argue that the collective bargaining agreement

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

violates both the FLSA and the Texas Local Government Code § 142.0015(b). After a de novo review of the record, we affirm.

The FLSA requires a city that has elected a 27-day work period, such as the defendant here, to pay overtime to firefighters when they have exceeded 204 hours worked during the work period. See 29 U.S.C. § 207(k); 29 C.F.R. § 553.230(C). Therefore, the 53-hour maximum argued by plaintiffs does not apply. We are satisfied that the record shows the City pays overtime to the plaintiffs, and the City has not violated the FLSA or the Texas Local Government Code.

AFFIRMED.