OBJECTIVE

This chapter provides information and procedures regarding management of human resources, including recruitment, pay, commissary, injury compensation, and, travel. Specific and complete regulations are available from federal or state Human Resource offices. Applicable provisions of collective bargaining agreements are not waived.

RECRUITMENT

Recruiting plans, hiring instructions and operating procedures should be developed by agencies in advance of incidents and include: sources of personnel, age requirements, physical fitness, proper clothing, conditions of hire, wages, and any special procedures pertaining to recruitment and use of personnel. All personnel will be covered 1) under the Administratively Determined (AD) Pay Plan for Emergency Workers as a casual; or 2) under a cooperative agreement; or 3) under a contract; or 4) as a regular government employee.

RESPONSIBILITIES

Recruiting agency responsibilities:

- Ensure the development of recruiting plans.
- Provide training and certification.
- Complete the hiring paperwork.

Hiring unit for casual hires responsibilities:

- Complete the hiring paperwork.
- Apply the provisions of the AD Pay Plan for Emergency Workers.
- Ensure incident qualifications are current.

DEFINITIONS

Definitions used throughout this chapter are located in Appendix C — Glossary.
Organized Crews

Organized crews under agreements, e.g., crews from other agencies, Native American crews, agricultural workers, National Guard, and prison inmates, are managed in accordance with the terms of those agreements. The agency that establishes the crew agreement is responsible to:

- Identify incident behavior expectations.
- Document consequences for inappropriate behavior in the crew agreement.
- Ensure incident behavior expectations are provided to crew personnel.
- Establish procedures to document acknowledgement of receipt of this information by crew personnel.

Agencies may choose to utilize the Incident Behavior Form, PMS 935. (Exhibit 10)

Agreements for organized crews, who are hired as casuals, shall comply with the AD Pay Plan. (Exhibit 1)

The hiring unit is responsible to screen organized crews before they are transported to an incident and ensure all crew personnel have proper clothing and meet position and physical fitness qualifications.

Crew representatives or crew bosses are responsible to provide a copy of the agreement, upon request, to the incident management team (IMT) or incident agency to ensure the terms of the agreement are met.

Crews provided under contract (known as Contract Crews) are governed by the terms of the contract and the provisions in this chapter do not apply.

Casuals

Single resource casuals may be hired locally or through state employment offices. Hiring of casuals through a state employment office shall be in accordance with an agreement and understanding reached prior to the incident on hiring methods and procedures for casuals. Hiring units must adhere to the provisions in the AD Pay Plan when hiring casuals. Units are responsible for designating the appropriate agency hiring official, either by name or position.
Nonresident aliens may be hired and paid as casuals for the duration of an incident (Comp. Gen. B-146142, 6/22/61). The Internal Revenue Service (IRS) requires each nonresident alien to have a valid Social Security number (SSN) at the time of hire. The Immigration Reform and Control Act of 1986 (Simpson-Rodin Act) also requires completion of an Employment Eligibility Verification, I-9 (8 CFR 274a2).

Hiring officials will complete the Single Resource Casual Hire Information Form, PMS 934 (Exhibit 9) at the time of hire and obtain the casuals signature. Retain a copy for the hiring unit and provide a copy to the casual. Follow agency policy for disposition of the original. This form is not required when hiring crews.

If the requesting incident agency has identified on the resource order that electronic devices such as cell phones, etc. are required to accompany the ordered individual, the hiring official will assist the individual with obtaining government issued or acquired property prior to dispatch. If the hiring unit is unable to provide government owned or acquired equipment, advise the individual to contact the incident assignment supervisor upon arrival.

Agencies, IMTs or incident support units should not establish Emergency Equipment Rental Agreements (EERA) or other federal contracts for personal computers, laptops, cellular phones, personal data assistants (PDA), cameras, global positioning systems (GPS), or other electronic devices. The incident unit should provide these items if required by the position.

Federal and state income taxes will be withheld from the casual’s earnings. Casuals must be provided the opportunity to complete appropriate federal and state income tax withholding forms at the time of hire to ensure the correct amount of tax is withheld.

Casual earnings may be subject to Social Security earnings limitations. Casuals should contact the Social Security office to determine applicability.

Casuals are required to adhere to established incident behavior responsibilities and may be released if inappropriate behavior occurs.
Hiring units are responsible to provide the Incident Behavior form to single resource casuals, ensure the casual signs the form, retain the original form and provide the casual with a copy. An Incident Behavior form, PMS 935 (Exhibit 10) shall be completed annually.

Reference Exhibit 1 – Administratively Determined (AD) Pay Plan for key positions that may only be filled by current agency employees and for direction on hiring state, local and tribal government employees.

It is recommended the following positions also be filled by current agency employees: Incident Business Advisor (IBA), Finance/Administration Section Chief (FSC), Procurement Unit Leader (PROC), Compensation/Claims Unit Leader (COMP), and Compensation for Injury Specialist (INJR). If these or any other positions are filled through the use of the AD Pay Plan, the hiring official is responsible to ensure the individual has maintained current qualifications and experience.

Casuals hired under the AD Pay Plan cannot supervise, hire, order, or recommend payments that in any way affect a company or contractor the casual has ownership or employment with, or perform any other financial responsibilities to, or for, the company or contractor on an incident. If such working conditions exist on an incident or other workplace, the casual shall immediately disclose any relationship with the company or contractor to the immediate supervisor and the Agency Administrator (AA), IBA, or FSC for immediate action.

Persons hired as casual firefighters must meet the following requirements:

- Be at least 18 years old.
- Minimum physical fitness standards as established by agency policy.
- Minimum training requirements for the position before assignment.
- Agency security requirements.
- Have proper clothing and footgear.
- All small unit leadership, e.g., crew bosses and assistants, squad bosses and/or crew section leaders, engine supervisors (captains) and assistants (engineers), must be proficient in the English language and the language used by members of their crew/units.
**Hiring of 16 and 17 Year Olds**

In accordance with applicable state and federal laws, 16 and 17 year old persons may be hired. Obtain incident agency policies (state or federal) for hiring regulations [http://www.youthrules.dol.gov](http://www.youthrules.dol.gov).

**Job Corps and Youth Conservation Corps (YCC) Enrollees**

Job Corps and Youth Conservation Corps enrollees may be hired as casuals under the AD Pay Plan.

- Enrollees age 16 and 17 may be assigned to nonhazardous or non-arduous duties only, e.g., camp support.
- Enrollees age 18 and over may be assigned to all other incident duties at the appropriate AD pay rate.

**Hiring of Federal Retirees**

Federal retirees may be hired as casuals under the AD Pay Plan. They must meet the same hiring requirements as any other casual.

Federal retirees who received separation incentive payments, e.g., buyout, may be subject to repayment of incentive payment if hired as a casual. Retirees should check with the Office of Personnel Management (OPM) for specific restrictions.

**Volunteers Under Formal Agreement**

Volunteers may be hired as casuals for an incident. While in casual pay status, the provisions of the volunteer agreement do not apply.

**Using Regular Government Employees From Federal Agencies**

It may be permissible to hire and utilize regular government employees from any federal agency as a casual while they are in a nonpay status, e.g., leave without pay, furlough, intermittent and regularly scheduled days off (Reference agency specific policies).
Cooperators

Military Personnel – Except for National Guard (see below), only organized military personnel groups obtained through official channels may be utilized. Timekeeping for organized military personnel will be accomplished by their own support group.

The Comptroller General has held federal civilian employment and military pay statutes are not compatible. The most severe emergency does not justify hiring of members of the Armed Forces since they cannot be compensated (27 Comp. Gen. 510).

Active duty military personnel, including those on leave or furlough, cannot be compensated from incident funds and, therefore, cannot be hired as casualties.

National Guard – When the National Guard is formally mobilized and ordered out as a unit, payment shall be made according to the applicable agreement. When members of the National Guard are hired as individuals’, they are hired and paid as specified in the applicable agreement (40 Comp. Gen. 440) or as a casual under the AD Pay Plan.

State and Local Cooperators – State employees and local cooperators, e.g., tribal, rural and county fire departments, are hired and paid as specified in an applicable cooperative agreement and time is recorded as specified in the agreement. If the cooperative agreement specifies personnel are hired under the AD Pay Plan, time is recorded on an Emergency Firefighter Time Report, OF-288.

Federal Cooperators – It is permissible to utilize regular government employees from federal agencies on incidents under interagency agreement e.g., General Services Administration (GSA), National Weather Service (NWS). Agencies are reimbursed as specified in the applicable interagency agreement.

Permittees – Timber sale contracts and agency permits provide for varying levels of fire suppression assistance. The FSC ensures time records and payments are in accordance with applicable contracts or permits.
PAY PROVISIONS

OBJECTIVE

The following contains information concerning tours of duty, hours of work, and pay.

RESPONSIBILITIES

Incident Management Team (IMT) responsibilities:

• Ensure all pay provisions and regulations are applied and adhered to during incident management operations.

Home Unit responsibilities:

• Apply agency specific pay provisions and regulations to emergency incident pay documents.

One-Day Assignments (0001 to 2400 Hours)

Usually no changes are made in an individual's regularly scheduled tour of duty when the emergency incident assignment, including travel, is contained within 1 calendar day (0001 to 2400 hours). In unusual circumstances, the regularly scheduled tour of duty during the assignment may be changed to a first 8, 9, or 10 hours worked. All compensable hours are covered under the provisions of Title 5 USC and the Fair Labor Standards Act (FLSA), as applicable.

Multiple-Day Assignments

• Guaranteed Hours on an Incident Assignment—Every day is considered a workday during an incident assignment until the assignment is over or the individual is officially released from the incident. (This includes personnel assigned to support an incident or multiple incidents from a location other than the incident camp, such as dispatchers, buying teams, administrative payment teams, IBAs, and pilots). Therefore, Saturday, Sunday, or other scheduled days off are also considered workdays during the period of the incident as long as the individual is working on the incident assignment. All individuals’ are ensured pay for base hours of work, travel, or ordered standby at the appropriate rate of pay for each workday. This is true for part-time and intermittent individuals’ as well.
**Exception:** When personnel are required to take a mandatory day off which falls on their normal day off, there will be no pay or any other form of pay compensation.

Record “Day Off” (to signify mandatory day off) in the On/Off columns on the Crew Time Report (CTR), SF-261, and the Start/Stop columns on the Emergency Firefighter Time Report, OF-288. Leave the hours column blank on the OF-288. Home unit timekeeper applies agency pay regulations to determine compensable hours for a day off.

Those individuals’ under a compressed 9 hour or 10 hour work schedule are ensured 9 or 10 hours base pay per day in accordance with their regular tour of duty.

Individuals’ on first 40 hour tours or flexible work schedules are converted to a first 8 hour tour when assigned to an incident, and are compensated at overtime rates for all hours in excess of 8 hours in a workday.

The entitlement for the guarantee does not begin or end at any specific time during a day, but is calculated at the end of the calendar day to ensure the individuals’ compensation for work, compensable travel and ordered standby is at least equal to their base.

- **Spot Change Tour of Duty** – After the first day on an incident, individuals’ are spot changed to a first 8, 9, or 10 hour daily tour of duty, depending upon their weekly tour of duty. The individual resumes their normal daily tour of duty on the day following return from the incident.

For a 2 day incident, the unit may elect to not spot change the individuals’ daily tour of duty.

- **Differentials for Regular Federal Employees**
  - **Night Work on the Incident** – A regular federal employee who has been spot changed to a first 8, 9, or 10 hour daily tour of duty is entitled to night differential pay for all non-overtime hours worked between 1800 and 0600 hours. (Comp. Gen. B-193068, 5/22/84.) When Federal Wage System employees work nights, refer to normal shift requirements.
Retaining Regular Shift Differential on the Incident – Federal Wage System employees whose daily tour of duty at the home unit includes a shift differential will continue to receive the differential while assigned to the incident even though the temporary assignment does not include shift work. General Schedule (GS) employees are not entitled to retain night differential pay on the incident.

Retaining Sunday Differential on the Incident – Temporary changes in the daily tour of duty do not change the days of an individual's weekly tour of duty. Individuals’ who are entitled to a Sunday differential during their weekly tour of duty at the home unit retain the Sunday differential while assigned to the incident.

Individuals’ whose weekly tour of duty does not include Sunday differential may not be paid Sunday differential on the incident.

Regularly Scheduled Overtime – Both Federal Wage System (WG, WL, WS) and General Schedule employees (GS), who are compensated for regularly scheduled overtime, lose this entitlement when spot changed to a first 8, 9, or 10 hour daily tour of duty.

Last Day of the Incident

For pay purposes, the last day of the incident is the last day of actual work or compensable travel connected with the incident.

Return During Individuals’ Weekly Tour of Duty – If the last day of the incident is part of the individuals’ weekly tour of duty, and the emergency work or travel is completed before the daily tour of duty requirement is met, the individual is expected to return to his or her regular work assignment to complete the daily tour of duty.
The supervisor may release the individual for the remaining daily tour of duty for that workday if it is in the best interest of the unit or the individuals’ health and safety. This time will be recorded as base hours and charged to the appropriate incident accounting code unless the home unit requires the base hours to be charged to the home unit accounting code.

- **Return Outside Individuals’ Weekly Tour of Duty** – If the last day of the incident is not part of the individuals’ weekly tour of duty, the individual is compensated only for those hours in actual work or compensable travel status. Compensation will be under Title 5 USC or FLSA as appropriate.

- **Tour of Duty on the Last Day of the Incident** – Any amount of recorded and compensable time on the incident requires the entire last day be completed on the nonstandard first 8, 9, or 10 hour daily tour of duty. This applies even though regular or non-emergency duties are resumed.

The individual returns to the regularly scheduled daily tour of duty on the next work day after emergency incident work or return travel (Reference Spot Change).

**Detail Assignments**

Agencies may enter into agreements to provide personnel for extended periods of time to meet staffing needs. This may be done through an interagency agreement or through the use of the Preparedness/Detail request (National Interagency Mobilization Guide, Chapter 20). A detail assignment in this context does not require a formal personnel action. Personnel on a detail assignment are compensated under normal regulations including pay for travel, overtime, and per diem. Personnel are under their normal tour of duty, unless this has been changed between agreement of the requesting unit and home unit.

**Off-Site/Remote Incident Assignments**

An off-site/remote assignment is work performed by an employee in support of an incident while remaining at the employee’s duty station or other designated off-site location. Employees will adhere to all incident and agency guidelines, policies and regulations.
Availability

- Federal employees must obtain supervisory approval.
- State/local/tribal employees must obtain supervisory approval and meet agency specific requirements.
- Administratively Determined (AD) employees are eligible based on agency specific and hiring unit requirements.

Ordering Process

- Employees performing off-site/remote incident assignments will be ordered through the standard dispatch ordering system. A charge code will be provided on the resource order.
  - In the event the employee is ordered to support multiple incidents or to work with a decision support center supporting multiple incidents, the employee will be provided multiple incident charge codes or a large fire support code by the ordering unit or incident supervisor.
- Resource orders must specify work will be performed at the official duty station of the assigned individual or other designated off-site location, as appropriate.
- In general, travel is not authorized for off-site/remote incident assignments. Circumstances may exist that require an employee to make a site visit or incur travel in support of the incident assignment. This should be determined on a case-by-case basis and documented on the resource order.
- Individuals should utilize government provided equipment.
- Supplies may be ordered to assist with off-site assignments, following incident procurement guidelines, with incident supervisory approval.
- Individuals will perform incident support duties and tasks under the direction of the ordering incident.
Home Unit Responsibilities

- Incident management team or the incident supervisor will sign all OF-288s. Arrangements may be made by the incident supervisor to allow for an alternate signature, e.g., GACC Center Manager.

- Management and approval of time and attendance will be completed by the individual and the home unit supervisor.

- Performance evaluations should be coordinated between the incident and home unit supervisor, as necessary.

- Employees will comply with length of assignment and work/rest requirements.

- Employees with home unit telework agreements must comply with the conditions of their agreement.

- Employees will adhere to all incident and agency guidelines, policies, and regulations.

Time

- Employees are not entitled to “2 hour callback” while performing an off-site/remote incident assignment.

- If an employee works more than their normal tour of duty, they are entitled to compensation.

- Any time worked in support of the incident will be charged to the incident. Hours worked performing regular home unit duties will be charged to the employee’s home unit funds.

In order to determine the appropriate entitlements that apply to incident personnel a determination must be made as to whether the individual is assigned to the incident full-time or intermittently. The following scenarios have been developed as guidance. An off-site/remote incident assignment must meet the parameters of one of these scenarios.
Scenario #1 – Employee is physically located at the duty station, or other designated off-site location, and resource ordered to support an incident for 100% of their duties.

- Employee is required to do a spot change in their tour of duty to first 8 (9 or 10).
- Base and overtime hours are coded to the incident as prescribed by agency specific policies.
- Employee is entitled to guaranteed base hours for each work day as prescribed in Multiple Day Assignments Section.
- Employee must comply with work/rest requirements.

Scenario #2 – Employee is physically located at the duty station, or other designated off-site location, and resource ordered to support an incident intermittently (after hours, etc.) while still performing home unit duties.

- Resource order must document the employee is being “ordered to be available for incident response resulting from the emergency”.
- Employee does not do a spot change in tour of duty.
- Employee is required to perform home unit duties and account for base hours against home unit job code, with regular hours or leave.
- Incident support after regular work hours are considered overtime and charged to the incident job code.
- Employee is NOT entitled to guaranteed base hours for each work day as prescribed in Multiple Day Assignments Section.
- Employee must comply with work/rest requirements.

Regardless of the type of hire (full-time or intermittent), ADs are not entitled to guaranteed hours at their home unit per the AD Pay Plan.

In off-site/remote incident assignments, federal employees are covered under the Federal Employee’s Compensation Act if injured in the course of performing official duties. State/local/tribal employees are covered based on agency specific guideline (reference Injury/Illness section).
The employee will apply approved safeguards to protect Government/Agency records from unauthorized disclosure or damage and will comply with the Privacy Act requirements set forth in the Privacy Act of 1974, Public Law 93-579, codified at Section 552a, Title 5 U.S.C.

### On-Shift Time

On-shift time includes actual work, ordered standby, and compensable travel. On-shift time has a specific start and ending time and is recorded as clock hours. Individuals’ are required to report to their designated work site as scheduled, ready and willing to perform work safely.

### Travel and Related Waiting Time

All travel to an emergency incident is compensable because it results from an event which could not be scheduled nor controlled administratively by agency management (5 CFR 550.112. (g)(2)(iv)). Severity and Emergency Stabilization Rehabilitation (ESR) Team assignments are also included under this authorization.

Burned Area Emergency Response (BAER) Implementation Team and Prevention Team assignments may or may not be administratively uncontrollable. If it is determined to be administratively controllable, travel time may be compensable under regular travel pay authorities.

Prescribed fires and detail assignments are considered administratively controllable; therefore, travel is not compensable under emergency authorities, but may be compensable under regular travel pay authorities.

An individual may be compensated for travel from home to the incident when it is a more direct route and only for the time that exceeds the normal time from home to work (5 CFR 550.112. (j)(2)).

Compensable time begins when the individual starts travel as outlined above or when they report to the point of departure. Time spent at individuals’ residence preparing for an incident assignment is not compensable.
Following are emergency travel compensation rules. These rules apply to both regular federal employees and casuials, except where noted.

- **Ordered Travel** – All hours of actual travel are compensable. This includes traveling from a sleeping facility to the work site, e.g., incident base, fireline, dispatch office, buying team location. There is no limitation on hours, except for waiting time and meal breaks as provided below.

- **Travel Interruptions** – Employees are in compensable travel status for only actual travel and for “usual waiting time” which interrupts travel. Usual waiting time is defined as time necessary to make connections in ordinary travel situations and travel interruptions as delays when waiting at the airport terminals due to hazardous weather, heavy holiday traffic, airline mechanical problems, etc.

Travel interruptions during a period of continuous travel are compensable up to 3 hours as overtime if the travel time occurs outside of the regular tour of duty, except as noted in the Meal Breaks section. Travel interruptions exceeding 3 hours (per one-way trip, to or from the destination) where individuals’ are free to sleep, eat, or, to a limited degree, pursue personal activities including waiting at an airport or other transportation site, are not compensable, and must be shown on the CTR, SF 261, as a travel interruption. In addition, the 3hour maximum limitation applies even when the one-way trip spans 2 calendar days (50 Comptroller General Decision (CG) 519, 1/26/1971).

If the interruption occurs during hours within the regular tour of duty, time is compensable except for meal breaks.

- **Meal Breaks** – Time spent eating during travel interruptions is noncompensable, e.g., eating while waiting in an airport or stopping at a restaurant, and must be shown as a break on the CTR, SF-261. Time spent eating while traveling in a plane, bus, or other vehicle is compensable.

- **Commuting Between Incident Work Site and Residence** – When subsistence and lodging are available at the incident, transportation and travel time will not be paid for commuting between the duty location and the individuals’ residence.
Return Travel – Return travel for employees is compensable when the initial travel resulted from an event, which could not be scheduled or administratively controlled (emergency incident). The time is compensable as overtime when the individual has completed the daily tour of duty.

Individuals’ whose initial travel did not result from an administratively uncontrollable event will have their entitlement to return travel compensated according to pay regulations under FLSA, (5 CFR 550.112(g) and 5 CFR 551.422(a)) (5 USC 5544 for Federal Wage System employees).

Coordination with home unit and incident agency for pre-authorization is required for an individual to deviate from return travel upon demobilization from an incident. Compensation for return travel ends at the point and time the deviation occurs. Employees will be in a leave or non-pay status if the base hour requirement for the day has not been met. Once travel to the home unit resumes, it is considered administratively controllable and those pay provisions apply (Travel Section).

Ordered Standby

An employee is on duty and time spent in ordered standby is hours of work if, for work-related reasons, the employee is restricted by official order to a designated post of duty and is assigned to be in a state of readiness to perform work with limitations on the employee’s activities so substantial that the employee cannot use the time effectively for his or her own purposes. A finding that an employee’s activities are substantially limited may not be based on the fact that an employee is subject to restrictions necessary to ensure that the employee will be able to perform his or her duties and responsibilities, such as restrictions on alcohol consumption or use of certain medications (5 CFR 551.431(a)(1)).

Incident agencies or IMTs that utilize ordered standby must document the decision and clock hours in writing on the CTR, SF-261. The clock hours must be recorded on the Emergency Firefighter Time Report, OF-288, for all compensable hours under ordered standby. Ordered standby demands careful attention to ensure that compensation is paid where warranted and not paid when inappropriate (5 CFR 551.431).
The following guidelines are provided for uniformity:

- Compensable standby shall be limited to those times when an individual is held, by direction or orders, in a specific location, fully outfitted and ready for assignment (15 Federal Labor Relations Authority (FLRA) No. 91, August 9, 1984; 52 Comp. Gen. 794; and Hyde v. United States, 209 Ct. Cl. 7456, 1976).

- Individuals’ are not entitled to standby compensation for time spent eating when actual work is not being performed. This applies even though the individuals’ may be required to remain at the temporary work site.

- Time spent in a mobilization or demobilization center, or other general area, including incident base, where the individual can rest, eat, or, to a limited degree, pursue activities of a personal nature is not compensable as ordered standby.

Such time is compensable only to the extent needed to complete the guaranteed hours (8, 9, or 10) for that calendar day. No pay authority exists to guarantee individuals’ more than their base hours. ICs or AAs do not have the authority to guarantee more than base hours.

On-Call

An employee will be considered off duty and time spent in an on-call status shall not be considered hours of work if:

- The employee is allowed to leave a telephone number or to carry an electronic device for the purpose of being contacted, even though the employee is required to remain within a reasonable call-back radius; or

- The employee is allowed to make arrangements such that any work which may arise during the on-call period will be performed by another person (5 CFR 551.431(b) (1-2)). Specific state pay guidelines for non-pay status shall apply for state employees.
Off-Shift Time

The degree of control to be maintained over regular government employees and casuals during off-shift hours is dependent upon location, the individual's work function, and the urgency of the emergency situation.

- At the IC’s discretion, regular government employees and casuals may be released during off-shift periods from the incident base or camp.
- At the ICs discretion, regular government employees and casuals may be restricted to an incident base and all other camps during off-shift periods. This is usually referred to as a “closed camp” (45 FLRA No. 120, 0-NG-1958, Decision and Order on a Negotiability Issue, September 18, 1992; Office of the General Counsel, Authority to Close Fire Camps Opinion, March 28, 1990).
- Time spent restricted to the camp where personnel can rest, eat, or, to a limited degree, pursue activities of a personal nature is not compensable. Such time is compensable only to the extent needed to complete the guaranteed base hours. Time spent in ordered standby is compensable.
- The same policy applies to mobilization and demobilization facilities.
- Regular government employees assigned to an incident at their home unit should be given their regular scheduled days off when the situation permits. Regular scheduled days off are considered off-shift time and are not compensable.
- Casuals assigned to an incident are not entitled to compensation for days off at their point of hire. This is considered off-shift time and is not compensable.

Meal Periods

Compensable meal periods are the exception, not the rule (5 CFR 551.411 (c) and 29 CFR 785.19 (a)).

Personnel on the fireline may be compensated for their meal period if all of the following conditions are met:
• The fire is not controlled, and

• The Operations Section Chief makes a decision that it is critical to the effort of controlling the fire that personnel remain at their post of duty and continue to work as they eat, and

• The compensable meal break is approved by the supervisor at the next level and it is documented on the CTR, SF-261.

In those situations where incident support personnel cannot be relieved from performing work and must remain at a post of duty, a meal period may be recorded as time worked for which compensation shall be allowed and documented on the CTR, SF-261.

Compensable meal breaks include time spent eating while traveling in a plane, bus, or other vehicle.

For personnel in support positions, and fireline personnel after control of the fire, a meal period of at least 30 minutes must be ordered and taken for each work shift e.g., a minimum 30 minute break for shifts of 8 hours or more.

**Work/Rest, Length of Assignment, and Days Off**

To maintain safe and productive incident activities, incident management personnel must appropriately manage work and rest periods, assignment duration and shift length for all incident personnel.

To assist in mitigating fatigue, days off are allowed during and after assignments. If necessary to reduce fatigue, the Type 1/2 Incident Commander (IC) or Agency Administrator (AA) (incident host or home unit) may provide time off supplementary to mandatory days off requirements.

For Type 3-5 incidents, paid days off should be the exception. However, if necessary, the Agency Administrator (incident host or home unit) may authorize day(s) off with pay.

The IC or AA authority to grant a day off with pay lies within 5 USC 6104, 5 CFR 610.301-306, and 56 CG Decision 393 (1977)
Work/Rest Guidelines

Work/rest guidelines should be met on all incidents. Plan for and ensure all personnel are provided a minimum 2:1 work/rest ratio (for every 2 hours of work or travel, provide 1 hour of sleep and/or rest).

Work shifts that exceed 16 hours and/or consecutive days that do not meet the 2:1 work/rest ratio should be the exception, and no work shift should exceed 24 hours. However, in situations where this does occur (for example, initial attack), incident management personnel will resume 2:1 work/rest ratio as quickly as possible.

The intent of the guidelines is to manage fatigue and provide flexibility for IC’s and AA’s managing initial attack, extended attack, and large fires. The guidelines are designed to ensure that for every 2 hours of work or travel, 1 hour of time off should be provided within a 24-hour period. It does not matter when the 24-hour period starts; all time recorded on the clock is counted as hours of work; time off the clock is counted as hours of rest, including meal breaks.

The IC or AA must justify work shifts that exceed 16 hours and those that do not meet 2:1 work/rest ratio. Justification will be documented in the daily incident records. Documentation shall include mitigation measures used to reduce fatigue. The Excess Hours Log or the Extended Work Shift Authorization Sample found in Appendix B – Tool Kit is an acceptable method of documentation.

The work/rest guidelines do not apply to aircraft pilots assigned to an incident. Pilots must abide by applicable Federal Aviation Administration (FAA) guidelines, or agency policy if more restrictive.

Incident Operations Driving

These standards address driving by personnel actively engaged in wildland fire or all-hazards response activities, including driving while assigned to a specific incident or during initial attack fire response (includes time required to control the fire and travel to a rest location). In the absence of more restrictive agency policy, these guidelines will be followed during mobilization and demobilization as well. Individual agency driving policies shall be consulted for all other non-incident driving.
Agency resources assigned to an incident or engaged in initial attack fire response will adhere to the current agency work/rest policy for determining length of duty-day.

- No driver will drive more than 10 hours (behind the wheel) within any duty-day.

- Multiple drivers in a single vehicle may drive up to the duty-day limitation provided no driver exceeds the individual driving (behind the wheel) time limitation of 10 hours.

- A driver shall drive only if they have had at least 8 consecutive hours off duty before beginning a shift.

Exception to the minimum off-duty hour requirement is allowed when **essential** to:

- accomplish **immediate** and **critical** suppression objectives, or
- address **immediate** and **critical** firefighter or public safety issues.

- As stated in the current agency work/rest policy, documentation of mitigation measures used to reduce fatigue is required for drivers who exceed 16 hour work shifts. This is required regardless of whether the driver was still compliant with the 10 hour individual (behind the wheel) driving time limitations.

**Length of Assignment**

- Assignment Definition - An assignment is defined as the time period (days) between the first full operational period at the first incident or reporting location on the original resource order and commencement of return travel to the home unit.

- Length of Assignment - Standard assignment length is 14 days, exclusive of travel from and to home unit, with possible extensions identified below.

Time spent in staging and preposition status counts toward the 14 day limit, regardless of pay status, for all personnel, including IMTs.
- Days Off - After completion of a 14 day assignment and return to the home unit, 2 mandatory days off will be provided (2 after 14) (state regulations may preclude authorizing this for State employees). Days off must occur on the calendar days immediately following the return travel in order to be charged to the incident (5 USC 6104, 5 CFR 610.301-306, and 56 Comp. Gen. Decision 393 (1977)). If the next day(s) upon return from an incident is/are a regular work day(s), a paid day(s) off will be authorized.

Pay entitlement, including administrative leave, for a paid day(s) off cannot be authorized on the individuals’ regular day(s) off at their home unit.

Agencies will apply holiday pay regulations, as appropriate. A paid day off is recorded on home unit time records according to agency requirements.

Casuals (ADs) are not entitled to paid day(s) off upon release from the incident or at their point of hire.

Contract resources are not entitled to paid day(s) off upon release from the incident or at their point of hire.

Home unit AA may authorize additional day(s) off with compensation to further mitigate fatigue. If authorized, home unit program funds will be used.

All length of assignment rules apply to aviation resources, including aircraft pilots, notwithstanding the FAA and agency day off regulations (reference the appropriate aviation contracts).

- Assignment Extension - Prior to assigning incident personnel to back-to-back assignments, their health, readiness, and capability must be considered. The health and safety of incident personnel and resources will not be compromised under any circumstance.

Assignments may be extended when:
- life and property are imminently threatened,
- suppression objectives are close to being met, or
- replacement resources are unavailable, or have not yet arrived.
Upon completion of the standard 14 day assignment, an extension of up to an additional 14 days may be allowed (for a total of up to 30 days, inclusive of mandatory days off, and exclusive of travel). Regardless of extension duration, 2 mandatory days off will be provided prior to the 22nd day of the assignment. When personnel are required to take a mandatory day off, which falls on their normal day off, there will be no pay compensation.

14 Day Scenario

21 Day Scenario

30 Day Scenario

Contracts, I-BPAs, and EERAs should be reviewed for appropriate pay requirements and length of assignment. If the contract, I-BPA, or EERA does not address, the incident FSC or the procurement official should be consulted as to whether compensation for a day off is appropriate.

Single Resource Extensions:

The Section Chief or IC will identify the need for assignment extension and will obtain the affected resources concurrence. The Section Chief and affected resource will acquire and document the home unit supervisor’s approval.

The IC approves the extension. If a geographic or national multi-agency coordinating group (GMAC/NMAC) is in place, the IC approves only after GMAC/NMAC concurrence.

The home unit supervisor and affected resource must concur with the assignment extension.
IMT Extensions:

IMT extensions are to be negotiated between the incident AA, the IC, and the GMAC/NMAC (if directed).

A sample Length of Assignment Extension form can be found in Appendix B – Tool Kit. A copy of the documentation should be attached to timesheets.

Management Directed Days Off at Home Unit

Supervisors must manage work schedules for initial attack, dispatch and incident support personnel during extended incident situations. During periods of non-routine or extended activity, these employees will have a minimum of 1 day off in any 21 day period. This minimum requirement should rarely be needed since scheduled days off are normally given much more frequently during periods of routine activity. State policies apply to state personnel.

Indicators of the need for a day off include long shifts, but equally important, the actual observation of the physical and mental condition of the employee. This is a critical responsibility of every manager and supervisor.

Required days off for employees assigned to an incident at their home unit are not compensable when they occur on the employee's regularly scheduled day(s) off. Management directed day(s) off on an employee's regularly scheduled workday(s) are considered excused absences and are compensable. Agency policy determines approval authority level and documentation requirements for a management directed day off. Home unit records management directed days off per agency requirements. A management directed day off may only be given when the employee is at the home unit and is charged to home unit funds (cannot be charged to incident funds).

Other Pay Provisions

• Supervisory Personnel – Time spent in planning and technical sessions, arranging for tools and transportation, refurbishing equipment and performing supervisory duties such as completing CTRs, giving assignments, etc., is compensable as work time.

• Holiday Pay – Regular government employees who are spot changed to a first 8, 9, or 10 hour tour of duty are compensated for holiday pay if
the individual would have been entitled in their regular position.  
Additional hours are treated as overtime and paid at applicable rates.

- **Inadequate Food or Lodging** – Inadequate food or lodging situations should be the exception. When nonexempt regular government employees and casuals do not receive adequate food or lodging, they shall be in pay status the entire time they are working, sleeping, or eating (Comp. Gen. B-230414, 1/10/90).

  Adequate food is defined as: meals ready to eat (MREs), sack lunches, military-type rations, hot can, or similar meals.

  Adequate lodging is described as: a sleeping bag (paper or cloth) or a blanket or equivalent covering to provide protection from the elements for sleeping.

  Regular government employees must be in nonexempt status to qualify for compensation. There is no authority to grant compensation for these conditions to exempt employees. Exempt employees can only be compensated for on-shift time.

  ICs are responsible for determining when an inadequate food or lodging situation exists. This must be documented on the CTR, SF-261, in the remarks section. Hours recorded for an inadequate food or lodging situation count as hours of work for computation of the 2:1 work/rest ratio.

- **Callback Provisions** – The 2-hour call back provision in law does not apply when assigned to an incident.

- **Sickness** – A regular government employee who has been determined by their incident supervisor to be unable to perform work due to non-work related illness is placed in leave status, e.g., sick, annual or leave without pay, if the day is within the individual's weekly tour of duty at the home unit. If outside the individuals’ weekly tour of duty, the individual is not entitled to compensation.

  Casuals are not entitled to sick leave. They are guaranteed 8 hours for each day held by the incident. Management has the option to pay the guarantee or return them to their point of hire.
• **Medical Treatment** – When a regular government employee or casual is provided medical treatment by the incident, pay entitlement will not exceed actual hours worked or guarantee (8 hours per day for casuals) whichever is greater for that calendar day (5 CFR 551.425). Time spent traveling to or from a medical facility and/or time spent receiving medical attention is considered compensable time only if it falls within the employee’s regular guaranteed work hours. Overtime cannot be earned (Reference continuation of pay (COP) guidelines).

• **Biweekly Earning Limitation** – The biweekly earning limitation on premium pay contained in 5 CFR 550.105 is waived for Department of the Interior (DOI) and Department of Agriculture (USDA) General Schedule employees working in connection with wildland fire activities (Public Law 107-107, Section 1114). This authority does not apply to all-hazards responses (Chapter 90 Overtime).

• **Maximum Annual Earning Limitation** – The maximum annual earning limitation limits a regular federal government exempt employees basic and premium pay to the annual salary of the maximum step of a GS-15 grade level, including locality and/or special salary rate, or Level V of the Executive Schedule, whichever is greater (5 CFR 550.106). This includes overtime and compensatory time, as well as Sunday and night differential, but excludes hazard pay differential (5 CFR 550.107).

There is no provision in law to waive any salary payments received by an employee that exceeds the annual maximum earnings limit. Federal employees should monitor their total earnings to ensure they do not exceed the annual maximum earnings limitation.

### Hazard Pay for General Schedule Employees

OPM regulations provide for payment of a differential to GS employees who are exposed to unusual physical hardship or hazardous duty.

This authorization is based upon the inability to mitigate the hazard. ICs and AAs should not unduly expose any person to hazardous situations and will document, in writing, the incident records if personnel are unduly exposed to hazardous situations (5 CFR 550.901 through 550.907). Incident agencies and IMTs do not have the authority to approve hazard pay for conditions that do not meet the parameters stated in 5 CFR 550.901 through 550.907 and Appendix A.
Definitions for Hazard Pay Purposes

Control of Fire – The IC or AA will determine when the fire is controlled. Fire may be controlled even if confinement strategy is being applied.

Fireline – For the purpose of hazardous duty pay administration, a fireline is defined as the area within or adjacent to the perimeter of an uncontrolled wildfire of any size in which action is being taken to control fire. Such action includes operations, which directly support control of fire, e.g., activities to extinguish the fire, ground scouting, spot fire patrolling, search and rescue operations, and backfiring.

Limited Control Flights – Flights undertaken under unusual and adverse conditions, e.g., extreme weather, maximum load or overload, limited visibility, extreme turbulence, or low level flights involving fixed or tactical patterns, which threaten or severely limit control of the aircraft.

Positions Not Entitled to Hazard Pay Differential for Irregular and Intermittent Hazardous Duties

Certain positions are not entitled to specific hazard pay differentials because the hazard has been considered in the classification of the position. The following positions are not entitled to hazard pay for the hazards shown:

<table>
<thead>
<tr>
<th>Position</th>
<th>Hazardous Duties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pilot, GS-2181</td>
<td>Operating aircraft in flight</td>
</tr>
<tr>
<td>Forestry Technician (Smokejumper), GS-462</td>
<td>Parachute jumps</td>
</tr>
</tbody>
</table>

GS employees in these positions are entitled to hazard pay differentials for performing other authorized duty as described below.
Criteria for Entitlement to Hazardous Pay Differential for Irregular and Intermittent Hazardous Duties (5 CFR 550.904)

Full-time, part-time, and intermittent GS employees are eligible for hazard pay differential computed at 25 percent of the base rate when performing duties specified below:

Any member of the incident fire suppression organization is eligible for hazard pay while carrying out assigned duties, if hazard pay criteria, as described below, are met. Incident supervisors must manage for the appropriate application of the authority.

- **Firefighting** – Participating as a member of a firefighting crew in fighting forest and range fires on the fireline before the fire is controlled. Personnel assigned firefighting duties are not entitled to hazard pay after the declaration of an official control time and date.

  This does not include personnel engaged in logistical support, service, and non-suppression activities, e.g., media tours to the fireline, incident personnel driving to the fire to observe activities, drivers delivering tools or personnel (Appendix B - Hazard/Environmental Pay Matrix).

- **Flying** – Individuals’, except pilots, who are participating in limited control flights.

- **Groundwork Beneath Hovering Helicopter** – Participating in ground operations to attach an external load to a helicopter hovering just overhead.

- **Work in rough and remote terrain** – Working on cliffs, narrow ledges, or near vertical mountainous slopes where a loss of footing would result in serious injury or death, or when working in areas where there is danger of rock falls or avalanches.

Hazard pay for flying activities is related to the use of the aircraft, not the work of the occupants. If the flight is undertaken under unusual and adverse conditions which threaten or severely limit control of the aircraft, then hazard pay is warranted. Hazard pay is not authorized for situations such as flying passengers from a work center to a location to fix equipment when there are no adverse conditions that threaten or severely limit the aircraft.
Burned Area Emergency Response (assessment or implementation) does not meet the definition of firefighting for hazard pay eligibility; however, hazard pay criteria listed above may apply.

Prescribed fire does not meet fireline hazard definition for hazard pay; however, hazard pay criteria listed above may apply.

**Regulations Governing Payment of Hazard Differential for General Schedule Employees**

- All hazard pay differential for GS employees is based on a 24 hour day from 0001 to 2400 hours. An individual who performs duties for which hazard pay differential is authorized shall be paid the hazard differential for all hours in pay status during the calendar day in which the hazardous duty is performed.

  - The automatic cut off time is 2400 hours. An individual working beyond 2400 hours into the next day is entitled to hazard pay differential for 2 days only if exposed to the hazard before and after 2400 hours.

  - No minimum time requirements for exposure shall be established to earn entitlement to differential pay for hazardous duty. Any amount of actual exposure during a calendar day qualifies the individual for the pay differential for all compensable hours performed that day.

- Hazard pay shall be computed on the basis of all hours in pay status. If in an 8 hour workday the individual performs hazardous duty for 1 hour and is in paid leave for 7 hours, the hazard pay differential shall be computed on the full 8 hours. If the individual were in non-pay status (leave without pay) for 7 hours, the hazard pay would be computed on the basis of the 1 hour in pay status.

- Hazard pay shall be computed on the basis of an individual's basic compensation and shall be paid in addition to any other compensation the individual earns under other statutory authority.

- Hazard pay differential is in addition to any other premium pay or allowances payable under other provisions of this chapter. It is not subject to the biweekly maximum limitation provisions, which the law
places on the amount that may be received for overtime work (5 CFR 550.106 and 550.907) but is subject to the annual aggregate compensation limit (5 CFR 530.202(4)).

When recording hazard pay, show the category of hazardous exposure, e.g., firefighting, rough terrain, hover hookup, on a CTR, SF-261. The Emergency Firefighter Time Report, OF-288, should show an “H” for the on-shift hours.

Environmental Differential for Federal Wage System Employees (5 CFR 532.511)

OPM regulations provide for payment of environmental differential for exposure to various degrees of hazards, physical hardships, or working conditions likely to be encountered in an emergency situation.

An employee shall be paid an environmental differential when exposed to a working condition or hazard that falls within one of the categories approved below by OPM (5 CFR 532.511 and Appendix A):

- **Firefighting** - Participating or assisting in firefighting operations on the immediate fire scene and in direct exposure to the hazards inherent in containing or extinguishing fires.

- **Flying** – Individuals’, except pilots, who are participating in limited control flights.

- **High Work** - Working on any structure of at least 30 meters (100 feet) above the ground, deck, floor or roof, or from the bottom of a tank or pit. Working at a lesser height if the footing is unsure or the structure is unstable.

- **Groundwork Beneath Hovering Helicopter** - Participating in operation to attach or detach external load to a helicopter hovering just overhead.

Environmental differential for flying activities is related to the use of the aircraft not the work of the occupants. If the flight is undertaken under unusual and adverse conditions which threaten or severely limit control of the aircraft, then environmental differential is warranted. Environmental differential is not authorized for situations such as flying passengers from a work center to a location to fix equipment when there are no adverse conditions that threaten or severely limit the aircraft.
Criteria for Entitlement to Environmental Differential for Federal Wage System Employees

Full-time, part-time, and intermittent Federal Wage System employees are eligible for an environmental differential at the rate specified for each category.

The amount of the environmental differential is determined by multiplying the percentage rate authorized for the described exposure by the second step for WG-10. Exposures to hazards, physical hardships, or working conditions listed in this section have not been taken into consideration in the job-grading process (5 CFR 532.511 for all differential rates (percents) and for other categories).

- **Compensation Based on All Hours in Pay Status.**

<table>
<thead>
<tr>
<th>Differential</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 Percent</td>
<td>Fighting wildland or range fires on the fireline.</td>
</tr>
</tbody>
</table>

- **Compensation Based on Actual Exposure.**

<table>
<thead>
<tr>
<th>Differential</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 Percent</td>
<td>Participating in low level flights in small aircraft, including helicopters</td>
</tr>
<tr>
<td>25 Percent</td>
<td>High work</td>
</tr>
<tr>
<td>15 Percent</td>
<td>Participating in operations to attach external load to or from helicopter hovering just overhead.</td>
</tr>
<tr>
<td>4 Percent</td>
<td>Performing work, which subjects the individual to soil his/her clothing.</td>
</tr>
<tr>
<td></td>
<td>o Beyond that normally to be expected in the duties of the classification.</td>
</tr>
<tr>
<td></td>
<td>o Where the condition is not adequately alleviated by the mechanical equipment or protective devices being used or which are readily available; or when such devices are not</td>
</tr>
</tbody>
</table>
feasible for use due to health considerations (such as excessive temperature or asthmatic conditions).

**Regulations Governing Payment of Environmental Differential**

- **Shift Basis** – When a Federal Wage System employee is exposed to a hazard for which an environmental differential is authorized on a shift basis, the individual is paid the differential for all hours in pay status on the calendar day on which exposed to the hazard.

- **Actual Exposure Basis** – When an environmental differential is paid on an actual exposure basis, a Federal Wage System employee is paid a minimum of 1 hour’s differential for the exposure. Intermittent exposures during a 1 hour period do not qualify an individual for more than 1 hour’s differential pay for that hour. For exposure beyond 1 hour, the individual is paid in increments of one-quarter hour for each 15 minutes and portion thereof in excess of 15 minutes.

When an individual is exposed at intermittent times during a day, each exposure is considered separately. The amount of time the individual is exposed is not added together before payment is made for exposure beyond 1 hour's duration, except that pay for the differential may not exceed the number of hours of active duty by the individual on the day of exposure.

- **Multiple Exposures** – When a Federal Wage System employee is entitled to an environmental differential, which is payable on a shift basis on the same day, the individual is entitled to a differential which is payable on an actual exposure basis at a higher rate. The individual is paid the differential on the basis of actual exposure for that exposure and the differential on the shift basis for the remaining hours in pay status for that day.

When an individual is subjected to more than 1 hazard at the same time for which a differential is authorized, the individual is paid for the exposure, which results in the higher differential, but may not be paid for more than 1 differential for the same hours, e.g., a Federal Wage System employee may be paid at 100 percent for 1 hour of low-level flight and the balance of the on-shift time at 25 percent for firefighting.
• **Two-Day Exposure** – The automatic cut off time is 2400 hours for an environmental differential. A Federal Wage System employee working beyond 2400 hours into the next day earns entitlement to environmental differential for 2 days only if exposed to the hazard before and after 2400 hours.

• **Base Pay** – Environmental differential is included as part of a Federal Wage System employee's base rate of pay and is used to compute premium pay for overtime and holiday work.

• **Recording** – When recording environmental differential for actual exposure, show the actual hours of exposure and the category on a CTR, SF-261.

The Emergency Firefighter Time Report, OF-288, should show the percentage and the appropriate category in the remarks block and an "E" for actual hours of exposure.

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**Public Law 106-558**

Public Law 106-558 provides for exempt employees of the Forest Service and the Department of the Interior, who have their overtime hourly rate capped at GS-10, Step 1, or their base rate of pay whichever is greater to be paid at an overtime rate equal to one and one-half times their hourly rate of base pay when engaged in emergency wildland fire suppression activities. The annual earnings limitation still exists.

This overtime provision applies only under the following circumstances:

• Those assigned to emergency wildland fire activities whose overtime work is exempt from coverage under the FLSA.

• Those involved in the preparation and approval of a Burned Area Emergency Stabilization Plan whose overtime hours worked are exempt from coverage under the FLSA. The new overtime provisions will apply only until the initial Emergency Stabilization (ES) plan is submitted for approval.
Those required to augment planned preparedness staffing levels to enhance short term suppression response capability, severity activities, accident or after accident reviews related to wildland fires or emergency wildland fire funded prevention activities, whose overtime hours worked are exempt from coverage under the FLSA.

In order to qualify for the pay provision, an employee’s overtime work must be charged to a wildland fire, ES, severity, or wildland fire suppression funds tied to the support of suppression operations and that overtime must be recorded on a timesheet approved by an appropriate supervisor.

This overtime pay provision does not apply to personnel involved in prescribed fire, other fuels management activities, implementation of fire rehabilitation plans, or to overtime incurred in conjunction with any other activity not specified above, e.g., hurricanes, floods, non-fire Federal Emergency Management Agency (FEMA) incidents or other all-hazards assignments.

Fair Labor Standards Act (FLSA) Exemption Modifications for Emergency Assignments

Regular government employees, regardless of grade, may be assigned to perform non-fire emergency duties (5 CFR 551.211(b)).

Regular government employees are classified as either exempt from FLSA or nonexempt from FLSA. General Schedule employees who are classified exempt, are compensated under Title 5, and in essence, do not receive full compensation for overtime hours worked. Their overtime rate is fixed at a designated level (GS-10, Step 1) or an employee’s base rate of pay, whichever is greater (2004 Defense Authorization Act). General Schedule employees who are classified as nonexempt are compensated under both FLSA and Title 5, and in essence, are compensated at 1.5 times the base pay rate for all overtime hours worked. All wage grade and wage leader employees are classified as nonexempt. Wage supervisors are classified as exempt.

In an emergency, the exemption status of an exempt employee is determined on a work week basis. An exempt employee shall be nonexempt for any weekly tour of duty in which the employees primary duties for the period of emergency work are nonexempt (5 CFR 551.211 (f) (2) (iii)). For purposes of this CFR,
primary duties typically means, the duty that constitutes to major part (over 50 percent) of an employee’s work (5 CFR 551.104). Nonexempt employees retain their nonexempt status regardless of the emergency work performed or the incident position to which assigned.

Enter the NWCG approved position code found in Appendix A – Acronyms & Position Codes on the Emergency Firefighter Time Report, OF-288, to assist home units in documenting nonexempt status for pay purposes.

- Positions on Type 1 and Type 2 incidents are identified as exempt or nonexempt (Reference Exhibit 11).
- When a position is identified as an assistant, deputy or trainee they will have the same exempt or nonexempt status as the position by the same title, i.e., Assistant Safety Officer - exempt, Deputy Finance/Administration Section Chief – exempt, or Dispatcher Trainee - nonexempt.
- Positions on Type 1 and 2 incidents that are not identified above and positions on Type 3 incidents will be determined as exempt or nonexempt on a case-by-case basis by the home unit human resource management office upon submission of a claim by the individual.
- All positions on Type 4 incidents are considered nonexempt during initial attack.
- An individual may be assigned to an incident as a “Technical Specialist”. Specialized training may not be required for these positions. Specialists will perform similar duties during an incident that he/she normally performs. Some examples are resource advisor, archeologist, hydrologist, or mechanic. The individual's normal FLSA determination is used to compute pay.

PERSONNEL TIMEKEEPING/RECORDING

OBJECTIVE

The primary objective is to keep time records for individuals’ under a system of control. Emergency Firefighter Time Reports, OF-288s, that have been certified as accurate by an authorized signature are considered to be accurate for pay purposes. Home unit timekeepers will not make changes to this official document, except to correct mathematical errors and/or to complete return travel
entries. If home unit timekeepers have questions concerning the OF-288, they should contact the incident agency for clarification.

The time unit approval of the OF-288, or other agency pay document, certifies that the required documentation is on file and no further documentation is required for pay purposes.

RESPONSIBILITIES

Finance/Administration Section Chief (FSC) responsibilities:

- Supervise the Time Unit Leader and ensure all timekeeping and time recording requirements are implemented and met.
- Advise section chiefs and IC when time submitted is not in compliance with policy.

Time Unit Leader (TIME) responsibilities:

- Ensure daily completion of personnel time recording documents.
- Review submitted documents for compliance with policies.
- Advise supervisors and FSC when time submitted is not in compliance with established policies.

Personnel Time Recorders (PTRGL) responsibilities:

- Review time as submitted on the CTR, SF-261 and notify the TIME of any discrepancies.
- Record time to the Emergency Firefighter Time Report, OF-288.

Incident Supervisors responsibilities:

- Document on-shift time, hazard pay/environmental differential, compensable meal breaks, etc., on the CTR, SF-261, in accordance with policies and regulations.
Incident Personnel (regular government employees and casuals) responsibilities:

- Accurately report time to their incident supervisor.
- Review time records prior to demobilization.
- Submit time records to their home unit per agency direction.

Home Unit Timekeeper responsibilities:

- Apply agency pay regulations to determine pay entitlements including overtime, pay differentials, compensable travel time and compensable hours for a day off.

Timekeeping/Recording Procedures

Two forms are provided for recording time worked on an incident. The CTR, SF-261 (Exhibit 4), is the initial timekeeping document. Time from the CTR is transferred by the PTRC to the Emergency Firefighter Time Report, OF-288 (Exhibit 5).

The OF-288 is the official time reporting document that is certified as accurate by the FSC or time unit.

On an incident of limited duration at the home unit that involves only home unit personnel, the AA may elect to record emergency incident time directly on the agency time reporting document.

Military time shall be used on all records pertaining to timekeeping and time recording (Exhibit 2).

- Filing Time Reports – The CTR and OF-288 are filed in a sequence that will facilitate accurate posting and timely review and retrieval. CTRs are filed by crew, with the crew identified by name or number.
- Time Recording Control – The TIME establishes time recording procedures to ensure on-shift time for all incident personnel is recorded for each day assigned. The TIME will develop a system to identify resources assigned. This may include reviewing the Incident Action Plan (IAP) or referring to the resource order list.
• Documentation – The TIME ensures documentation of excess hours, work/rest and other record keeping is completed. This may be accomplished through the use of logs, recording on a calendar, recording on the incident action plans, or other documentation methods (Appendix B – Tool Kit).

Crew Time Report, SF-261

The incident supervisor certifies time worked by signing the CTR. The CTR documents time for all crews and overhead. The ICs time report is signed by the AA or other Command & General staff. Detailed instructions and samples for the CTR are shown in Exhibit 4. Individuals’ may not sign their own CTR.

Incident supervisor should be aware of the pay status of their subordinates, e.g., WG, GS, casual, cooperator, as this affects recording requirements.

Incident supervisor will certify CTRs for each operational period which contain the following information:

On-Shift Time – Time of actual work, ordered standby, or compensable travel that has a specific start and ending time.

Travel Time – Travel time shall be recorded on the CTR as follows:

• Travel to an Incident – Report travel time to an emergency incident on a CTR and include:
  
o Time of departure from point where travel began, e.g., official duty station, staging area, residence if outside daily tour of duty. Record all travel time using the time zone of departure.
  
o Delays or layovers of over 3 hours at transfer points.
  
o Meal breaks.
  
o Time of arrival at incident.
Hazard/Environmental Differential

- **GS Employees** – The supervisor indicates hazardous duty by placing an "H" in the Remarks block 6 and notes the hazard category in block 11 of the CTR. It is not necessary to show clock hours of the hazardous duty.

- **WS/WL/WG Employees** – The supervisor indicates an “E” and the percentage of entitlement in the CTR Remarks block 6 and notes the hazard category in block 11 of the CTR. The supervisor must record clock hours when the differential is based on actual exposure.

- **Remarks** – Supervisors are responsible to indicate changes in crew composition or incident position in the CTR Remarks block. This includes:
  - Discharged or Quit – Note reason.
  - Transfer – If individuals’ are transferred to other crews, note losing and gaining crew name and number.
  - Position Change – Note effective date, time, new position title, and reason for change in the Remarks block. This information is used to determine FLSA status or changes in AD pay rate.
  - Compensable Meal Breaks – Justification should be provided on a CTR.
  - Day(s) Off
  - Special Pay Provisions

- The original CTR is submitted to the Time Unit after all entries have been made and the CTR has been signed by the appropriate approving official.
Timekeeping Methods

It is essential that employees and supervisors accurately and clearly report time on the CTR in order to facilitate time recording on the OF-288. The primary consideration is to correctly compensate personnel on the incident for all hours in pay status.

There are 2 methods for timekeeping on the CTR:

- When a crew is in a pay status and time is identical, the names, classifications and on-shift time are listed with specific remarks in block 11 (Exhibit 4).

- When individuals’ have different on-shift times, make an entry for each individual (Exhibit 4).

Emergency Firefighter Time Report, OF-288 for Regular Government Employees

Detailed instructions for completing the OF-288 for regular government employees are found in Exhibit 5.

OF-288s are prepared for all incident personnel at time of arrival at the incident. All on-shift time is reported on the CTR and recorded on the OF-288.

Initial attack personnel who are assigned to an incident will submit their time on a CTR to their incident supervisor for approval. The CTR is submitted to the Time Unit for recording on the OF-288.

- **Travel to an Incident** - Travel time is reported on a CTR and recorded on the OF-288 with a “T” entered on the right hand side of the hours column.

- **Return Travel** - Travel time from an incident to the individuals’ official duty station must show:
  - Time of departure from the incident base.
  - Non-compensable meal breaks.
  - Delays of over 3 hours.
  - Time and date of arrival at official duty station.
  - Any other information required to determine entitlement to return travel time.
The time of departure from the incident is posted by the Time Unit, and a “T” is entered on the right hand side of the Hours column. The individual completes return travel time and obtains home unit supervisor approval.

- **Recording Hazard or Environmental Differential** -

When GS employees perform hazardous duty during any part of the calendar day, an "H" is entered on the right side of the Hours column (Exhibit 5).

- When Federal Wage System employees (WG, WL, WS) perform work for which environmental differential is payable, an “E” is entered on the right side of the Hours column.

The differential percentage with corresponding hours is noted in the Remarks block 23.

- **Position Change** – Copy from the CTR the effective date, time, new job title, and reason for change in the Remarks block and begin a new column on the OF-288 to indicate the new position title. This information is used to determine FLSA status.

- **Guaranteed Hours** – The Time Unit enters the hours as recorded on the CTR. For additional hours necessary to meet base hours, the Time Unit records “Guarantee” in the Start/Stop column and leaves the Hours column blank. The home unit timekeeper is responsible to ensure the proper amount of hours is applied to meet the employee’s base tour of duty.

- **Recording Day(s) Off** – The time unit records “Day Off” in the Start/Stop column for an on-incident day off. The time unit leaves the Hours column blank.

- If the end of a pay period occurs during an incident, information may be transmitted via fax machines to the individual's home unit if:

  - Incident time unit staffing is sufficient to provide this service.
  - Home unit fax numbers are recorded on the OF-288.
  - Fax machines are readily accessible.
Casuals are hired and compensated in accordance with the AD Pay Plan (Exhibit 1). The AD Pay Plan includes pay rates, required situations for hire, conditions of hire, and position classifications.

**Actions at Time of Hire for Single Resource Casual**

- The hiring unit prepares the following:
  - OF-288/CTR to include position code and AD classification
  - Employment Eligibility Verification, I-9
  - Single Resource Casual Hire Information Form, PMS 934
  - Incident Behavior Form, PMS 935

These forms are prepared at the time of hire and the casual is provided the opportunity to complete federal Employees Withholding Allowance Certificate, W-4, Direct Deposit, and state income tax withholding forms. Detailed instructions for completing the OF-288 for casuals are found in Exhibit 6. The hiring unit retains the I-9, the Incident Behavior Form, and a copy of the Single Resource Casual Hire Information Form.

- The hiring official will provide the casual with:
  - Single Resource Casual Hire Information Form, PMS 934
  - Conditions of Hire
  - Incident Behavior Form, PMS 935
  - Position specific requirements, clothing and pertinent information.
  - Information regarding the AD Pay Plan.

The casual is required to provide the CTR and Single Resource Casual Hire Information Form to the incident Time Unit.
Situations may require that casuals be hired at the incident. The incident agency provides direction regarding the disposition of the I-9, Single Resource Casual Hire Form, Direct Deposit form, and Incident Behavior Form. A new single resource hire form is not required when the casual's position changes on an incident.

Federal (W-4) and state income tax withholding forms completed at the incident are attached to the OF-288. Obtain submission/processing guidelines for income tax withholding forms from the incident agency. For long duration incidents, discuss with incident agency submission of these forms prior to the release of the resource.

- **Actions at Time of Hire for Casual Crews** - The home unit prepares the following:
  - OF-288, to include position code and AD classification
  - I-9
  - Direct Deposit form

These forms are prepared at the time of hire, and the casuals are provided the opportunity to complete federal and state income tax withholding forms. Detailed instructions for completing the OF-288 for casuals are found in Exhibit 6. The hiring unit retains the I-9. The hiring unit or crew representative informs the casuals of incident behavior expectations and responsibilities. Sponsored casual crew incident behavior responsibilities may be found in the crew agreement. If none are listed, utilize the Incident Behavior Form (Exhibit 10).

The crew representatives will deliver the OF-288s or CTR to the incident Time Unit.

- **Actions of Time Unit** - The Time Unit collects and examines time reports for completeness and legibility. The PTRC records time from the CTR to the OF-288. (Exhibit 6)

- **Pay Rate Changes** - Pay rate/position changes are recorded on the CTR by the incident supervisor. The PTRC begins a new column on the OF-288 with the new rate of pay and indicates reason for change in the Remarks block of the OF-288.
Guaranteed Hours - The Time Unit enters the on-shift hours as recorded on the CTR. Any additional hours necessary to meet the 8 hour guarantee are listed on a separate line of the OF-288 by the PTRC. After the date, note "Guaranteed Hours" in the Start/Stop blocks and post the necessary additional hours to the Hours column.

Day-Off at Incident - The time unit records day-off as 8 in the Hours column. Clock hours are not necessary.

Closing Out Emergency Firefighter Time Reports

The Time Unit reviews the time reports, ensures all on-shift time and commissary issues have been posted, and signs block 26. All incident personnel should sign block 25 of the OF-288. It is the responsibility of each individual to ensure their time is posted accurately before leaving the incident.

The OF-288 may be a computer-generated form or the official preprinted form, as long as the appropriate number of copies is made and an original signature in other than black ink is on the payment document (Reference agency specific policy for electronic signature acceptance in lieu of original signature).

When an individual or crew is transferred to another incident, the time unit closes out the OF-288 and gives it to the regular government employee or crew representative.

When an IMT is responsible for multiple incidents, e.g., a complex, and uses resources on different incidents within the complex, use a separate column to record time for each incident. Closing out the OF-288 for each incident is not required. The OF-288 is closed out only when resources are demobilized from the complex.

Initial attack resources generally move from incident to incident and are managed by the incident agency. A new column is started for each new incident. It is not always necessary to close out the OF-288 and start a new one.

The original CTR and file copy of the OF-288 are retained in the incident finance records (Exhibit 36).

Regular Government Employees - The Time Unit gives the original and employee copy of the completed and signed OF-288 to the individual to take back to their home unit.
PERSONNEL

CHAPTER 10

• Casuals - The time unit processes the original OF-288 per hiring agency policy. Return travel time should be estimated and posted directly to the OF-288. A completed copy is given to each casual.

• Job Corps and YCC Enrollees - OF-288s are prepared and maintained for all Job Corps and YCC enrollees. The OF-288 shall be completed the same as for casuals.

All OF-288s for Job Corps and YCC enrollees are hand carried to the home unit by the assigned supervisor or leader.

• If a casual is terminated for cause or quits, note the reason in the Remarks block of the CTR and the OF-288. Compensation for return travel is generally not made in these instances. Exceptions must be in accordance with agreements or authorized by the IC for individuals’ not covered under an agreement. Blocks 7, 8, and 9 on the OF-288 must be completed (Exhibit 6).

Common Timekeeping Issues

• Local Residents on Site - Local residents frequently go to the site of an incident when an emergency occurs and are performing emergency work when the initial attack resources arrive. The statements of work and travel made by these citizens are normally accepted, but must be verified by a supervisory official on a CTR. These individuals’ may be hired as casuals.

• Individuals’ Moving from One Location to Another on the Same Incident - If the incident has more than one base camp, the FSC is responsible for providing time recording for all locations. This may require additional Time Units to assure efficient time recording.

• Recording Clock Hours When Travel Crosses Time Zones - When traveling to an incident from one time zone to another, continue to record time in the clock hours of the first time zone until off-shift for the day. Indicate over the Start and Stop columns the time zone of the clock hours shown. The next work shift is recorded in the new time zone. These same guidelines apply when returning to the home unit or reassignment to another incident.
<table>
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<th>EXHIBITS</th>
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<td>2. Exhibit 2 – Military Time Conversion</td>
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<td>9. Exhibit 9 – Single Resource Casual Hire Information Form (PMS 934)</td>
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<td>10. Exhibit 10 – Incident Behavior Form (PMS 935-1)</td>
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<td>11. Exhibit 11 – Exempt / Nonexempt Positions</td>
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