

**INCIDENT BUSINESS PRACTICES WORKING TEAM**  
**November 19-21, 2002**  
**Nashville, TN**  
**Meeting Notes**

Attendees

Dave Koch, TWT  
Janette Archibeque, FS Incident Accountability Team  
Mike Harper, Contracting Officer, BTL representative  
Veronica Belton, BLM (representing BLM for IBPWT)  
Jon Tucker, Operations  
Randy Hart  
Tony Recker  
Emmy Ibison  
Paul Palmiotto  
Carol Clark  
Tory Majors

Not in Attendance

Jeff Whitney, FWS  
Dave Behrens, Western States Representative

**Contracting Resources**

- Present Issue – training, qualification requirements, certification, driver changes
- Work Rest Issues
- Behavior
- Performance
- Contracts/EERA's – issues

Training Working Team (TWT) presented current NWCG Policy on training for contractors.  
Current problems are:

- Contractors are hiring employees not qualified
- Unqualified and non-certified contractors getting contracts/EERA's
- NWCG policy is for non-nwcg resources to meet 310-1

Definition of non-nwcg resource is:

Contractors hired under a formal contract or EERA  
Volunteer Fire Department not under MOU/Agreement with a State  
Other local, county, resource not under MOU/Agreement with a State

Two parts to qualifications with contracted resources: personnel and equipment

Personnel Qualifications:

- Commercial Driver's license
- State Driver's License
- Insurance requirements
- Courses required dependent upon position

**Action: Need to develop a matrix of required courses for contracted resources – identify all resources including equipment that are hired for incidents and what the training is for each**

Certification/Inspections:

- Self Certification
- States
- Academies
- MOU with Contractor Associations

Problem of ensuring resources are certified prior to dispatch as well as on incident (Contracting Officer, Geographic Area Training Group)

**Action: TWT developing a standard template to be used on a national interagency basis for entering into an MOU with either a contractor association or training consortium and implement the form and process for certification in 2003.**

Performance:

- Performance appraisals
- Accountability

Problem is poor or bad performers, poor equipment, non-certified employees.

**Action: Recommend performance appraisal required regardless of type of performance and must be part of the payment package, otherwise payment will not be processed. Send this recommendation to procurement community for discussion prior to submitting to NWCG.**

Agency Personnel Training:

- Course Modifications needed to ensure supervision of contracted resources covers necessary information as well as other positions that deal with contracted resources
  - Check-In
  - Ground Support
  - S-260 and S-261
  - Division Supervision
  - Other Supervision courses
  - STFL
  - Single Resource Boss
  - S-300
  - Inspector
  - IACR
  - ICO
  - S-360
  - S-460
  - Section chief courses
  - IBA

- Buying Team Training

**Two options at present time should be implemented while these courses are reviewed for needed information relative to dealing with contracted resources.**

- 1. Recommend S-260 be a required course**
- 2. Add COR type of information to the annual refresher courses to reach the largest audience possible (include contract administration, performance appraisals, accountability, ability to release the resource, etc.)**

Equipment Specifications:

- National Fire Protection Administration (NFPA) sets specifications
- Incident Operation Standards Working Team (IOSWT)
- Fire Equipment Working Team (FEWT)
- Department Of Transportation (D.O.T.)
- State laws
- Insurance
- Agency Specific

Prior to entering into a contract or EERA, the Contracting Officer needs to ensure the equipment meets the required specifications which can include insurance (type and amount), DOT requirements, State licensing requirements, as well as safety items per NWCG or DOT. Establish a pool of trained and qualified individuals for inspections of all types of equipment. Look at developing inspection checklist forms as well as inspection forms for each category of equipment. Work towards pre-season sign-up of all equipment to ensure prior to entering into the contract both equipment and personnel meet all of the requirements. Upon dispatch review these contracts and personnel qualifications (point of dispatch or mob center) or upon arrival at incident. If at that time the resource does not meet specifications, release the resource and contact the Contracting Officer that signed the contract or EERA and advise of the non-compliance with the specifications/qualifications.

Also need to work with the supervisors of the contracted resources (equipment and crews) to ensure documenting all issues on shift tickets or unit logs and turning those into to finance. Performance evaluations must be completed for all contracted resources regardless of level of performance. Include this document with the payment package and add this to all contracts/EERAs. The contractor will assist the agencies with getting these completed if their contract states they will not receive payment without this document. For poor performance or behavior problems must send the evaluation to hiring unit and dispatch community especially if the resource is deemed unqualified as a result.

**Action: Recommend the COTR position expand to become the COTR for all national contracts to gain consistency of contract administration and work towards the others as they are standardized in the future.**

Work Rest Issues

It is difficult to enforce work rest guidelines including length of assignment with contracted resources. Contracts and EERA's should be reviewed to ensure the specifications include the work rest guidelines will be followed and if violated the resource will be released. Also should add language indicating if the resource (operator, crew) does not meet length of assignment

policy the resource can be released.

**Action: Recommend the following language be added to contracts/EERA's:**

**Contract personnel/resources will adhere to current work/rest and days-off policies. Normally, contract resources are released after a 14-day incident assignment. At the discretion of the government, the resource may be retained at the incident if:**

- a. **the contractor provides replacement operators(s). Replacement operator is subject to the work/rest and day-off policies. Or**
- b. **the contractor cannot provide a rested replacement, no payment will be made for resource (personnel or equipment) during day(s) off.**

### Behavior Problems

Contracted resources can be released for inappropriate behavior, however if their contract or EERA does not have clear language relative to this, a claim could be submitted for loss of income.

**Action: Recommend that the Incident Behavior form become an official form and mandatory for all contracted resources to sign and that appropriate language be added to contracts/EERA's relative to the policy and that the form is mandatory for completion.**

- **Tory will present this to NWCG for discussion/acceptance.**
- **If approved, Ed will be tasked with the process for form implementation.**

### Contracting Resources Other Issues

Definition of Local for the dispatching of resources has become an issue for contract claim settlement needs. In researching there is not an established definition. The members of the working team discussed the need to establish a definition and to add it to the Interagency Incident Business Management Handbook as well as the NWCG Glossary.

**Action: Recommend the following to the NWCG community for the definition of local:**

**Local is defined as the response area for which a dispatch center is responsible.**

### Standardizing EERA's and Contracts

Bus contracts are issued at the local, regional, and geographic area. There are inconsistencies in the terms, rates, and specifications throughout the fire community. Based on discussions, it appears a standard would assist in mitigating numerous issues that have surfaced over the past several years relative to buses. Not only would standardizing assist in the area of buses but all equipment that is hired under an EERA or contract.

Setting standard rates for each equipment type was discussed. The idea of typing equipment (some already is) would lend itself to establishing a standard rate for use on an EERA or contract that would be applied nationally.

In addition, the hiring of equipment dry versus wet has become an issue especially during the demobilization process. The discussion with the procurement field in the past has focused on the concept of hiring all equipment dry. If this is adopted, current EERA's and contracts would have to be amended to include rate adjustments.

**Action: Establish an interagency task group to research equipment types, rates, specifications etc. and develop recommendations for equipment. This would include at a minimum: buses, dozers, lowboys, water tenders, track hoes, vehicles, graders.**

### **FS Incident Accountability Team Report** Presented by Janette Archibeque

The Forest Service started getting notes relative to high cost concerns. Some of these issues were raised to the Chief of the Forest Service. Based on the information received, the Chief chartered a group to look at incidents and determine if any of the allegations or issues raised were factual. A group went to several incidents and reviewed the records. The group developed Alerts to be issued to the field if the findings warranted.

Some of the Incident Accountability Team recommendations include:

- hold people accountable – needs to be interagency
- costs need to be addressed – standardize rates/contracts
- establish standing team(s) for cost review during an incident(s)
- post incident accounting review should be implemented
- issue final performance evaluation after post incident review

Discussion took place based on the presentation that some of what the working team is addressing this year covers their recommendations.

**Action: Tory to draft memo to Incident Accountability Team Leader with an update as to what the working team is sponsoring relative to standardization of contracts, rates, hiring, etc., handbook changes for interim period, performance feedback ability, and cost share needs.**

### **AD Pay Plan Discussion**

Discussed the status of the two task groups established in February. One of the task groups has done some work, however the other one has not moved forward.

**Action: Tory will establish a team leader for the AD Task Group that is to look at positions and rates for classification.**

In lieu of having information from this task group, discussion of establishing standard rates for AD-5 positions for the 2003 pay plan took place. The working team agreed to develop AD-5 rates with one set rate for all geographic areas for the AD-5 positions maintained on the AD-5 matrix. This concept was presented to the FS Washington Office and supported. The rate would be based on averaging the rates in the matrix plus adding the 2003 cost of living rate of 3%. This matrix would then be presented to the field for discussion. The task group would continue with its charter and upon completion the AD-5 position classification and rates would

be reviewed prior to 2004 AD Pay Plan issuance.

Since not all positions have a rate at present time, language would be in the pay plan that allowed for the hiring official to establish a rate for a position not in the pay plan table, and that a geographic area can establish a supplement with positions not maintained in the pay plan table.

The need to raise the maximum amount was discussed. The rate has not been raised since 1996. The working team discussed raising it to \$35 for all geographic areas.

The AD Hiring Form was established for use by the hiring unit. The form was for optional use. After several years of using the form, it has become apparent that the form has provided much needed documentation. The change to our payment procedures occurring in 2003 would compliment requiring the form to become mandatory. The form will be modified to capture the appropriate payment options the casual hire will have. The mandatory use of the form for crews would be for the initial hiring, however for single resource casual hires, the form will be required at each hiring.

**Action:**

- **Emmy to develop rates for the AD-5 positions based on the process above and submit to Gary Wilson in the WO and Tory.**
- **Tory to send memos to the incident business coordinators with the AD-5 rate proposal and the mandatory use of the AD hire form.**
- **Emmy to make edits to the AD Pay Plan and submit to Gary Wilson which will include the \$35 maximum, AD-5 positions with a rate set, AD Hiring Form language, and other edits captured from 2002.**

**IIBMH Update**

- Current draft – finalize Work Rest Definition
- Additional Changes since draft
- Other items based on accountability discussion
- Other items based on AD Pay Plan discussion

Reviewed the edits already completed to the needed changes to the handbook prior to full revision. The sections reviewed and edited were:

- Chapter 10, Section 12.11a for additions relative to the Pay Equity Act
- Chapter 10, Section 17 for agency specific directives
- Chapter 10, Section 12.7-1 for changes to Work/Rest and emergency incident hour of driving
- Chapter 10, Section 12.7-2 length of commitment
- Chapter 10, Section 12.7-3 for rest and recuperation
- Chapter 10, Section 12.7-4 management directed days off
- Chapter 20, Section 25 for unique items

Additional changes needed prior to full revision were also discussed and agreed upon. Those changes will be within:

- Definitions – On Call, Local

- Chapter 10, Section 17 rental cars – further clarify the DOD contract and what is allowed, recommended language relative to if a single resource obtains a rental car with their travel card
- Chapter 20, Section 23 add new national contracts
- Chapter 20, Section 24 add hiring of school buses through a school district as last source
- Chapter 20, Section 24 add language relative to procurement of goods and services
- Chapter 20, Section 24 add language relative to hiring employees equipment

**Action: Tory to draft language currently not prepared and send to working team for comment. In addition, Tory will edit the work/rest, rest and recuperation, and length of assignment language after the presentation and comments from NWCG at the end of January. Upon completion of the draft, the entire update will be sent to the working team members for concurrence and the Forest Service Partnership Council. Upon completion based on comments, changes will be submitted to the FS Directives contact for finalization and then distributed to the field.**

### **Handbook Full Revision**

Presented comment form for finalization and requested the team members identify individuals that may be interested and have the needed knowledge to serve on the writing committee or as a subject matter expert for assistance.

**Action: Tory to draft a memo to distribute the comment sheet to the field requesting the memo is sent through their agency procedures. Comments are due back on or before April 1, 2003. Target for full publication of the handbook is 2004.**

### **Finalize Lessons Learned/Web Issue/Process**

Followed up from last meeting relative to moving forward for a lessons learned on the working teams web page. Since the lessons learned branch hosted at NARTC is functioning, the decision was changed. The working team's web page will have a Hot Topic button on the first page. Any issues submitted to the working team that effect the interagency business community will be posted at this location as well as sent to the field on mailing lists. The concept of a hot topic is something that is occurring immediately, needs to be shared throughout the incident business community to ensure the proper guidelines, rules, regulations, or policies are being followed. For example, a geographic area is allowing 12-hour guarantee for all resources. This would constitute an issue that is affecting the interagency incident business community and violates regulations.

For items that are lessons learned, those may be posted initially to the Hot Topic location and then moved to the Lessons Learned location through NARTC. This can serve as a library for the incident business community.

**Action: Tory to work with the NWCG web master to develop the look and instructions to be posted to the Hot Topic button. Will be implemented by March 2003.**

## **Supplemental Food Policy**

Due to the issues raised during the 2002 fire season surrounding supplemental foods, the working team discussed the need to develop and propose a supplemental food policy to NWCG. Information relative to nutrition and fatigue management was provided from the FS Fire Safety Officer. Studies have been conducted that have provided for the development of guidelines for nutritional needs for the firefighters in order to assist in recovering from fatigue.

The working team will develop a proposed policy based on this information. To implement the policy, changes may be needed to the National Catering Contract if NWCG wishes to utilize that source for the items identified, or the buying teams would be provided the guidelines and continue to support the incidents in the procurement of supplemental food items. Items not within the accepted policy could be purchased by the individual through the commissary provider. The commissary contract would need to be reviewed as well.

**Action: Emmy to draft language for review by the working team. Upon acceptance, Tory will present to NWCG at their January meeting and share with the FS Partnership Council. If accepted, Tory will discuss any potential national contract changes with the WO Acquisition branch.**

## **BAER Discussion – overtime pay**

Tony informed the working team that some Forest Service individuals had stated the FS was not compensating for true time and one-half during the BAER assessment period. When the Pay Equity Act was signed, the Department of Interior and Forest Service met to draft language implementing the Act. The language was issued through the Departments which stated the instances the true time and one-half overtime rate would be applied.

A copy of the Forest Service Memo was given to Tony to share with the individuals that had stated the FS was not compensating under the Act.

## **Cost of Crews – AD vs. Contract**

The question surrounding the cost of a contract crew versus an AD crew had been raised. The NWCG tasked a group several years ago relative to the use of contracted resources. During the task group's work, presentations were made by a contractor's association which included estimates of their cost of doing business. A cost of a contract crew does appear to be higher, however a true cost analysis has not been done on the cost of an AD crew or regular government crew. Without that analysis it is difficult to say that a contract crew is truly compensated at a higher cost.

## **Conditions of Hire**

The conditions of hire page contained in the OF-288 form has some errors. Paul shared the need to have those corrected when the form goes through the revision process. Those items will be shared with the group that will develop a revised form in the near future.

## **Incident Business Advisor Training update**

The course has been test taught twice. The writing committee is meeting the week of December 3<sup>rd</sup> to make additional changes to the course. The course will be taught one more time the spring of 2003.

The Incident Business Advisor Guide will be updated and printed the spring of 2003.

Upon completion of the final teaching, the course will be submitted to the Training Working Team for review with the goal of being accepted as part of the NWCG curriculum.

**Action: Tory will present the course to NWCG upon completion.**

The next phase of Incident Business Advisor is to develop a course for Agency Administrators and Administrative Officers to take that would provide the objectives of the position, expectations, responsibilities, and how to use the position effectively for the unit and incident. The course will be designed for 4 or 8 hours. Target is to start development end of 2003.

## **Incident Base Automation Update**

Mary Ann Szymoniak was selected as the business lead for Phase I and Jon Skeels was selected as the Project Manager. A steering committee is being develop for the working team to provide oversight to the project. A few people have been identified to participate on the committee. To date the following names have been given to Mary Ann:

IRMWT Rep – Gladys Crabtree, NPS

IBPWT Rep/FSC – Judy Carvelho, FS

State Rep/FSC – Paulicia Larsen, State of Colorado

BLM Rep/Plans – Randy Lennon

Incident Commander Rep – Paul Hefner, FS

FWS Rep – Hallie Locklear

BIA –

**Action: Tory will work with BIA for an individual with procurement knowledge/background.**

**Tory will share the steering committee roles and responsibilities with the working team members that have been developed for comment and edits.**

## **Other Items**

An Incident Equipment Repair Order form was given to Ed for consideration of adoption on an interagency basis. The form was provided to the working team members for soliciting

comments from their respective agencies prior to moving forward. Upon receipt of the field input, which will include logistics, the working team will evaluate the options.

**Action: Working team members are to get comments back to Ed by January 15, 2003 on the form.**

**Tory will send the form to the logistics committee for comments.**

**This will be an agenda item at the next working team meeting.**

### **Crew Bosses without purchase cards**

The trend to limit the number of micro-purchases is hitting all agencies. During the 2002 season, several crews being mobilized and demobilized had no way of taking care of themselves while in transit. Crew bosses are not being allowed to have purchase cards. The host unit of the crew should provide a point of contact (24hr/7 day) for the crew boss in case of lodging, meals, or vehicle repair needs. In addition, the dispatch community will need to assist in relaying the need for providing assistance with lodging and meals for crews while in transit.

**Action: Each working team representative needs to work through their agency and identify the issue and provide direction to the field with options for the crews while in transit to and from an incident. Buying teams or procurement unit leaders should not be required to pre-arrange lodging and meals for crews in transit if at all possible.**

### **Budget and Strategic Plan**

Reviewed the budget submitted for FY2003-2005. Made changes and established the budget request for 2006.

**Action: Tory to finalize budget for FY2004-2006 and submit to NWCG by 12/2/2002.**

### **Calendar for 2003**

Dates were reviewed for the working team meeting during 2003. The following dates have been established for the remainder of the FY 2003 meetings:

February 24 to February 27, 2003 Location: Boise

May 19 to May 22, 2003 Location: TBD

September 15 to September 18, 2003 Location: TBD

The meetings are set now for two full days with the Monday and Thursday as travel days. However, the length of each meeting will be determined by agenda topics. Conference calls will be scheduled if the need arises.