

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT
Office of Fire & Aviation
3833 S. Development Avenue
Boise, Idaho 83705

February 8, 1999

In Reply Refer To:
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EMS Transmission 2/8/99
Instruction Memorandum No. OF&A 99-004
Expires : 9/30/00

To: All Field Officials
From: Director, Office of Fire and Aviation
Subject: Pay Plan for Emergency Workers

Attached is the 1999 Administratively Determined (AD) Pay Plan for Emergency Workers. It replaces all previously approved plans. This plan authorizes and provides direction relative to the hiring of Emergency Workers. This plan is forwarded for immediate implementation and will expire of December 31, 1999.

All office hiring under this authority should adhere to the provisions of this pay plan.

The following changes became effective on January 1, 1999:

- Increases the rate for AD-1 through AD-4 to reflect the 3.3 percent general pay increase (Paragraph B1).
- In Section D, Required Situations for Hire, adds new situation 10. "This pay plan is to be used to provide temporary support due to the unpredictable nature of fire use hazardous fuel reduction activities, and may not be used to circumvent normal hiring and contracting procedures."
- In Section E, Conditions of Hire, adds three new conditions.
 - Condition 2, "This plan may be used to supplement regular personnel assigned to fire use hazardous fuel reduction projects. The term of hire is restricted to no greater than the period beginning 24 hours prior to planned ignition and extending through 24 hours after the perimeter is secured."
 - Condition3, "The host agency is responsible for hiring and paying under this pay plan for fire use hazardous fuel reduction."

- Condition 19 “Federal and state income taxes will be withheld from salary payments. Each casual will present IRS Form W-4 or W-5 at time of hire. If the casual fails to submit either form, taxes will be withheld at the single with no exemptions rate. It is each emergency firefighter’s responsibility to insure the appropriate forms are completed and presented to the local hiring unit. State taxes will be withheld for the State where the casual is hired, unless the casual submits forms for another State. Agencies will use the IRS W-2 for year end reporting of earned wages and withheld taxes.”

If you have any questions, please contact Ed Lewis at 208 387-5166.

Signed by:
Edward W. Shepard
Acting Director, Office of Fire and Aviation

Authenticated by:
Gene Lovell
Acting, Records Manager

1 Attachment
1 - Pay Plan for Emergency Workers (9 pp)

Distribution

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PAY PLAN FOR EMERGENCY WORKERS

A. PREAMBLE. Pursuant to 5 U.S.C. 5102(c)(19), 7 U.S.C. 2225 and 2226, and 43 U.S.C. 1469, there is hereby established, effective January 1, 1999, the following Administratively Determined (AD) Pay Plan, which replaces and supersedes previously approved plans. In the event there is an emergency in progress on the effective date of this pay plan, the AD hires (casual) on that emergency shall be paid under the provisions of the AD pay plan in effect at the start of the emergency.

This pay plan applies wherever and whenever it becomes necessary to hire persons (1) to cope with a sudden and unexpected emergency caused by a fire, or extreme fire potential, flood, storm, or any other emergency that threatens damage to Federally protected property unless brought under immediate control, or (2) to provide emergency assistance to State Foresters under formalized cooperative agreements (see paragraph D). Such hiring is of uncertain or purely temporary duration, and shall be terminated when the emergency has sufficiently abated to be handled by the regular employees at the particular field location. Under the new Federal fire appropriations, this plan can be used for operations activities including hazard fuels reduction projects.

This pay plan is complete within itself. Therefore, for any hiring under this plan, the provisions herein take precedence over any other policies or regulations that may be prescribed elsewhere.

B. RATES OF PAY - Calendar Year 1999

1. Rates for AD-1 through AD-4

Hawaii	Western	Southeast	Northeast	Alaska	
<u>Classification</u>	<u>Area</u> <u>(Per Hr)</u>	<u>Area</u> <u>(Per Hr)</u>	<u>Area</u> <u>(Per Hr)</u>	<u>(Per Hr)</u>	<u>(Per Hr)</u>
AD-1	8.72	7.76	8.72	12.68	10.36
AD-2	10.12	9.28	10.08	14.48	12.96
AD-3	11.20	10.52	10.96	15.88	14.20
AD-4	12.72	12.16	12.48	17.84	16.92

2. Rates for AD-5. Whenever the scope of a current emergency warrants obtaining the services of individuals whose experience qualifies them to supervise or direct an operation, or to render a special service that exceeds the scope of the AD-4 definition, such as leader of a group of AD-4's, the Incident Commander or comparable official is authorized to hire at a rate deemed appropriate, but not exceeding \$30 per hour in the Western Area, Southeast Area, and Northeast Area, and \$35 per hour in Alaska and Hawaii. The rate appropriate for a specific skill shall be established at the point of hire and documented in the Remarks block of Form OF-288 (Emergency Firefighter Time Report). Rates shall not be changed if the individual is sent to an incident outside the area of hire. However, if the casual is assigned to a different job skill, adjust the pay rate to the appropriate rate for that skill in that area and document in the Remarks block of Form OF-288. Regions/Area shall establish AD-5 rates for significant positions.

See the table in paragraph F7 for an illustration of AD-5 rates and their correlation with the Incident Command System command structure.

This authority to use higher pay rates at AD-5 may also be used to hire individuals with the type of skills defined in the classification for AD-4 where the local prevailing rate for the particular skill, or skills, so far exceeds the preceding rates in paragraph B1 as to make it impossible to recruit individuals for the AD-4 rates. This authority does not extend to recruitment for the type of skills in AD-1, AD-2, and AD-3 classifications.

3. Consideration of Hazardous Nature of Work. The hazardous nature of the work was considered in establishing the grade levels for these positions. Therefore, no additional pay is authorized for hazardous duty.

C. DESCRIPTION OF AREAS TO WHICH RATES ARE APPLICABLE

1. Western Area includes the following:

Arizona	Montana	Oregon
California	Nebraska	South Dakota
Colorado	Nevada	Washington
Idaho	New Mexico	Wyoming
Kansas	North Dakota	Utah
Marshall Islands	Samoa	Guam
Mariana Islands	Caroline Islands	Other Pacific Islands

2. Southeastern Area includes the following:

Alabama	Louisiana	Puerto Rico
Arkansas	Mississippi	South Carolina
Florida	Missouri	Tennessee
Georgia	North Carolina	Texas
Kentucky	Oklahoma	Virginia
Virgin Islands	Other Caribbean Islands	

3. Northeastern Area includes the following:

Connecticut	Maryland	New York
Delaware	Massachusetts	Ohio
Illinois	Michigan	Pennsylvania
Indiana	Minnesota	Rhode Island
Iowa	New Hampshire	Vermont
Maine	New Jersey	West Virginia
Wisconsin		

4. Alaska (Statewide).

5. Hawaii (Statewide).

D. REQUIRED SITUATIONS FOR HIRE. Hiring of emergency personnel may be made according to the provisions of this pay plan when any of the following situations exists:

1. To fight a going fire.

2. To hire personnel during unusually dry periods or when fire danger is very high to extreme (Class 4 or 5), or when fuel or weather conditions are such that fires can readily ignite, spread rapidly, and do substantial damage, and when risks of fire occurrence are high. Examples of high risks occur when the preceding conditions exist and when:

a. Unusual lightning activity is present or is predicted;

b. Incendiary outbreaks occur; or

c. An unusually large number of people are in the area (opening day of hunting season, fishing season, 4th of July, or Labor Day weekend, for example).

3. To place additional firefighters on standby for expected dispatch somewhere in the area.

4. To temporarily replace members of fire suppression crews or fire management personnel who are currently on fires.

5. To allow personnel to attend basic fire suppression training, not to exceed a total of 80 hours per year for an individual, in preparation for emergency fire situations.

6. To cope with flood, storms, or any other emergency.

7. To carry out emergency fire rehabilitation work where there is an immediate danger of loss of life or property or when prompt remedial action is essential before potentially damaging climatic events occur.

8. During a transition period following a natural emergency to develop plans and manage an emergency rehabilitation effort until regular employees can handle the situation.

9. To hire personnel for fire use hazardous fuel reduction projects authorized by congressional funding within the Wildland Fire Operations account.

10. This pay plan is to be used to provide temporary support due to the unpredictable nature of fire use hazardous fuel reduction activities, and may not be used to circumvent normal hiring and contracting procedures.

E. CONDITIONS OF HIRE

1. This pay plan applies only to those casual hires who are recruited for the sole purpose of dealing with an immediate fire emergency, extreme fire potential, fire use hazardous fuel reduction project or other emergency.

2. This plan may be used to supplement regular personnel assigned to fire use hazardous fuel reduction projects. The term of hire is restricted to no greater than the period beginning 24 hours prior to planned ignition and extending through 24 hours after the perimeter is secured.

3. The host agency is responsible for hiring and paying under this pay plan for fire use hazardous fuel reduction.

4. Under no conditions may active members of the Armed Forces be hired.

5. Federal retirees may be hired under this plan without a reduction in pay (Comp. Gen. B-139682, June 19, 1959).

6. Personnel hired under this plan must meet minimum physical fitness standards and training requirements as established by agency policy.

7. Casuals in positions that require special certification or license (emergency medical technicians, law enforcement, drivers, and so forth) must meet the requirements of the State where the incident is located.

8. The Immigration Reform and Control Act of 1986 (8 U.S.C. 1324A) requires employers to hire only individuals who are eligible to work in the United States. This law also requires that INS Form I-9 be completed within 3 business days of the appointment. Those units who establish and train organized crews should complete INS Form I-9 as soon as crews are organized to eliminate the need for verification at ongoing incidents. During ongoing incidents, Finance Officers are responsible for verifying eligibility of any casuals hired on site.

9. The Agency Official has the final authority to accept or reject any person hired under this plan.

10. To work under this plan requires social security numbers for casual hires. Assign a temporary number to individuals without a permanent social security number. Furnish casuals a notice of mandatory social security number disclosure at the time of hire.

11. The salary rate shown for each classification is the rate per hour to be paid for all the service required of the casual hire. Premium compensation shall not be paid for service in excess of 8 hours per day or 40 hours per week or for night, Sunday, or holiday work (43 U.S.C. 1469 or 7 U.S.C. 2226).

12. Direction in this paragraph applies to AD-1 to AD-4 hires only. Casuals recruited under this plan who are sent to another area for which different rates of pay have been established shall be paid the rate for the area from which they are recruited, or the rate of the area to which they are sent, whichever is higher. When hired in a lower rate area, the casual must actually work in the higher rate area in order to qualify for that rate. That higher earned rate applies to travel time to the higher rate area.

13. The hiring period begins at the point and the time an individual is available for hire at the request of an Agency Official. It ends at the time the casual hire is returned to the point of hire or is no longer available. At the discretion of the Agency Official-in-Charge, casual hires may be paid at the demobilization site prior to travel back to point of hire. In these instances, return travel will be estimated and included in the payment.

All hours worked under this Pay Plan must be recorded as either on-shift or off-shift. All on-shift time is compensable; all off-shift time is noncompensable.

On-shift includes time spent in travel from and to the point of hire and related waiting time; other travel necessary for the performance of work, such as from fire camp to fireline or between fire camps; ordered standby; and actual work. Off-shift includes (1) time allowed for sleeping and eating when personnel are free from assigned duty and (2) other periods when personnel are free from duty and are not in an ordered standby status. Ordered standby occurs when, at the direction of an Agency Official, a casual hire is held in a specific location fully outfitted and ready for immediate assignment.

Casual hires must be given enough on-shift time (travel, ordered standby, and actual work) to total 8 compensable hours for that calendar day. Do not use this 8-hour guarantee on the first and last day of work.

Casuals assigned to an incident at their point of hire are not entitled to guaranteed hours on days off. This is considered off-shift time and is noncompensable.

The minimum compensable time allowance for each work period is 2 hours. Thereafter, compute time in multiples of 15 minutes.

14. All transportation required from point of hire until return to point of hire shall be

at Government expense. When a casual is released for cause or quits without good reason before the emergency is over, pay shall be stopped at the time services are terminated; the Agency Official-in-Charge may allow the casual return transportation at Government expense to the point of hire.

15. Meal periods during which a casual is free of duty in connection with an assigned job are not considered compensable worktime. In situations where a casual cannot be relieved from work and must remain at the post of duty, count a meal period as time worked for which compensation shall be allowed. Compensable meal breaks shall be documented on Crew Time Reports (Form SF-261).

16. When casuals do not receive adequate food or lodging, they shall be in pay status the entire time they are working, sleeping or eating. Adequate food is defined as: meals ready to eat, sack lunches, military type rations, and 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.

17. Whenever deemed practical and necessary by the Agency Official-in-Charge, furnish subsistence and lodging at Government expense for casuals under this plan. Out-of-pocket subsistence and lodging paid by a casual must be pre-approved by the Agency Official-in-Charge. Reimbursement, if approved, shall be limited to actual costs not to exceed current Federal Travel Regulation rates. Casuals are not entitled to per diem under the Federal Travel Regulation.

18. Casuals under this pay plan are not entitled to earn or to be granted annual or sick leave, or to be covered under the Federal Employees' Group Life Insurance Act (5 U.S.C. 87), Civil Service Retirement Act (5 U.S.C. 83), Federal Employees' Retirement System (5 U.S.C. 84), Federal Insurance Contributions Act (26 U.S.C. 3121 (b)(6)(c)), or the Federal Employees' Health Benefits Act (5 U.S.C. 89). However, they are covered by the provisions of the Federal Employees' Compensation Act (5 U.S.C. 81).

Under the provisions of 5 U.S.C. 8501, Federal agencies do not report wages earned to State offices for unemployment compensation purposes. The services performed by an individual on a temporary basis in case of fire, storm, earthquake, flood, or similar emergency are not considered as performing Federal service for the purpose of reporting wages for unemployment compensation benefits. Emergency workers may furnish statements of earnings to State Unemployment Offices on their own behalf.

19. Federal and state income taxes will be withheld from salary payments. Each casual will present IRS Form W-4 or W-5 at time of hire. If the casual fails to submit either form, taxes will be withheld at the single with no exemption rate. It is each emergency firefighters' responsibility to insure the appropriate forms are completed and presented to the local hiring unit. State taxes will be withheld for the State where the casual is hired, unless the casual submits forms for another State. Agencies will use the IRS W-2 for year end reporting of earned wages and withheld taxes.

F. POSITION CLASSIFICATIONS

1. The four classifications contain benchmark jobs, which are not all inclusive. Rates are determined according to the job performed. Length of service and/or additional qualifications are not used to determine pay rate. The AD rate shall be set at the point of hire based on the primary duties of the position. Occasional or infrequent duties at a higher level do not justify a change in the pay rate.

The Agency Official-in-charge is authorized to equate positions not shown in the classifications with the jobs listed in the four levels and to hire individuals at the appropriate level. The Agency Official-in-Charge is also authorized to reduce by one grade level those positions or comparable positions listed in the classification to maintain grade alignment when the casual lacks experience or when the scope of the job is less than defined in the classification.

Do not raise the grade level for specific jobs above that shown in the classification for AD-1 through AD-3. For AD-4's, refer to paragraph B2.

2. When casuals work as trainees, they shall be paid one level lower than the full performance level. For example: a fireline squad boss trainee would be paid at the AD-2 level.

3. AD-1. Work required in this classification involves training to become a member of a crew assigned to incidents; or performing kitchen or camp helper duties.

4. AD-2. Work required in this classification involves (1) working alone, or a member of a crew, in the skilled use of hand tools and infrequent use of light power tools, such as trenchers, portable pumps, and chain saws (for cutting downed logs, small trees, and so forth), or working as a swamper; (2) performing work such as a warehouse worker, tool sharpener, light truck or car operator (up to 1 ton or 7000 GVW), fueler; (3) leading a small group (up to 15 people) of the next lower level; (4) performing fire prevention duties when regular employees are not available; or (5) performing clerical duties such as time recorder, supply clerk, check-in recorder.

5. AD-3. Work required in this classification involves performing work such as, or comparable to, (1) radio operator, vehicle dispatcher, truck driver (1 to 4 tons, 7000 to 22000 GVW), or pump operator; (2) sawyer (operating chainsaw full-time for cutting small trees up to 12" dbh); (3) leader of a small group (up to 15 people) of the next lower level (such as squad boss of AD-2's) or a large group (over 15 people) of the next two lower levels (such as a crew boss of a camp crew).

6. AD-4. Work required in this classification involves performance of specialized work, or supervision of lower level workers fires. This includes work comparable to (1) packer, tree faller (operating chainsaw full-time for cutting trees up to 24 inches dbh), automotive and/or heavy equipment mechanic, head camp cook (approximately 40 people), truck driver (more than 22000 GVW or requiring a commercial driver's license) or tractor trailer type truck, heavy equipment operator, field observer; or (2) the supervisor of a small group (up to 15 people) of the next lower level or a large group (over 15 people) of the next two lower levels (such as crew boss over fire suppression crew).

7. AD-1 through AD-5. See the following summary chart which illustrates the correlation between the AD class and the Incident Command System structure.

CASUAL
INCIDENT COMMAND SYSTEM POSITIONS

AD CLASS	COMMAND	OPERATIONS	LOGISTICS	FINANCE	PLANS
AD-1		Crew Member in Training			
AD-2		Crew Member Aircraft Time Recorder		Time Recorder (pers/equip)	Status/Check-In Recorder
AD-3		Squad Boss Aircraft Radio Operator	Ordering Mgr Receiving&Dist Mgr.	Commissary Mgr	
AD-4		Crew/Eng/Dozer Boss Deck Coordinator Dozer/Tractor/Plow Op Helispot Mgr Loadmaster Parking Tender Staging Area Mgr	Incident Head Dispatcher Security Mgr Base/Camp Mgr Equipment Mgr		Field Observer Doc UL
AD-5	Incident Cdr Safety Officer Fire Information Officer	Ops Section Chief Div/Group Supervisor Task For/Strk Team Ldr Firing Boss Crew Rep Air Ops Branch Dir Air Support Grp Supervisor Helibase Mgr Mixmaster Take Off/Land Controller Fixed Wing Base Mgr	Logistics Section Chief Service Brch Director Support Brch Director Comm UL Food UL Facilities UL Ground Sup UL	Fin Section Chief Time UL Cost UL Comp/Claims	Plans Sec Chief Incident Mtrlogist Situation UL Fire Behavior Analyst Resource UL Demobe UL

AD RATES AND APPLICABLE AREAS - 1999

1/1/99

WESTERN AREA (includes the following states)

RATES 1998

Arizona	Montana	South Dakota	
California	Nebraska	Trust Territories	AD-1 \$ 8.72
Colorado	Nevada	Utah	AD-2 \$10.12
Idaho	New Mexico	Washington	AD-3 \$11.20
Kansas	North Dakota	Wyoming	AD-4 \$12.72
	Oregon		AD-5 \$30.00 NTE

SOUTHEASTERN AREA (includes the following states)

Alabama	Louisiana	Puerto Rico	AD-1 \$ 7.76
Arkansas	Mississippi	South Carolina	AD-2 \$ 9.28
Florida	Missouri	Tennessee	AD-3 \$10.52
Georgia	North Carolina	Texas	AD-4 \$12.16
Kentucky	Oklahoma	Virginia	AD-5 \$30.00 NTE

NORTHEASTERN AREA (includes the following states)

Connecticut	Maryland	New York	AD-1 \$ 8.72
Delaware	Massachusetts	Ohio	AD-2 \$10.08
Illinois	Michigan	Pennsylvania	AD-3 \$10.96
Indiana	Minnesota	Rhode Island	AD-4 \$12.48
Iowa	New Hampshire	Vermont	AD-5 \$30.00 NTE
Maine	New Jersey	West Virginia	
		Wisconsin	

<u>ALASKA (statewide)</u>	AD-1 \$12.68	<u>HAWAII (statewide)</u>	AD-1 \$10.36
	AD-2 \$14.48		AD-2 \$12.96
	AD-3 \$15.88		AD-3 \$14.20
	AD-4 \$17.84		AD-4 \$16.92
	AD-5 \$35.00 NTE		AD-5 \$35.00 NTE