

OVERTIME AND OVERTIME COMPENSATION**1050**

(No. 21 March 1991)

WORK WEEK GROUP RATES**1050.1**

(No. 21 March 1991)

Please refer to the MOU or work week group provisions in the Department of Personnel Administration pay scales for additional details and/or exceptions.

OVERTIME COMPENSATION

WWG	<u>DUTY WEEK</u>	<u>CASH RATE</u>	<u>CTO RATE</u>	<u>CASHING OUT CTO¹</u>
1	40 Hours	1.5	1.5	Cash out what is posted (i.e., 1.5) at straight time rate
2	40 Hours	1.5	1.5	Cash out what is posted (i.e., 1.5) at straight time rate
2D	<u>96 Hours (ERP)</u>	Up to 92 hours of planned OT in the work period at .5 time rate	N/A	N/A
		Unplanned OT at 1.5 rate ²	None	N/A
	<u>40 Hours (NERP)</u>	1.5	None	N/A

¹ See Personnel Handbook [Section 1055.2](#).

² May include 5 hours sleep time interruptions.

WWG	<u>DUTY WEEK</u>	<u>CASH RATE</u>	<u>CTO RATE</u>	<u>CASHING OUT CTO¹</u>
2E	<u>72 Hours (ERP)</u>	Up to 76 hours of planned OT in the work period at .5 time rate	N/A	N/A
		Unplanned OT at 1.5 rate	None	N/A
	<u>53 Hours (ERP)</u>	1.5	None	N/A

NOTE: FOR RANK AND FILE EMPLOYEES SEE MOU FOR ANY EXCEPTIONS.

<u>WWG</u>	<u>DUTY WEEK</u>	<u>CASH RATE</u>	<u>CTO RATE</u>	<u>CASHING OUT CTO¹</u>
4A	40 Hours	1.5	1.5 for non-represented employees; see MOR for represented employees	Cash out 1.5 CTO at straight time rate
4B	Minimum average of 40 hours/week during any 12 consecutive pay periods but no specified maximum number of hours per day	None	Up to 8 hours on assigned days off at straight time	Cash out what is posted at straight time

WWG	DUTY WEEK	CASH RATE	CTO RATE	CASHING OUT CTO ¹
4C	Minimum average duty week of 40 hours	None	First 8 hours on a holiday at straight time	Cash out what is posted at straight time
4D5	40-hour minimum without a specified maximum number of hours	1.5 rate on 40-hour clock for actual fire fighting or emergency response on (1) assigned days off; or (2) after the initial 8 hours of work on duty days	None	N/A

WWG	DUTY WEEK	<u>CASH RATE</u>	CTO RATE	<u>CASHING OUT CTO¹</u>
4D15 ³	Minimum average of 40 hours a week during any 12 consecutive pay periods but no specified maximum number of hours per day during ERP	<u>ERP</u> - 1.5 on assigned days off, not to exceed 12 hours. OT for Unit 9 in excess of 20 hours during pay period compensated at full 1.5	Straight time on assigned days off not to exceed 12 hours except Unit 9; Unit 9 compensated at 1.5	<u>ERP</u> or <u>NERP</u> - Cash out what is posted (i.e., straight time) at 1.5; Unit 9 cash out what is posted (i.e., 1.5) at straight rate for overtime worked in excess of 20 hours during pay period of buyout. If 20 hours or less worked during pay period of buyout, pay at straight time
		<u>NERP</u> - 1.5; OT for Unit 9 in excess of 20 hours during pay period compensated at full 1.5	Straight time on assigned days off not to exceed 12 hours except Unit 9; Unit 9 compensated at 1.5.	

NOTE: FOR RANK AND FILE EMPLOYEES SEE MOU FOR ANY EXCEPTIONS

³ Refer to Bargaining Unit 9 contract provisions for exceptions.

<u>WWG</u>	<u>DUTY WEEK</u>	<u>CASH RATE</u>	<u>CTO RATE</u>	<u>CASHING OUT CTO¹</u>
4D22 ⁴	<u>96 Hours (ERP)</u>			
	Non-emergency OT work excluding standby/on-call	1.5 rate on 40-hour clock	1.5 rate on 40-hour clock	Cash out what is posted (i.e., 1.5) at straight time
	Non-emergency on-call/standby <u>for emergency response</u>	Straight time ⁵	Straight time	Cash out what is posted at straight time
	Emergency OT including standby/on-call	1.5 rate on 40-hour clock	None	N/A
	<u>40-Hours (NERP)</u>			
	Non-emergency OT work excluding standby/on-call	1.5 rate on 40-hour clock	1.5 rate on 40-hour clock	Cash out what is posted (i.e., 1.5) at straight time

⁴ See Personnel Handbook Section 1050.2 for definitions and examples of emergency and non-emergency overtime.

<u>WWG</u>	<u>DUTY WEEK</u>	<u>CASH RATE</u>	<u>CTO RATE</u>	<u>CASHING OUT CTO1</u>
	Non-emergency on-call/standby <u>for emergency response</u>	Straight time ⁵	Straight time	Cash out what is posted at straight time
	Emergency OT including standby/on-call	1.5 rate on 40-hour clock	None	N/A
4D25	40 Hours	1.5	1.5	Cash out what is posted (i.e., 1.5) at straight time
4D26	40 Hours	1.5	Straight time	Cash out what is posted (i.e., straight time) at 1.5

NOTE: FOR RANK AND FILE EMPLOYEES SEE MOU FOR EXCEPTIONS.

<u>WWG</u>	<u>DUTY WEEK</u>	<u>CASH RATE</u>	<u>CTO RATE</u>	<u>CASHING OUT CTO¹</u>
4D29	<u>96 Hours (ERP)⁶</u> Nonemergency OT	1.5	1.5	Cash out what is posted (i.e., 1.5) at straight time.

⁵ Effective November 1, 1989 cash is authorized for an approved special staffing pattern or other support activity directly related to a specific wildland fire incident documented by an order and request number. It is not authorized under other circumstances.

⁶ 72-hour ERP for Forestry Pilot (Helicopter)

<u>WWG</u>	<u>DUTY WEEK</u>	<u>CASH RATE</u>	<u>CTO RATE</u>	<u>CASHING OUT CTO¹</u>
	Emergency OT	1.5	None	N/A
	<u>40 Hours (NERP)</u>			
	Nonemergency OT	1.5	1.5	Cash out what is posted at straight time.
	Emergency OT	1.5	None	N/A

NOTE: FOR RANK AND FILE EMPLOYEES SEE MOU FOR EXCEPTIONS.

WORK WEEK GROUP DEFINITIONS **1050.2**
 (No. 21 March 1991)

PLANNED (GUARANTEED) OVERTIME **1050.2.1**
 (No. 21 March 1991)

Planned overtime is time scheduled as part of the regular ERP duty week for employees covered by Sections 8.01 and 8.02 of the Unit 8 collective bargaining agreement. Planned overtime is the difference between the 53-hour standard contained in the Fair Labor Standards Act (FLSA) and the affected employee's scheduled duty hours (e.g., 72 hours). It only applies to Work Week Groups 2D and 2E.

UNPLANNED OVERTIME **1050.2.2**
 (No. 21 March 1991)

Unplanned overtime is work beyond the normal duty week which may or may not be anticipated in advance. Unplanned overtime falls into two categories:

Emergency

Emergency work must be performed immediately, in direct relationship to an emergency and as an integral part of managing the emergency.

"Emergency" means a sudden, unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. "Emergency" includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident or sabotage.

The presence of an incident number may be one indicator of whether an activity is an emergency. Services that may be charged to the emergency fund are another indicator. Neither can be relied on as a sole test because emergency-related expenses may be different than activity that must be performed immediately and as part of directly managing an emergency situation.

Use of special staffing patterns may or may not be indicators of emergency work. Being available to perform emergency services because of a special staffing pattern, by itself, does not constitute emergency work.

Examples of emergency work include the following:

Example 1: (Unit 8 and WWG 4D22)

Those things which qualify for portal-to-portal compensation meet the definition of emergency work ([see Section 1056](#)).

NOTE: "Emergency" as used in this section may not be the same as "emergency" used in the Emergency Fund Policy (Section 3821 of the Incident Fiscal Management Handbook). (see section) Be sure to understand that each definition needs to be applied within its own context. For example, special staffing patterns may not meet the overtime definition of emergency, but could meet the 3800 Handbook's definition.

Nonemergency

Nonemergency overtime does not meet the above definition for emergency work. Typically it occurs for the following reasons:

- Vegetation Management Program projects (VMP)
- Meetings
- Training
- Vacation or sick leave coverage

- Special staffing patterns for extended staff availability to ensure emergency response, but where the affected employee is not performing services in direct relationship to an emergency and as an integral part of managing that emergency. (Note: There is a distinction between this and a move up and cover assignment with an engine company.)
- Maintaining minimum staffing levels/post coverage
- Court appearances

Examples of nonemergency work include the following:

Example 1: (WWG 4D22)

The employee is placed on a special staffing pattern to provide extended staff availability for emergency coverage because the unit is drawn down or because of extreme weather conditions. Because he is not actually performing services in direct relationship to an emergency and as an integral part of managing an emergency, he is not performing "emergency" work. Instead, he is being made available for such services and will receive nonemergency overtime compensation for time outside his assigned duty week.

Example 2: (WWG 4D22)

A State Forest Ranger I supervising an emergency command center deals with emergencies as a routine part of the job. A regular assignment to an ECC does not normally constitute emergency work. However, overtime hours worked by the ECC chief used to expand coverage in an ECC because of one or more emergency incidents will constitute emergency work. Sudden changes in shifts or hours of work may be warranted under these circumstances, and notice requirements do not apply.

Example 3: (WWG 4D22)

A district ranger completes a regular NERP duty week just before fire season is declared in the unit. Because of fire danger the operations officer places the ranger on call for the 24-hour period just following the ranger's regular shift. This does not constitute emergency work, and the district ranger is entitled nonemergency overtime compensation. If he is called back and dispatched to a fire it would be emergency work and he would receive cash at time and one-half for the time assigned to the incident. He may also be changed to ERP with less than 24 hours notice.

Example 4: (WWG 4D22)

Responding to headquarters as duty officer because of a fire would be emergency work if the employee provided a service directly related to managing an incident (e.g., managing fire resource allocations). On the other hand, if he returned to the office but had no assignment related to managing the fire, he would not be performing emergency work. In the latter situation, he would receive cash or CTO on a time and one-half basis.

Providing duty officer coverage for administrative services while on standby/on call is also not a preparation for emergency response. As such, it is not compensated with either cash or CTO unless the employee is also available for, and expected to respond to emergencies as defined above. If that is the case, the employee receives nonemergency overtime. If he is called back to respond to an emergency he then begins receiving emergency overtime compensation for all work outside his regular shift.

Example 5: (WWG 2D, 2E, 4D29)

Arson investigations do not meet the definition of emergency work though an exception is made for purposes of portal-to-portal compensation during the course of an active fire.

Example 6: (WWG 4D22)

During ERP a Forester II is sent to the scene of an active wildland fire in another region to join a watershed management and reforestation team. Unless the forester actually participates in fighting the fire, his work does not relate directly to the emergency and it is not an integral part of managing the emergency. Therefore, the forester would receive nonemergency overtime (i.e., cash or CTO at management's option at the time and one-half rate) for all work in excess of the normal duty week. Any standby/on call assignment in relationship to this assignment would not be compensated because it is not for purposes of emergency response availability.

TEMPORARY WORK WEEK GROUP REALLOCATIONS 1050.3
(No. 21 March 1991)

REALLOCATIONS FOR EMERGENCIES 1050.3.1
(No. 21 March 1991)

The Director of the Department is authorized to reallocate Work Week Group 4C employees to Work Week Group 4A during non-fire emergencies declared by the Governor. He may also authorize reallocations for emergencies when the following conditions are present. "Emergency" is defined as a situation where there is extreme peril to persons and property caused by such conditions as fire, flood, storm, epidemic, riot, or earthquake.

1. The duties assigned during an emergency to an employee in Work Week Group 4C are clearly not characteristic of the 4C level and fall outside the typical duties and responsibilities of his/her classification. Typical duties and responsibilities of most 4C employees are executive or managerial in nature. These duties include managing units or programs on a daily basis. Personally managing sudden and unexpected emergencies is not typical for 4C employees;

and

2. The emergency or series of emergencies are of such duration that informal time balancing even over the next 12 months is precluded. (Note: The ability to informally balance time off is unlikely for most employees given the amount of other leave already accumulated.)

The Department has developed the following indicators in making a decision about reallocation requests. Such requests will be reviewed and approved on an employee-by-employee basis.

1. Is there an identifiable situation that is causing the employee to work 10 or more hours of hard time each day in direct relationship to managing major or multiple emergency situations?
2. Is the employee performing the type of work that normally is performed by classifications that receive overtime? How is this evidenced (e.g., being assigned to an incident in an ICS position normally filled by a non-4C employee; providing coverage for a specific division/battalion because the unit or region is below maximum draw down levels; managing a large incident that lasts for more than 48 hours and involves multiple agencies)?
3. Is the employee working in a position that has been established as part of a Multi-Agency Coordinating System in Mode 3 or 4?

(Note: Once the above indicators are present, a reallocation can be approved from the beginning of the qualifying incident.)

The following constitute examples of when a request for reallocation from Work Week Group 4C will not be approved:

1. Providing regular duty officer coverage;
2. The work to be performed is generated as a result of an emergency situation, but the employee is not performing service in direct relationship to managing the emergency;
3. The presence of special staffing patterns where the affected employee is not actually performing a service in direct relationship to managing an emergency;
4. The fact that the employee's services may be chargeable to the emergency fund even though the other indicators discussed above are not present;
5. Conducting arson or other special investigations;
6. Work in association with watershed management or reforestation team efforts;
7. Work that is typical or routinely associated with the employee's classification and work week group;
8. Work associated with an incident after it has been declared "controlled"; and
9. Requests above the State Forest Ranger/Forester IV level.

REALLOCATIONS FOR STATE EMPLOYEE JOB ACTIONS 1050.3.2 **(No. 21 March 1991)**

The Department of Personnel Administration may reallocate employees from Work Week Groups 4A, 4B and 4C to Work Week Group 1 when the employees are required to work overtime because of a job action by other State employees.

REALLOCATIONS FOR NON-EMERGENCY ACTIVITY

1050.3.3

(No. 21 March 1991)

The Director of CAL FIRE may approve requests to reallocate employees from WWGs 4B and 4C to Work Week Group 4A based on the following criteria:

1. The work is not of an ongoing nature so that additional positions cannot be authorized;
2. The workload cannot be lifted or performed by temporary help;
3. The temporary reallocation is for classes up to and including the second supervisory level, and second level requests will require unusually careful evaluation;
4. If the anticipated duties fall within the normal concept of the class and work week group, a temporary reallocation cannot be authorized by the Department.

Prior approval from the Department of Personnel Administration (DPA) is required for any temporary reallocations that fall outside the criteria described above. "Special" (as opposed to "temporary") work week group reallocations are permanent adjustments and all require the approval of DPA.

CAL FIRE WORK WEEK GROUP REALLOCATION PROCEDURES

1050.3.4

(No. 21 March 1991)

All requests for Work Week Group 4C reallocations for Sacramento personnel will be forwarded to the Departmental Personnel Officer. This authority is delegated to the region chiefs for emergency work performed by field personnel. All requests for non-emergency work must be forwarded to the Departmental Personnel Officer. All requests must be in writing and they must include the following information. Form PO 52 is required for this purpose.

1. The name and classification of the affected employee;
2. A copy of the employee's current duty statement;
3. A specific description of the work to be performed during the temporary work week group reallocation period;
4. How the assignment varies from the employee's normal duties. If the assignment is for non-emergency activity, explain why it is not ongoing and why it cannot be performed by temporary help;

5. The specific period of time that the reallocation period will cover;
6. Why informal time balancing cannot occur over the course of the next 12 months.

**CAL FIRE WORK WEEK
GROUP REALLOCATION COMPENSATION**
(No. 21 March 1991)

1050.3.5

Employees who are reallocated to Work Week Group 4A receive cash pay on a time and one-half basis with the following conditions:

1. Overtime will not be paid on a portal-to-portal basis unless specified by an applicable MOU provision.
2. Travel time to and from the work site is not compensable.
3. Overtime will be paid for hard time in excess of the "normal" eight hour day. On normal days off, all hard time is compensable.
4. Time spent in an incident base or at the work site will only be compensable if the employee is actually working. On-call or available time is not compensable.

Good management practices dictate personnel assigned to incident management responsibilities should have reliefs. Frequently personnel are required to work 24-hour shifts at the beginning of an incident. After the first shift, hard time should not exceed 16 hours per day.

The unit making the request for a work week group reallocation is responsible for ensuring that sufficient funds are available to pay for the overtime.

[\(see next section\)](#)

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[\(see Forms or Forms Samples\)](#)