

## OVERTIME FOR SLEEP TIME INTERRUPTIONS

1051

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Section 8.01 of the Unit 8 collective bargaining agreement allows the deduction of five hours of sleep time from each 24-hour period in calculating the regular rate of pay for a Firefighter I. If the employee is not permitted at least five hours of uninterrupted sleep between 2400 and 0500 hours, the entire five hours is considered work time and it typically results in overtime pay. This contract section applies only to Firefighters I.

For purposes of Section 8.01, an interruption is a call to duty between 2400 and 0500 hours, requiring one or more firefighters to report for work. In general, a call to duty occurs if the station is activated or if a firefighter is required to respond to an emergency away from or at the duty station. To get up, dress, and take a position on an emergency vehicle is, in this case, considered a response. The following are situations which meet the criteria for a call to duty:

- Firefighters must get up, dress, and take their positions on emergency vehicles for response to an emergency incident; or
- Firefighters must get up, dress, and leave the station to cover for other employees who have been called to an emergency incident; or
- A firefighter must get up and respond to a request for aid by a person who walks into the station; or
- Firefighters at an air attack base are called to load airtankers; or
- Firefighters on a helitack crew must get up, dress, and prepare for or undertake an early flight mission.

Sometimes it will be less clear whether an interruption has taken place. Occasionally, an occurrence that does not require reporting for work may constitute an interruption. In these situations, the station captain or district ranger must use good judgment in making the determination.

Example 1:

Three firefighters in a station are awakened by the Quick Call at 0100 hours. They get up and dress. As they report to their assigned engine, they are told that it is a false alarm. They have not left the station. For purposes of Section 8.01 the firefighters are interrupted.

#### Example 2:

A personal phone call at 0230 hours for one employee causes others to be awakened. There is not interruption as there is no call to duty.

#### Example 3:

In a two-engine station one engine is Schedule A and the other Schedule B. At 0300 hours the station is activated and the Schedule A engine and crew are called out to a structural fire. Although the firefighters on the Schedule B crew may have been awakened, they were not required to report for duty. In effect the activation of the station does not mean that all firefighters in it will have been interrupted.

#### Example 4:

A Schedule B crew returns from a wildland fire at 2330 hours. When the employees finish servicing the engine and are released to go to sleep, it is 0030 hours. Because they have not received uninterrupted sleep between 2400 and 0500 hours, the firefighters are entitled to compensation for the entire five-hour period.

#### Example 5:

A Firefighter I is sent to another station to fill in behind an employee who is sick. This assignment did not result from an emergency, and the sleep time deduction applies as long as the sleep time occurs at the fire station to which the employee is temporarily assigned. This differs from a move-up-and-cover emergency situation for which there is no sleep time deduction.

After returning from an incident causing an interruption, firefighters should be released for sleep as soon as reasonable. Though the State must compensate firefighters for interrupted sleep time, it is not scheduled work time. Moreover, safety considerations dictate the need to have rested firefighters.

The portal-to-portal provision (Section 8.06) overrides the sleep time deduction in Section 8.01. All emergency time ordered by the employer outside the assigned duty location is considered hours of work. Emergency time includes assignments to cover other stations because of an emergency incident, time spent on a wildland fire, and time in an incident base or camp. Under these circumstances Section 8.06 would apply even though firefighters were released to sleep at a fire station, motel, or comparable facility.

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