

Reimbursement to non-Bargaining Unit 08 personnel for Emergency (09) Incidents

Concerns have arisen due to the fact that this year CAL FIRE has begun reimbursing non-BU08 personnel (including CDCR) assigned to incidents at an “overtime” rate which may not be 1.5 times their base salary rate. The particular concern is that CAL FIRE is paying the base salary rate (1.0) to personnel on incidents, which results in the augmentation of departmental Personal Service (PS) budgets through the Emergency (09) Fund.

Background

Past Practice

Previously, references to incident salary reimbursements stated that these payments were at the overtime rate (1.5) of base salary. For example, the CAL FIRE – CDCR Camp Operations Handbook §6492 states, “*An FC-33C is required for each CDC employee whose pay will be reimbursed by CDF... time to be reported on the FC-33C includes all CDC employee overtime costs in connection with a specific fire.*” This policy applied to all CDCR and CAL FIRE employees as their base salary rate (1.0) covered the first 40 hours of time worked and was budgeted with PS dollars by their respective departments.

Current

On March 10, 2009, as part of Governor Schwarzenegger’s budget reform program, the Department of Personnel Administration issued Personnel Management Liaisons (PML) 2009-14 (attached). The PML, which applies to all state employees with the exception of R05 (Highway Patrol) and R08 (Firefighters), directs that:

“For the purpose of computing the number of hours worked, time when an employee is excused from work because of holidays, sick leave, vacation, annual leave, compensating time off, or any other leave shall not be considered as time worked by the employee for the purpose of computing cash or compensating time off for overtime.”

For CDCR officers associated with the Conservation Camp Program, the trigger point for the payment of overtime at the 1.5 rate varies by rank. Correctional Officers must work 168 actual hours in a Work Period (WP) prior to qualifying for overtime at the 1.5 rate. Sergeants and Lieutenants must work 40 actual hours per week prior to qualifying for overtime pay at the 1.5 rate. All non-BU08 CAL

FIRE personnel must work 40 actual hours per week prior to qualifying for overtime pay at the 1.5 rate.

Issue

If an individual does not work the minimum actual hours (40/week or 168/WP) prior being dispatched to an incident, those hours needed to reach the threshold for payment of the 1.5 overtime rate must be paid at a base salary “overtime” rate of 1.0, prior to qualifying for the 1.5 overtime rate. This may result in base salary rate hours being invoiced to a 09 incident via the FC-33 or the FC-77 billing package. The concern is that by reimbursing CAL FIRE or CDCR personnel at the base salary rate (1.0), the Emergency Fund is augmenting the baseline PS budget. That concern is unfounded.

Example:

An individual works a Monday through Friday forty hour work schedule. On Monday they use leave credits for eight hours and work the remaining 32 hours of their scheduled week. During that same week they are dispatched to an incident and work 16 hours. The individual has not worked the required actual hours (40) per their duty week to immediately earn the overtime (1.5) rate on the incident.

What occurs from a financial standpoint:

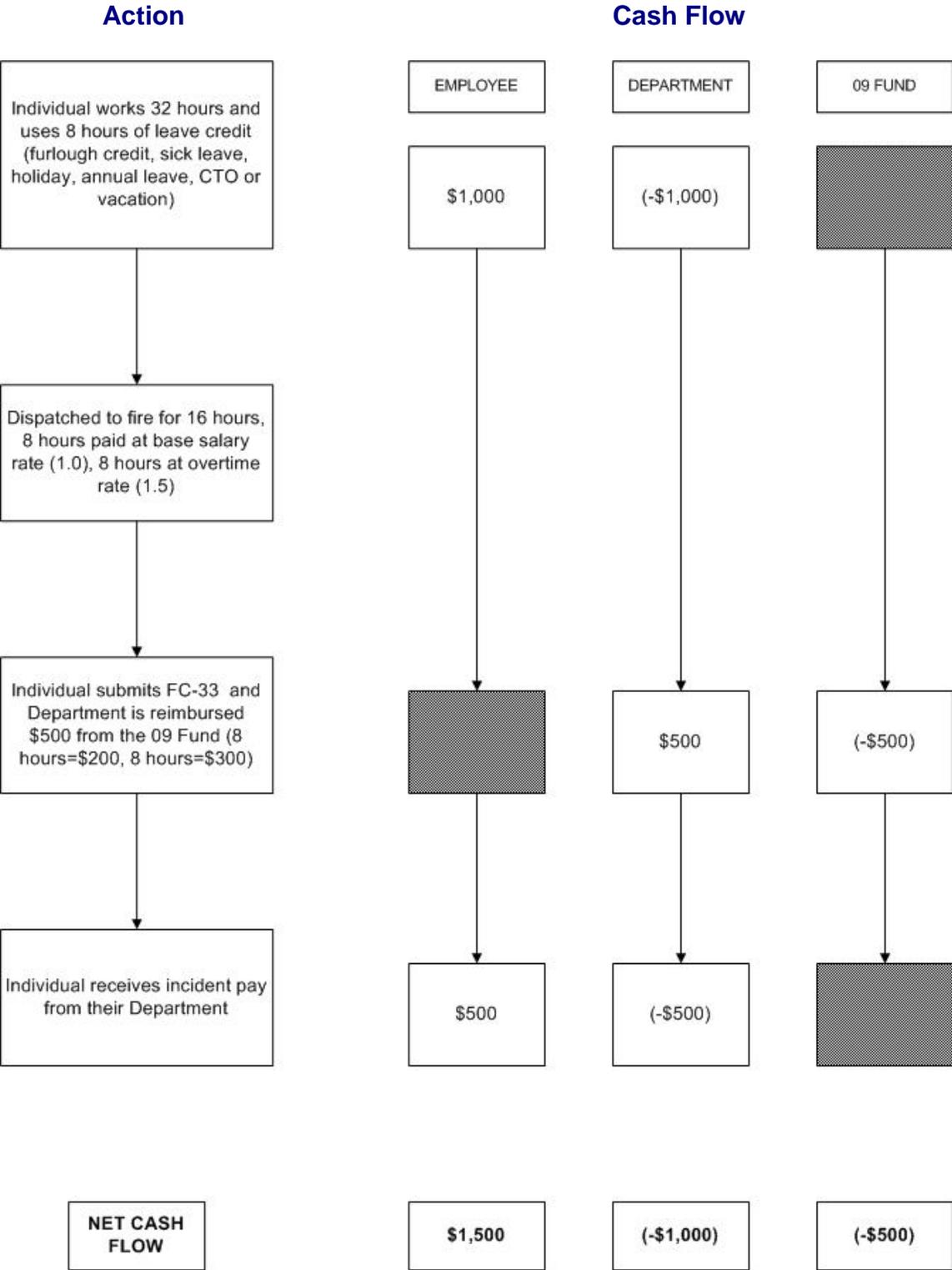
The individual uses leave credits for their Monday absence and they receive payment for a full forty hour week (32 hours of work and 8 hours of accrued leave). The associated salary dollars are debited against the department’s PS budget.

When dispatched to the incident, the first eight hours is paid at the base salary rate (1.0) to satisfy the 40 hour actual time trigger and the second eight hours is paid at the overtime (1.5) rate. These hours will be invoiced through a FC-33 or FC-77 invoice and paid from the 09 Fund. The department will receive these dollars and the individual will receive that pay. While the money *may* be placed in the department’s PS budget *briefly*, it will immediately be debited when paid to the individual for services rendered on the incident. There is no net salary gain to the department’s PS budget.

A flow chart illustrating this financial process is attached.

If you have any additional questions, please contact your Regional Camps Program Deputy Chief.

INCIDENT REIMBURSEMENT EXAMPLE



Note: For simplicity, the individual in this example is paid \$200 per day

**Department of Personnel Administration
Memorandum**

TO: Personnel Management Liaisons (PML)

SUBJECT: Change in Overtime	REFERENCE NUMBER: 2009-014
DATE ISSUED: 03/10/09	SUPERSEDES:

This memorandum should be forwarded to:

**Personnel Officers
Personnel Transactions Supervisors
Employee Relations Officers**

FROM: Department of Personnel Administration
Labor Relations Division

CONTACT: Personnel Services Branch
(916) 323-3343
Fax: (916) 327-1886
Email: psb@dpa.ca.gov

Government Code Section 19844.1 was added changing the State's overtime provisions. This statute provides for an effective date of February 20, 2009. In order for departments to advise their employees of this change, DPA is implementing this change effective the March 2009 pay period.

The following overtime provision applies to excluded employees and employees in Bargaining Units R01, R02, R03, R04, R06, R07, R09, R10, R11, R12, R13, R14, R15, R17, R18, R19, R20 and R21.

- For the purpose of computing the number of hours worked, time when an employee is excused from work because of holidays, sick leave, vacation, annual leave, compensating time off, or any other leave shall not be considered as time worked by the employee for the purpose of computing cash or compensating time off for overtime.

Personnel staff with questions about this memo should contact our Personnel Services Branch at the phone number or email address listed above.

/s/Julie Chapman

Julie Chapman
Deputy Director Labor Relations

STATE OF CALIFORNIA