



File Code: 6150-3-1
Route To: (5100)

Date: May 29, 2009

Subject: Definition of Fire Crew for Entitlement to Hazard Pay on a Wildland Fire Assignment

To: Regional Foresters, Station Directors, Area Director, IITF Director, WO Staff

Over the past several years, there has been much confusion over the entitlement to hazard pay while on a wildland fire assignment. We have addressed this issue in an attempt to be fair and equitable, while staying within the guidelines issued by the Office of Personnel Management.

We have found that it is unclear to employees, managers, and fire line supervisors how to interpret 5 CFR 550, Subpart I, Appendix A as it pertains to their entitlement to a 25 percent hazardous pay differential when fighting forest and rangeland fires. The first hazardous firefighting duty listed in the CFR addresses "*Forest and range fires*" and states entitlement to the differential when the employee is "participating as a member of a firefighting crew in fighting forest and range fires on the fireline."

Who is a "member of a firefighting crew?" Should this be interpreted simply to mean the firefighter crew assigned to the fireline, or does it apply to anyone assigned to the fireline such as the Safety Officer, Emergency Medical Technician (EMT), etc.? Since this hazard pay definition only applies to the wildland fire agencies, the Forest Service may have some discretion in its interpretation. As a result, we have made the following determination for Forest Service employees assigned to fire incidents: "A member of a firefighting crew shall be defined as anyone assigned to an actual fireline for the shift." This can be documented in the Incident Action Plan or approved by the Incident Commander, Incident Supervisor, or local Line Officer.

Incidental or occasional assignments that make it necessary for an employee to be sent to the fireline area are not to be considered as included in this definition. Some examples of employees not meeting the definition are as follows: a truck driver delivering supplies to the fireline area or a Fire Information Officer taking media representatives near the fireline area.

An EMT, Safety Officer, Strike Team Leader, Fire Investigator, Division Supervisor, or other technical/resource specialist advising on line location, rehabilitation, or other necessary resource work along the fire perimeter or in areas where crews working on suppression tactics for the incident normally are entitled to hazard pay would all be covered, provided that they were assigned to the fireline as their primary work area for the shift. If the employee's primary work area is other than the fireline for the shift and the employee is only called to the fireline area for other than fireline assignments, then the employee would not be entitled to hazard pay.

This clarification, as to who is a "member of a firefighting crew" for determining hazardous pay entitlement, should be retroactively applied beginning in Pay Period 1, 2008, and thereafter.



If the employee has been denied hazard pay and is entitled to it based on the above direction, they must submit documentation that demonstrates what work was performed. The documentation must have the concurrence of the Incident Commander, Incident Supervisor, or local Line Officer that the work was accomplished and that hazard pay would have been appropriate under the conditions described in this letter. Affected employees, who meet the above definition and were denied hazard pay, should prepare and submit corrected time and attendance reports for the applicable period in which they would have been covered. Corrected time and attendance reports can only be processed for Pay Period 10, 2008, forward. Time and attendance reports dated further than one year ago must be manually processed by the Albuquerque Service Center Human Capital Management (ASC HCM). Employees requesting retroactive back pay from Pay Period 1, 2008, thru Pay Period 9, 2008, will need to be submitted to the ASC HCM. The documentation should be faxed to the ASC HCM at (866) 339-6435, Attn: Pay.

The Forest Service Partnership Council concurs with this definition of firefighter crewmember assigned to the fireline. In addition, this direction will be included in the Pay and Leave Program guidance and standard operating procedures within the next 45 days and in the Forest Service Handbook within 90 days.

Line officers need to distribute this clarification letter as soon as possible to all fire incident teams and all others possibly affected. Questions should be addressed to Mary Ann Szymoniak, Branch Chief, Incident Business Practices, Fire & Aviation Management, National Interagency Fire Center, at mszymoniak@fs.fed.us or Lisa Swenka, Human Resource Specialist, Pay Policy, ASC HCM, at lswenka@fs.fed.us.

/s/ Charles L. Myers

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