EDMUND G. BROWN JR.
GOVERNOR

MARK S. GHILARDUCCI
DIRECTOR

January 23, 2015

Dear Mutual Aid Providers:

The California Fire Assistance Agreement Committee has conducted both the 5 year review of the recitals portion of the California Fire Assistance Agreement (CFAA), as well as the yearly review of the exhibits.

After several extensions of the agreement and numerous meetings and conference calls over the last year and a half, negotiations have been finalized on the rates, methodologies and formulas of this agreement.

Outlined below (referencing clauses and page numbers), you will find the most relevant changes to the CFAA effective January 1, 2015. *PLEASE* familiarize yourself with the changes to the CFAA prior to dispatch to an incident/event, as the changes can significantly impact your agency's reimbursement.

Recital

In the previous CFAA, the definition pages resided within the recital portion of the agreement, and began on page 4. The definition pages now reside within the exhibits portion of the agreement as Exhibit I, Page I1-I4. We have added numerous definitions consistent with other agreements and have enhanced on defining many other references within the CFAA for clearer context.

Exhibit A – General

Page A1-A2 **<u>Clause A-5</u>**

12 Hour Free Period Exception:
Department of Interior Agencies will reimburse from time of dispatch. There will be no 12 hour free period. Department of Interior Agencies include: BLM, NPS, FWS and BIA. USFS and CAL FIRE still require a 12 hour free period.

Memorandum of Understanding (MOU)/Memorandum of Agreement (MOA)/Governing Body Resolution (GBR) or equivalent for portal to portal:
For routine responders (now referred to as Suppression Personnel), it was stated in the previous agreement that if the duration of the response exceeds 12 hours, reimbursement for personnel and emergency apparatus shall cover the entire time of commitment, beginning at the time of initial dispatch from home base to the time of return to home base.

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In the current agreement, if the duration of the response exceeds 12 hours, and local agencies have an existing MOU/MOA/GBR or equivalent that indicates compensation for all hours worked, reimbursement for personnel and emergency apparatus shall cover the entire time of commitment, beginning at the time of initial dispatch from home base, to the time of return to home base. If local agencies do not have an existing MOU/MOA/GBR or equivalent that indicates compensation for all hours worked, local agencies will be reimbursed for actual hours worked.

Exhibit A – Personnel Reimbursement

Page A-3 **Clause A8-A9**

Initial method for receiving personnel reimbursement for Suppression (formerly categorized as routine responders), Non Suppression (formerly categorized as civilians) and Supplemental Personnel (formerly categorized as Civilians):

A-8 A committee will establish a standard reimbursement formula for local agency personnel with Base Rates applicable to all jurisdictions. The default reimbursement will be at the Base Rate for actual hours worked on the incident. Agencies can be reimbursed at a rate that is higher than the Base Rate, and/or for more than actual hours worked (up to 24 hours per day), as follows:

A-8.1 A committee will establish a standard reimbursement formula for local agency personnel with Base Rates applicable to all jurisdictions. The default reimbursement will be at the Base Rate for actual hours worked on the incident. Agencies can be reimbursed at a rate that is higher than the Base Rate, and/or for more than actual hours worked (up to 24 hours per day), as follows:

A-8.2 Any agency seeking reimbursement for personnel for more than actual hours worked on the incident (portal-to-portal) must file an MOU/MOA, governing body resolution, or equivalent with Cal OES Fire and Rescue Division. The MOU/MOA, governing body resolution, or equivalent shall indicate how personnel will be compensated.

A-8.3 Any agency seeking reimbursement for its supplemental personnel will accept rates as outlined in **NWCG#004-2009, Attachment D**, which states that supplemental personnel will be reimbursed using General Schedule tables with locality pay applied for actual hours worked. Reimbursement shall be in accordance with Clause A-16.

A-9 The above required documentation for rates and hours shall be based on actual costs to the responding agency, and not contingent upon reimbursement from the State of California or Federal Fire Agencies at a rate that exceeds what the agency will pay its personnel.

Reimbursements will be based on the salary survey and any applicable MOU/MOA, governing body resolution, or equivalent that is on file at the time of the initial dispatch.

Any MOU/MOA, governing body resolution, or equivalent is subject to review by the Committee. Local government will be formally notified of the determination.

Page A-4 **Clause A-11**

Reimbursement for fractional hours:

In the previous agreement, reimbursement for fractional hours was taken to the next whole hour. Reimbursement for fractional hours will now be taken to the next quarter hour.

Exhibit A – Formula for Personnel Reimbursement Using Base Rates

Page A-4 **Clause A-13**

The Committee has established a standard Base Rate reimbursement formula for local agency personnel who do not wish to seek reimbursement higher than the Base Rate set by the Committee. Both formulas for portal to portal and actual hours are provided dependent on your agency policy:

California Fire and Rescue Mutual Aid System Agencies will be reimbursed at the established Engine Company Base Rate for personnel responding on emergency apparatus or as overhead personnel at or below the Strike Team/Task Force Leader Trainee level. Strike Team/Task Force/Unit Leader level or above personnel will be reimbursed at the established Overhead Base Rate.

Clause A-14

California Fire and Rescue Mutual Aid System Agencies that have not submitted a Salary Survey for rates above the established Base Rates will be reimbursed using one of the following formulas:

The formula for the total invoice claim with an MOU/MOA, governing body resolution, or equivalent for all hours (portal to portal) is:

$[(B \times H^1) + (B \times H^1 \times W) + (B \times H^1 \times U)]$ = Total Personnel Reimbursement

The formula for the total invoice claim without an MOU/MOA, governing body resolution, or equivalent for all hours (actual hours) is:

$[(B \times H^2) + (B \times H^2 \times W) + (B \times H^2 \times U)]$ = Total Reimbursement

B= Base Rate
H^1 = All Hours (portal to portal)
H^2= Actual Hours Worked
W= Workers' Compensation Percentage Rate
U= State Unemployment Percentage Rate

The Established Base Rate (**B**) is based on the average of the CAL FIRE Fire Captain or Fire Apparatus Engineer Base Rates and the USDA Forest Service emergency hire rates for these positions applied to a 168 hour week, with 40 hours at straight-time and 128 hours at overtime. The total amount is then divided by 168 hours resulting in a blended rate.

Exhibit A – Formula for Suppression Personnel Reimbursement Using Average Actual Rates

Page A-5 **Clause A-15**

The Committee has established reimbursement formulas for agency personnel who seek reimbursement at a rate higher than the Base Rate. Both formulas for portal to portal and actual hours are provided, dependent on your agency policy:

The California Fire and Rescue Mutual Aid System Agencies may submit Average Actual Rates to Cal OES Fire and Rescue Division for any personnel dispatched to an incident. The personnel who are dispatched to an incident will first be classified and reimbursed as described in Clauses A-15.1 through A-15.3. The submission of Average Actual Rates shall be on file with Cal OES Fire and Rescue Division prior to the time of personnel dispatch.

Page A-6 **Clause A-15.1**

California Fire and Rescue Mutual Aid System Agencies that have submitted Average Actual Rates to Cal OES Fire and Rescue Division at or below the Battalion Chief level shall be reimbursed using one of the following formulas:

The formula for the total invoice claim with an MOU/MOA, governing body resolution, or equivalent for all hours (portal to portal) is:
$[(A \times H^1 \times 1.5) + (A \times H^1 \times 1.5 \times W) + (A \times H^1 \times 1.5 \times U)]$ = Total Reimbursement

The formula for the total invoice claim without an MOU/MOA, governing body resolution, or equivalent for all hours (actual hours) is:
$[(A \times H^2 \times 1.5) + (A \times H^2 \times 1.5 \times W) + (A \times H^2 \times 1.5 \times U)]$ = Total Reimbursement

A= Average Actual Rate
H^1 = All Hours (portal to portal)
H^2= Actual Hours Worked
W= Workers' Compensation Percentage Rate
U= State Unemployment Percentage Rate

The Average Actual Hourly Rate (**A**) is the average hourly rate of all personnel in the specific rank (e.g.: Captain, Engineer, Firefighter) within each individual jurisdiction.

Exhibit A – Formula for Suppression Personnel Reimbursement Using Average Actual Rates

Page A-6 **Clause A-15.2**

California Fire and Rescue Mutual Aid System Agencies that have submitted Average Actual Rates to Cal OES Fire and Rescue Division above the Battalion Chief level shall be reimbursed using the following formulas:

The formula for the total invoice claim with an MOU/MOA, governing body resolution, or equivalent for all hours (portal to portal) is:
$[(A \times H^1) + (A \times H^1 \times W) + (A \times H^1 \times U)]$ = Total Reimbursement

The formula for the total invoice claim without an MOU/MOA, governing body resolution, or equivalent for all hours (actual hours) is:
$[(A \times H^2) + (A \times H^2 \times W) + (A \times H^2 \times U)]$ = Total Reimbursement

A = Actual Average Rate
H^1 = All Hours (portal to portal)
H^2 = Actual Hours Worked
W = Workers' Compensation Percentage Rate
U = State Unemployment Percentage Rate

Page A-7 **Clause A-15.3**

If personnel above the Battalion Chief level have an MOU/MOA, governing body resolution, or equivalent that indicates they are to be paid above straight time, the reimbursement will be calculated using one of the following formulas. The MOU/MOA, governing body resolution, or equivalent is subject to the provisions in Clause A-9, and must not be contingent on this agreement or executed on the sole basis that there is reimbursement from Cal OES, CAL FIRE, or the Federal Fire Agencies.

The formula for the total invoice claim with an MOU/MOA, governing body resolution, or equivalent for all hours (portal to portal) and MOU/MOA, governing body resolution, or equivalent for above straight-time is:
$[(A \times H^1 \times 1.5) + (A \times H^1 \times 1.5 \times W) + (A \times H^1 \times 1.5 \times U)]$ = Total Reimbursement

The formula for the total invoice claim without an MOU/MOA, governing body resolution, or equivalent for all hours (actual hours) and with an MOU/MOA, governing body resolution, or equivalent for above straight-time is:
$[(A \times H^2 \times 1.5) + (A \times H^2 \times 1.5 \times W) + (A \times H^2 \times 1.5 \times U)]$ = Total Reimbursement

A = Actual Average Rate
H^1 = All Hours (portal to portal)
H^2 = Actual Hours Worked
W = Workers' Compensation Percentage Rate
U = State Unemployment Percentage Rate

Exhibit A - Formula for Non-Suppression (formerly referred to as "Civilians") Personnel Reimbursement Using Average Actual Rates

Page A7-A8 **<u>Clause A-15.4</u>**

In the previous agreement, personnel referred to as "Civilians" that were compensated for actual hours worked, had to provide two rates. Those two rates consisted of an overtime rate for overtime hours worked, and a straight time rate for straight time hours worked. The Committee has changed the two rate practice and requirement, and has provided the same formulas and methods in which suppression personnel are to be compensated for portal to portal or actual hours worked, dependent on your agency policy:

California Fire and Rescue Mutual Aid System Agencies that have submitted Average Actual Rates to Cal OES Fire and Rescue Division for Non-Suppression Personnel shall be reimbursed for actual hours worked using the following formula:

The formula for the total invoice claim without an MOU/MOA, governing body resolution, or equivalent for all hours (actual hours) is:
$[(A \times 1.5 \times H^2) + (A \times 1.5 \times H^2 \times W) + (A \times 1.5 \times H^2 \times U)]$ = Total Reimbursement

A = Average Actual Rate
H^2 = Actual Hours Worked
W = Workers' Compensation Percentage Rate
U = State Unemployment Percentage Rate

The Average Actual Rate (**A**) is the average hourly rate of all personnel in the specific rank (e.g., Dispatcher, Heavy Equipment Mechanic, and Inspector) within each individual fire agency.

Non-Suppression Personnel, who have an MOU/MOA, governing body resolution, or equivalent that indicates they are to be paid portal to portal according to Clause A-8.2, will be reimbursed in accordance with the following Formula for Personnel Using Average Actual Rates:

The formula for the total invoice claim with an MOU/MOA, governing body resolution, or equivalent for all hours (portal to portal) is:
$[(A \times H^1 \times 1.5) + (A \times H^1 \times 1.5 \times W) + (A \times H^1 \times 1.5 \times U)]$ = Total Reimbursement

A= Average Actual Rate
H^1 = All Hours (portal to portal)
W= Workers' Compensation Percentage Rate
U= State Unemployment Percentage Rate

The Average Actual Hourly Rate (**A**) is the average hourly rate of all personnel in the specific rank (e.g., Dispatcher, Mechanic, and Inspector) within each individual jurisdiction.

The 1.5 multiplier in the formula represents an hourly rate, which includes benefits for straight time, and an overtime rate for overtime hours.

Exhibit A - Supplemental Fire Department Resource Reimbursement Using NWCG#004-2009

Page A8-A9 **Clause A-16**

In the previous agreement, personnel referred to as "civilians" that were overhead tied to a local fire department generally by agreement who are mobilized primarily for response to incidents/wildland fires outside of their district or mutual aid zone are now defined as "Supplemental Personnel". Supplemental Personnel are not a permanent part of the local fire organization and are not required to attend scheduled trainings, meetings, etc., of the department staff; therefore, The Committee provided a reimbursement process separate from Suppression and Non Suppression Personnel:

California Fire and Rescue Mutual Aid System Agencies seeking reimbursement for Supplemental Fire Department Resources will accept rates as outlined in **NWCG#004-2009**, **Attachment D**, which states that Supplemental Fire Department Resources will be reimbursed using General Schedule tables with locality pay applied for actual hours worked. California Fire and Rescue Mutual Aid System Agencies that roster or sponsor Supplemental Fire Department

Resources shall be reimbursed at the rate of the position being filled on the incident.

California Fire and Rescue Mutual Aid System Agencies shall identify their Supplemental Fire Department Resources separately on the Supplemental Fire Department Resource section of the Cal OES Salary Survey and not include them under the Suppression responder categories. They are not a permanent part of the local fire organization. They are mobilized primarily for response to incidents/wildland fires outside of the fire agency's jurisdiction.

Supplemental Fire Department Resources shall be paid a regular compensation rate for all hours worked plus an overtime compensation rate for actual overtime hours worked, including travel. Base hourly rate shall be no more than step 5 of the appropriate GS wage adjusted for locality pay at the location of the fire department's jurisdiction. Rates can be found on the Office of Personnel Management website, http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2015/general-schedule/. Reimbursement costs shall not include portal to portal pay or the employee portion of benefits. Backfill is not reimbursable for personnel hired as Supplemental Fire Department Resource. Approved travel costs will be in accordance with Clause A-35.

Exhibit A – Requesting Reimbursement

Page A-13 **Clause A-37**

The Committee has developed a NEW Emergency Activity Record (F-42):
In the current agreement, this clause reads you will complete and prepare either an OES Form F-42 or F-78, and will be the basis for your reimbursement. However, all personnel will use the newly created Emergency Activity Record (F-42). We have combined the need to capture all hours worked (portal to portal) and actual hours worked onto one 8 ½ x 14 form. The F-78 Shift – Civilian Personnel Emergency Activity Record will be discontinued once the NEW form is released to the fire service.

Exhibit G – Reimbursement Policy and Procedures for Outside the State of California Assignments

Page G-1 **In the previous agreement, travel cost for lodging and per diem for local agency personnel were reimbursed at the rates and methods established by the U.S. General Services Administration (GSA).**

In the current agreement, reimbursement of personnel, emergency apparatus, and support equipment will be consistent with Exhibit A Reimbursement Policy and Procedures, with the following exceptions:

1. Travel costs for lodging and per diem for personnel shall be reimbursed at the rates and methods established within Exhibit H, limited to the California State Standard Per Diem Rates in effect at the time of the response. Lodging expense will follow the "all counties/cities located in California" up to $90.00 per night, plus tax. Exceptions will be handled case by case with formal documented and written approval.

Exhibit H – In State Travel And Incident Related Expenses

Page H-1 **The previous agreement did not outline a process for approval and reimbursement for rental vehicles. The Committee added language in the current agreement for rental vehicle reimbursement for further clarification and understanding as noted:**

Rental vehicles authorized on the resource order do not need additional incident approval. The cost of the rental vehicle, if incurred by the local agency, and the fuel purchased to operate the rental vehicle must be submitted on the In State Travel and Incident Related Expense Log with receipts taped or photo copied. Rental vehicles that are not authorized on the resource order must receive the formal written approval from the incident.

This year the Committee has provided two new additional forms pertaining to the Annual Salary Survey. These forms are designed to capture and create uniformity for Non-Suppression Personnel and Supplemental Personnel. If you fall under one, both or all three categories within your agency, please utilize the salary survey forms consistent with the definitions and instructions for Suppression, Non-Suppression and Supplemental Personnel.

I have provided the links for viewing and downloading of the January 1, 2015 CFAA, 2015 Rate Letter and Sample Resolutions.

2015 CFAA
2015 CFAA Agreement w/Signatures

2015 Rate Letter
2015 CFAA Rate Letter v2

Sample Resolution(s)
Sample Resolution #1
Sample Resolution #2

As we move forward with the new agreement and changes within, we understand the importance and the need for training to implement these changes. In the next couple of months, we are set to conduct multiple training/workshops within every one of the six California Fire and Rescue Mutual Aid Regions. Notifications from Cal OES Fire and Rescue Division on dates and venues will follow within the next several weeks.

If you have additional questions, or need clarification on the above information, please contact Lori Lopez at lori.lopez@caloes.ca.gov, or by phone at 916-845-8722.

Thank you always for your continued support of the California Fire Assistance Agreement, and the California Fire Service and Rescue Emergency Mutual Aid System.

Sincerely

original on file

Kim Zagaris
State Fire and Rescue Chief