



Board of County Commissioners - Staff Report

Meeting Date: December 20, 2016
Submitting Dept.: Human Resources

Presenter: Julianne Fries, HR Director
Subject: Appendix C – Fire/EMS Dept.

Statement / Purpose:

Request to approve amendments to the Teton County Policies Manual and Handbook – Appendix C specific to shift personnel in the Fire/EMS Department.

Background / Description (Pros & Cons):

The Fire/EMS department has requested to amend Appendix C, which is a supplement policy specific to the ‘Shift Personnel’ associated with the Fire/EMS Department. This policy was recently revised in August 2015 due to changes made in the Work Cycle (moving from 14 day work cycle to a 24 day work cycle). Since the implementation of the new work cycle and operational guidelines associated with these changes, the department is seeking to revise three sections of Appendix C.

OVERVIEW:

1. Under ‘Other Provisions. Section D. Tour Trades
This section has been changed to specify ‘shift trades’ (24 hours) rather than Tours of Duty (48 hours). Often shift personnel prefer to trade a shift (1, 24 hour period) rather than a full Tour (2, 24 hour shifts equal a tour). The policy changes clarify that trades do not need to be whole tours and can be specific shifts, as well as increase the number of shift trades allowed within a calendar year.
2. Maximum Consecutive Hours
The current 24 hour rule has at times presented problems for staff in that if they choose to pick up a special event (which offer 2-3 hours of extra work) it may exclude them from working their regular shift. Changing the restriction from 24 to 12 hours, will allow staff to receive adequate rest time before their regular shift begins and allow them to pick up extra hours as the needs arise.
3. Premium Holiday Pay
Currently only full-time, regular employees are entitled to Holiday pay, whether worked or not. The requested change will allow ‘Pool’ or substitute employees the ability to earn holiday pay ONLY when they actually work on a designated County observed holiday.

Stakeholder Analysis & Involvement:

It my understanding from the Battalion Chief’s within the Fire/EMS department that these policy changes have been discussed and reviewed with each Station Captain. It was also discussed with the BCC Administrator and HR for input. The Human Resources director reached out to the Sheriff and Director of Parks and Rec to vet the impacts of changing the Holiday Premium Pay policy and both individuals found them to be minimal cost impacts and fair practices.

Fiscal Impact:

The cost impacts are born from the Holiday Pay revision, however it was not found to be a significant impact within either of the three departments.

Staff Impact:

The revisions to the Appendix C policy will allows the organization to ensure adequate staffing for special events, sick leave coverage, and response to critical incidents; and result in a positive impact for shift personnel by providing more flexibility in scheduling. The increase in the number of shift trades also allows for greater flexibility to staff to manage family scheduling conflicts that result from working an unconventional scheduling model compared to their spouses work schedule. By providing ‘Pool’ shift personnel with the



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opportunity to earn Holiday pay (only when worked), it recognizes and incentivizes this class of employee for accepting to work on an observed holiday.

Legal Review:

Staff Input / Recommendation:

Staff recommends approving the Appendix C as presented.

Attachments:

The updated and revised proposed Appendix C is attached..

Suggested Motion:

I move to approve the Appendix C-Fire/EMS department Policy to the Teton County Policies Manual and Handbook, as presented, to be effective December 20, 2016.

Purpose

The purpose of this policy is to define the Compensation and Leave policies for employees engaged in fire protection activities covered under the FLSA 207(k) exemption. The following policies are exceptions to the Teton County Policies Manual & Handbook: Part 1 Employment Guide. These policies apply to full-time or pool status employees working in the JH Fire/EMS Department.

Section I. Compensation

For the purpose of defining compensation, under the FLSA, there shall be two separate non-exempt classifications within the JH Fire/EMS Department:

- 1) Administrative employees whose hourly rate is based on the standard forty (40) hour workweek or annualized hours of 2080.
- 2) Shift personnel engaged in fire protection activities, covered under the FLSA §207(k) exemption, whose hourly rate is based on annualized hours of 2912.

Fire Fighter/Emergency Medical Services personnel (Shift Personnel) shall function as 'fire protection' employees for the purposes of §207(k), as defined in §3 (y) of the FLSA. Shift personnel applies to employees who are scheduled to work either full-time or pool.

EXCEPTION to Section 1-5. Hours of Work and Timekeeping

Employees who are hired as shift personnel will be placed on the FLSA work cycle and compensated for overtime hours in excess of the associated overtime maximum.

The 'Work Cycle' as defined in 29 C.F.R. §553.224(a), for shift personnel, is a 24-day cycle under the FLSA 7 (K) exemption defined for fire departments. Under this cycle, shift personnel are due overtime for all hours worked over 182 hours. Work Cycle is an equivalent term to "work period" under FLSA. For payroll purposes, the 24-day cycle begins at 7:00 a.m. and ends at 7:00 a.m. after 24 consecutive days.

The 'Work Shift' shall be defined as one, twenty-four (24) hour day. A shift shall begin at 7:00 a.m. and end at 7:00 a.m. the following day.

The 'Tour of Duty' assigned shall be defined as two (2) consecutive work shifts. A Tour of Duty is followed by ninety-six (96) hours off.

Work shifts of less than twenty-four (24) hours will not occur unless under special circumstances approved by the Fire Chief/designee. A split shift may occur to ensure staffing for short notice sick coverage or during periods of significant call volume.

Hours scheduled within the 24-day work cycle shall be at the discretion of the Fire Chief.

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Hours of Paid Duty

The County retains the right to change groups, workdays, and/or transfer employees to other shifts in order to meet mission requirements. Rotations will be kept to a minimum as crew integrity is a concern.

All shift personnel shall be required to observe all practices relating to hours of work, safe working requirements, and lunch periods.

EXCEPTION to Section 1-5.1. Time Records

All hours worked must be recorded on the County's authorized time keeping system. Employees must accurately record all work time and any leave time taken, on the Department's timesheet. Time records shall cover one complete work cycle and shall be completed at the end of each work shift. All employee time records shall be submitted by the supervisor, which shall be verified and signed by the Fire Chief prior to submittal to the Clerk's Office.

EXCEPTION to Section 1-7.1. Pay Periods

The County's pay period does not coincide with the 24-day work cycle and is not required to under FLSA. Employees will receive the normal pay rate until the maximum allowed hours are exceeded in the work cycle, upon which time the overtime pay rate for any actual hours worked after 182 hours is applied.

EXCEPTION to Section 1-9 & 1-10. Overtime Pay and Compensatory Time

All non-exempt employees will be eligible for overtime compensation or compensatory time in accordance with the law. For shift personnel, overtime is invoked only after the employee's actual work hours exceed the maximum hours defined by the FLSA work cycle. Vacation, holiday and sick time do not count toward the calculation of overtime. Following this requirement, overtime pay would apply when actual hours worked exceed 182 hours in a work cycle of twenty-four (24) consecutive days.

Overtime Pay

As required by law, overtime pay is based on actual hours worked. Time taken for sick leave, vacation, holiday, or any other leave of absence will not count towards hours worked when overtime is calculated.

For the purposes of calculating a shift employee's straight time rate, the employee's annual salary is divided by the FLSA standard for fire protection employees of 2912 annual hours. Overtime pay shall be paid at one and one-half times (1 ½) the employee's hourly rate.

Compensatory Time

Compensatory time off, in lieu of monetary overtime compensation, shall be accumulated at the overtime rate of one and one-half hours for all overtime hours worked. Accrued compensatory time must be used before using accrued vacation time. In order to keep accrued compensatory time to a minimum, the employee may be directed to use accrued compensatory time at the discretion of the Fire Chief.

Employees may not accrue a compensatory time off balance that exceeds eighty (80) hours. Once the maximum balance has been obtained, authorized overtime hours will be paid at the overtime rate. If the employee's balance falls below eighty (80) hours, the employee may again accrue compensatory time off for authorized overtime hours worked until the employee's balance again reaches eighty (80) hours.

Other Provisions.

A. Vacation

Shift personnel assigned to specified Tours shall choose their annual vacation leave in accordance with established Fire Department procedures. Minimum staffing levels will be established by the Fire Chief.

B. Special Event Pay

The community has many special events that require the JH Fire/EMS Department to provide services. Shift personnel who work "special events" will receive special event pay of 'double time' for the hours worked for the events, only when the event falls outside of the employee's normally scheduled tour of duty. These special events will be defined and approved by the Fire Chief or designee prior to their occurrence. Working an event that occurs during normally scheduled hours does not qualify for special event pay. When pool shift personnel receive special event pay, additional premium pay will not be provided.

C. Pool Employees

Shift personnel working in temporary, non-benefited positions, are considered operating in 'Pool' status. Pool employees will generally be scheduled for less than twenty-nine (29) hours a week, or a maximum of 1560 hours per year. All pool employees are on the same twenty-four (24) work cycle as regular employees, and will earn overtime for hours worked in excess of 182 in the twenty-four (24) day cycle.

Teton County provides 'premium pay' to pool employees, which is added to the regular rate of pay. The premium pay is \$1.00 for each hour worked for each work shift completed. Premium pay is not used in the calculation of overtime wages or for compensation of special events.

As non-benefited personnel, pool employees are not eligible for vacation or sick leave accrual, paid bereavement leave, or holiday premium pay.

D. ~~Tour~~ Shift Trades

The responsibility for working a Tour of Duty is that of the person who is scheduled to work on that tour assignment. When an employee agrees to work the tour assigned to another employee, he/she assumes the assigned obligations to work. Any trade in ~~tours~~ shifts may only be paid back by exchange of time worked and shall not be paid back by payment of money or any consideration other than time.

Should any employee who agreed to work a tour, or a work shift, be unable to do so, the person who was scheduled to work that time is charged for any lost time to the County. An employee who is unable to fulfill a ~~Tour of Duty~~ shift, for any reason, must contact both the duty officer and the person originally scheduled to work the tour or partial tour.

~~Tour~~ Shift Trades may be permitted under the following rules:

1. All requests for ~~tour~~ tour or shift trades must be made no less than 48 hours in advance. All requests must be approved by the assigned Battalion Chief of that particular Tour of Duty. Should the Battalion Chief be unavailable, the Tour Captain may approve the trade.

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2. Exchanges shall ~~be~~ ensure the standard staffing requirements, equal or higher certification as required by Operational Shift Personnel Guidelines policy, are met.~~shift requirements.~~
3. The minimum number of hours that can be traded is 24 hours, or one work shift.
4. Trades must occur within the twenty-four (24) day work cycle.
5. Shift personnel submitting four (4) or more consecutive trades, within a year, must obtain the approval of his/her Battalion Chief ~~and the Fire Chief.~~
6. The maximum number of ~~four shift~~ trades allowed per year will be ~~six (6).~~ ten (10). This number resets annually on January 1st.

E. Schedule

The JH Fire/EMS Department will post full schedules for three (3) consecutive work cycles, not less than twenty-four (24) days prior to the beginning of each cycle.

F. Maximum consecutive hours

Shift personnel will not be scheduled for more than 48 consecutive hours. In extenuating circumstances, and with the approval of the Duty Officer, staff may be brought in or held over for an additional 12 hours to cover sick calls or during significant incidents.

Staff must have a minimum of 24-12 hours off before working the next 48 hour tour. With the approval of the Battalion Chief, this may be reduced to eight (8) hours if appropriate.

G. Premium Holiday Pay

Full time sShift personnel who perform work on a designated County Holiday are entitled to premium pay of up to 12 hours at a rate based upon the employee's normal hourly pay rate. When a holiday falls on a day off, compensation for the holiday shall be at the normal rate of pay (straight time) for eight (8) hours. Pool shift personnel who are scheduled and work a full shift on a designated County holiday, will receive up to 12 hours of holiday pay at their base hourly rate.

EXCEPTION to Section 1-9. 5. Exempt Employees

The Board of County Commissioners has declared that participation in extraordinary emergency fire mobilizations are in the best interests of Teton County. Special compensation provisions may be made in recognition of extenuating circumstances during an emergency fire mobilization assignment and is subject to the review and approval of the Board of County Commissioners.

Exempt Fire Department personnel responding to and participating in extraordinary emergency fire mobilizations shall remain employees of the County at all times. In the event an exempt employee(s) is required to expend significant hours on a major fire emergency, the Board of County Commissioners may authorize monetary compensation in the form of a flat sum, additional time off, or time and a half or straight time pay for all hours the employee worked beyond a normal expected 50 hour work week.

This special compensation provision shall occur only when there is a mechanism in place for Teton County to obtain reimbursement of any compensation granted through the State of Wyoming Emergency Fire Suppression fund, other federal emergency operation agreements, or other forms of reimbursement agreements.

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This special compensation provision is made in recognition of the special requirements and duties of their emergency fire mobilization assignments, and is subject to the review and approval of the Board of County Commissioners.

SECTION 3. BENEFITS

EXCEPTION TO 3-1.1. Accrual of Time

Vacation for employees working a 24 day work cycle is accrued according to the following table:

Years of Service	Hours Which May Be Used Per Year	Hours Accrued Per Pay Period
Date of hire through four full years of service	112 Hours	4.3
After completion of 4 full years of service	168 Hours	6.5
After completion of 9 full years of service	224 Hours	8.6

Table based on a 26 bi-weekly pay period schedule

Vacation is accrued according to seniority, and the employee can accrue up to 336 hours. Any accrued vacation in excess of 336 hours shall be forfeited. Vacation shall continue to accrue during approved paid leaves, such as paid FMLA, but shall not accrue during unpaid leave. Accrued, but unused vacation will be paid out at time of separation with the County.

All vacation requests must comply with the Department's Vacation Request policy.

EXCEPTION TO 3-2.1. Accrual of Time

Sick Leave for employees working a 24 day tour of duty is accrued at a rate of 11.2 hours per calendar month, or 134.4 hours per year. Sick leave is accrued according to the following table:

	Hours Per Year	Hours Accrued Per Pay Period
Beginning Date of Hire	134.4 Hours	5.2

The employee can accrue up to 672 hours of sick leave. Any accrued sick leave in excess of 672 hours shall be forfeited.

Sick leave shall continue to accrue during approved paid leaves, such as paid FMLA, but shall not

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accrue during unpaid leave.

EXCEPTION to 5-4 Bereavement

In the event of the death of a member of the employee's immediate family, shift personnel shall be entitled up to fifty-six (56) hours leave with pay for funeral arrangements and attendance, upon approval by the Fire Chief.

References

- A. U.S. DOL 29 C.F.R. §553.224(a)