

History of the 2005 AD Payplan
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The original intent of the Administratively Determined Pay Plan for Emergency Workers (AD Pay Plan) was to hire and pay temporary workers in emergency situations. It is an emergency stand-alone pay and hiring process outside the provisions of regular Federal pay and employment practices. No overtime or hazard pay is authorized under this Pay Plan and Federal retirees may be hired under this plan without a reduction in annuity. Other authorities exist with which to hire emergency workers that would provide for overtime and hazard pay.

Previously, AD-1 through AD-4 positions corresponded to Wage Grade (WG) blue collar jobs in grades 1-10 and to General Schedule (GS) white collar occupations in grades 2-7. As a result, the AD-1 through AD-4 pay rates were then determined by averaging the WG and GS rates for specific grades for three geographical areas in the U.S. approximately every five years. These three geographical areas are: the 48 contiguous states, Alaska and Hawaii.

No classification had previously been done for AD-5 positions to show how they corresponded to the GS-9/11/12/13 grade levels. Therefore, the AD-5 pay rate became a negotiated rate for specific skill needs which was currently not to exceed \$35 per hour in calendar year 2004. (It was initially not to exceed \$30 in the continental US and \$35 for Alaska and Hawaii. This was to reflect that the latter two states have a higher cost of living.) As a result, some intermediate pay rates (of \$21, \$22, \$24, \$26, and \$29) were established for positions at the AD-5 level in the 2004 AD Pay Plan. However, there appeared to be no computational basis for these intermediate rates.

During 2003 and 2004, three interagency task groups were chartered by the NWCG Incident Business Practices Working Team (IBPWT) to “classify” positions, develop appropriate rates for each position and update the verbiage in the 2005 AD Pay Plan, respectively. Additionally, another interagency group has been tasked with looking at alternative emergency hiring authorities that could be used as an alternative to the AD Pay Plan.

The first task group was chartered to “classify” (level) most of the common AD positions.

The task group had to develop a process that would provide fair and equitable treatment to all positions. It was recognized early in the process that utilizing established agency personnel processes would not always be applicable to these efforts, and a combination of all available classification tools would be necessary. In consultation with agency experts, the group made several attempts at classification efforts before arriving at a final solution.

Once the process was established, ‘mini’ teams were formed to work on positions by functional area. The resulting documents were reviewed by agency classification specialists (FS and BLM) for soundness of process and equity in leveling.

All 'baseline' classification documents were completed by March 2004. A call went out for subject matter experts to provide review and comments during April 2004. Their comments and suggestions were reviewed by a smaller team of task group members, (two classification specialists, task group leader, and task group member). Where appropriate and justified, changes were made to the position classification documents.

The task group relied on a number of tools to assist with this task:

1. Same or similar established positions classified by federal and state governments. Task group members contacted various state and federal agencies, to obtain classified position descriptions that had same or similar job responsibilities as the AD positions. Portions of these classified documents were used in preparation of baseline leveling efforts where appropriate.
2. Department of Labor Wage classification site. Task group members retrieved information from the DOL wage site to use in baseline leveling efforts where appropriate and a match of duties could be made.
3. Position Task Books. Position Task Books were used to obtain duty requirements of the position. This information was then transferred to the baseline leveling documents to establish an official position description to work from.
4. PMS 310-1 and FSH 5109.17. The PMS 310-1 was use to obtain qualification criteria for each position. When the position was not listed in the PMS 310-1, the FSH 5109.17 was referenced. This information was listed on each position description as "Position Needs".
5. Interagency Guides. Interagency Guides were referenced for particulars of a position if the information could not be found elsewhere. When utilized a reference was made on the position description.
6. Interagency Standards for Fire and Fire Aviation Operations 2003. This publication was used as a reference for current operational policies, procedures and guidelines for managing wildland fire and fire aviation operations where applicable.
7. Position Classification Guides. These guides are issued by the Office of Personnel Management and were utilized, where applicable, to evaluate positions beyond the primary standard.
8. Wage System Standard. This guide was utilized for comparison purposes on those positions that were primarily "blue collar" in nature.
9. Primary Standard. This was the main tool utilized on the Factor Evaluation System (FES). Each position was rated against nine FES factors to arrive at an appropriate point value and level. Each of the factors were awarded a point value,

then the total points converted to a level based on the conversion chart in the primary standard. These factors are:

- a. **Knowledge Required By The Position.** Measures the nature and extent of information or facts that a worker must understand to do acceptable work. What kind and level of knowledge/skills are needed and how are they used in doing the work. This also includes special knowledge/skill requirements that are essential to successful performance.
 - b. **Supervisory Controls.** Measures how the work is assigned, what the employee's responsibility is for carrying out the work, and how the work is reviewed. Does the supervisor provide detailed instructions or instructions on only new/difficult aspects or only on objectives, etc; what is the employee's degree of independence; the extent of review on completed assignments.
 - c. **Guidelines.** Measures the kind of guidelines used in doing the work and how much judgment is needed to use them.
 - d. **Complexity.** Measures the nature of the assignment, what the employee considers when deciding what must be done, and how difficult and original are the employee's actions or responses. This factor would illustrate how the employee applies the knowledge and skills; do they have little or no choice in how to perform the work or do they develop, analyze, and evaluate information before the work can progress. Is it mastered easily or does the level of difficulty increase as the employee considers differences in courses of action and refines methods or develops new techniques/concepts/theories or programs to solve problems.
 - e. **Scope and Effect.** Measures the purpose of the work and the impact of the work product. What are the objectives to be achieved, conclusions, decisions, etc. Who or what benefits from the employee's work and how is this benefit realized.
 - f. **Personal Contacts.** Measures people contacted and the conditions under which the contacts take place.
 - g. **Purpose of Contacts.** Measures the purpose such as give or exchange information, resolve problems, motivate/influence, justify/defend/negotiate or settle matters, etc.
 - h. **Physical Demands.** Measures the physical demands placed on the employee, how often and how intense is the activity, are special abilities needed, etc.
 - i. **Work Environment.** Measure the physical surroundings in which the employee works and any special safety regulations or precautions.
10. **Subject Matter Experts.** Extensive interviews were conducted with subject matter experts to clarify position duties on baseline classification efforts. Every position was reviewed with qualified SME's providing specific information related to that position responsibilities and the nine classification factors. A second group of SME's were provided the opportunity to review and comment on the final classification documents.

Positions not included in the leveling process included:

SEC1 Security Specialist Level 1 – According to the 2003 National Interagency Mobilization Guide, this position is “authorized/equipped to make arrests, serve warrants or conduct searches and seizures”. Federal agencies cannot provide federal enforcement authorities to state/local peace officers, or private citizens hired as ADs. However, State/Local peace officers may provide assistance thru use of a service or cooperative agreements where reimbursements are pursuant to the Sisk Act (P.L. 92-82, 16 U.S.C. 551a). If these personnel were to be hired under the AD pay plan they would not be able to exercise their state law enforcement authority or perform any kind of law enforcement activities, not permitted to carry firearms, etc. Therefore, this position was eliminated from consideration in the AD pay plan classification process.

BUYM Buying Team Member – Through discussion with several subject matter experts this position is required to have some type of state or federal procurement or contracting authority. Federal agencies cannot delegate procurement authority to non-employees. Therefore, this position was eliminated from the classification process. However, we do understand that buying teams utilize non-procurement personnel in positions such as runners, or ordering clerks. If a casual is hired to fulfill that position, then they must be ordered as a runner or clerk – NOT a buying team member.

THSP Technical Specialists – The difficulty applying any classification process to these positions is the various interpretations of duty requirements by the agencies. Some agencies require certification processes, others don't. Unless specifically requested, this task group did not apply the classification process to the many THSP positions created. Specific requests for THSP classification were also required to provide documentation on duty and position requirements.

Other – Although there are many positions on the position code listing, there a quite a number that have very little (or zero) information available as to duty and position requirements. Therefore, not every position made it thru the classification process, and will require additional information for the process to be applied. Prior to request for classifying a THSP position, careful consideration should be given to the actual work to be performed that might fit a previously established position.

A second group was established to develop pay rates for each of the classified positions or groups of positions:

Each position's total FES points was changed to the appropriate grade level (1-13) using the conversion chart located in the Primary Standard for General Schedule Positions and like positions were grouped into the appropriate levels from A-M in terms of complexity.

The team discussed the possible use of a representative or middle step of the grade (step 3 for WG and step 5 for GS) when averaging pay rates. The proposal to use a middle step was based on a need to compensate casuals for the large amount of overtime they perform and the amount of time they worked during the year.

However, the team was reminded that Congress authorized the Department of Agriculture under 7 USC 2226 on August 31, 1951, (and Forest Service under 16 USC 554e on October 21, 1998) the authority to employ or otherwise contract with person **at regular rates** for necessary hours of work for emergency forest firefighting. Under Section 407 of the Department of Agriculture 1952 Appropriations Act, this hourly rate of pay was not to include entitlement to any additional premium payments (such as Sundays, and Federal holidays) or take into account the regular workweek. As a result of the Work Hours Act of 1962, it was reconfirmed by the Office of General Counsel that Forest Service would continue to pay firefighters only **straight rates** for firefighting duties. In 1975, it was decided that Forest Service could pay overtime to firefighters under the Fair Labor Standard Act, but it was noted that the **AD law specifically came about to avoid such premium payments as overtime to casuals**. Therefore, the language of the law was construed to read as authorizing a regular rate of pay (i.e. without overtime) for all hours worked, regardless of whether these hours were in excess of 40 per week or were performed on Sunday or a holiday.

It was again emphasized that the reason Congress authorized this emergency hiring process was to enable the USDA Forest Service and the Department of the Interior (the authority was granted to DOI in 1975) ***to pick up local help, on a short term basis, to supplement the regular Federal employees on an emergency that threatened life and property***. This implied that these casual employees are going to work on one or possibly two fires. If they are working year round, it was noted that the agency needs to look at other temporary hiring practices. In addition, it was pointed out that new employees appointed on a temporary or even permanent basis are generally brought in at the minimum step (or step 1) of the grade and only through the completion of a waiting period at a minimum of at least six months (WG) to a year (GS) are entitled to one additional step (or a step 2).

Historically under the AD formula, only basic pay rates were used when averaging each grade of the GS in all of the 48 contiguous states as well as for Alaska and Hawaii. However, under the Federal Wage System, the survey or locality area was taken into consideration, when the WG pay rate was established. Likewise, additional differentials were also applied for high cost-of-living areas, such as Alaska and Hawaii, under the Federal Wage System.

Therefore, the team initially looked at averaging each grade of the GS at Step 1 across the 32 locality areas. However, the majority of the 32 GS locality areas were in large metropolitan areas, where the increases ranged from 10.93% in Orlando, Florida to 24.21% in San Francisco, California. Noting that the fires were not generally in these large metropolitan areas, but in more rural areas, it was felt that the 10.90% for REST of U.S. would be a better fit.

Similarly, the federal government pays non-foreign cost-of-living allowances (COLAs) to GS employees in such US states and territories as Alaska and Hawaii, based on differences in living cost between the allowance areas and the Washington, DC area. These COLA are limited to a maximum of 25% of basic pay. As a result, the team felt

that the COLA/differential should be applied uniformly to both GS and WG positions when averaging the pay rates for the Alaska and Hawaii geographical areas.

The rates developed and adopted for the 2005 AD Pay Plan reflect a direct correlation between WG and GS grades from 1 through 7 (i.e. GS-1/WG-1). Beginning with the GS-8, only the GS rates are used, since the GS rates are higher than the WG rates. A capped rate of \$30 was established for the AD-M level in the 48 contiguous states. Likewise, a capped rate of \$37 would be used for AD-M positions established in the higher COLA areas of Alaska and Hawaii.

Finally, a third group reviewed and made changes to improve and clarify the language in the 2005 pay plan.