

12.7 - Work/Rest, Length of Assignment, and Days Off.

Personnel assigned as full time drivers of trucks (including pickups) and passenger-carrying vehicles are limited regarding time worked. The Federal Motor Carriers Safety Regulations, part 395.3 and State laws restrict those drivers whose assignment requires a commercial driver's license (CDL) to 10 hours driving time in a 15 hour duty day with 8 hours off between shifts. Drivers whose duty period is not limited by law may not exceed 10 hours driving time in a 16 hour duty day with 8 hours off between shifts.

To maintain safe and productive incident activities, incident management personnel must appropriately manage work and rest periods, assignment duration and shift length for personnel, including casuals (AD), contracted crews, and EERA resources.

To assist in mitigating fatigue, days off are allowed during and after assignments. If necessary to reduce fatigue, the Type 1/2 incident commander (IC) or agency administrator (AA) (incident host or home unit) may provide time off supplementary to mandatory days off requirements. For Type 3-5 incidents, paid days off should be rare exceptions. However, if necessary, the Agency Administrator (incident host or home unit) may authorize day(s) off with pay.

The IC or AA authority to grant a day off with pay lies within 5 U.S.C. 6104,5 CFR 6 10.301-306, and 56 Comp. Gen. Decision 393 (1977).

12.7-1 - Work/Rest Guidelines. Work/rest guidelines should be met on all incidents.

Plan for and ensure that all personnel are provided a minimum 2:1 work to rest ratio (for every 2 hours of work or travel, provide 1 hour of sleep and/or rest). Work shifts that exceed 16 hours and/or consecutive days that do not meet the 2:1 work/rest ratio should be the exception, and no work shift should exceed 24 hours. However, in situations where this does occur (for example, initial attack), incident management personnel will resume 2:1 work/rest ratio as quickly as possible.

The Incident Commander or Agency Administrator must justify work shifts that exceed 16 hours and those that do not meet 2:1 work to rest ratio. Justification will be documented in the daily incident records. Documentation shall include mitigation measures used to reduce fatigue. The Excess Hours Log found in the Appendix Tool Kit of this handbook is an acceptable method of documentation. The Time Officer's/Unit Leader's approval of the Emergency Firefighter Time Report (OF-288) or other agency pay document, certifies that the required documentation is on file and no further documentation is required for pay purposes.

The work/rest guidelines do not apply to aircraft pilots assigned to an incident. Pilots must abide by applicable Federal Aviation Administration (FAA) guidelines, or agency policy if more restrictive.

12.7-3 - Rest and Recuperation (R&R). As a general rule, regular government employees and casuals are not guaranteed specific days of paid rest and recuperation within an emergency incident. ICs and Agency Administrators will utilize R&R to give personnel proper rest so they remain productive, physically capable, and mentally alert to perform their jobs safely.

1. Rest and Recuperation during Incident.

- A. The need for R&R at an incident during a 14-day assignment (excluding travel) is normally not necessary. R&R may be provided if it is determined that the individual's fatigue level may jeopardize safety and welfare.
- B. If the Incident Commander has determined that a longer than 14 day commitment is necessary (See Section 12.7-2), R&R guidelines of one full day (24 hours) in a 14 day assignment or two full days in a 21 day assignment should be applied.
- C. R&R can be provided at the incident, at another location, or at the home unit, upon return from the incident. The decision to implement R&R should be based on when the individual's last day off occurred, the fatigue level and incident work requirements.
- D. The IC is responsible for the R&R implementation standard for all agencies at incident base. The Agency Administrator is responsible for R&R implementation standard at support sites (e.g., Expanded Dispatch, Buying Team location, cache). Time spent in R&R shall not include travel time.

When facilities (including incident base or command post) are provided for R&R, time spent at these facilities by regular government employees and casuals is compensated only to that extent needed to complete the guaranteed hours (8, 9, or 10) for that calendar day. Do not record this on-shift time as specific clock hours for that day.

Record "R&R" in the hour's column on the Crew Time Report, SF-261, and the Emergency Firefighter Time Report, OF-288.

Home unit timekeepers shall record R&R time as base hours if the R&R occurs during the regular government employee's scheduled workdays, or as overtime hours if the R&R occurs during the regular government employee's normal days off.

Personnel assigned to an incident who return to their home unit for R&R are not compensated on their regular days off, including holidays. (See Section 12.5, Off-Shift Time.)

Personnel, who leave an R&R facility for personal reasons not related to R&R, rather than official reasons, are placed in off duty status. Record the total hours of R&R the individual actually spent at the facility.

Indicate on the OF-288 in the "Remarks" block when the individual was released for personal reasons. The home unit will charge leave if the regular government employee has not fulfilled the basic tour (such as 40-hour week, 36/44- or 35/45-hour week). Do not charge leave when a regular government employee is on overtime.

R&R facilities should provide the following where practical:

- A. Eight hours of uninterrupted sleep;
- B. Facilities for showering and washing clothes;
- C. Commissary or other sources to secure essential items;
- D. Access to a public telephone for personal calls; and
- E. Smoke free environment.

Casuals held at the incident may be provided R&R within these guidelines.

For regular government employees and casuals assigned to an incident at their home unit, refer to Section 12.5, Off-Shift Time.

2. Rest and Recuperation upon Return from an Incident. The IC or Agency Administrator may recommend that a regular government employee, upon return to home unit, be given R&R in lieu of providing R&R in association with the incident.

Base this recommendation on the fatigue level of the individual. The recommendation must be in writing and must be signed and dated by the IC, Agency Administrator, or other line officer having incident support responsibilities.

In accordance with 5 U.S.C. 6104, 5 CFR 610.301-306, and 56 Comp. Gen. Decision 393 (1977):

- A. The Agency Administrator or employee's supervisor should authorize R&R if presented with the written recommendation. R&R must occur on the calendar day/days immediately following the return travel and may be charged to incident funds (See Section 12.1-2).

- B. The Agency Administrator may authorize administrative leave in accordance with agency regulations if no written recommendation is provided. Administrative leave must occur on the calendar day/days immediately following the return travel and is charged to home unit funds.

Pay entitlement for rest and recuperation or administrative leave cannot be authorized on the individual's regular day off.

Home unit timekeepers will record R&R as base hours unless the R&R falls on the regular government employee's normal day off or a holiday. No pay is received on a normal day off; agency holiday pay regulations apply for the holiday. Home unit timekeepers will record administrative leave according to agency requirements. Casuals are not entitled to R&R or administrative leave upon release from the incident.

12.7-4 - Management Directed Days Off.

Supervisors must manage work schedules for initial attack, dispatch and incident support personnel during extended incident situations. During periods of non-routine or extended activity, these employees will have a minimum of 1 day off in any 21-day period. (State policies may be different and should be followed.)

This "minimum requirement" should be rarely needed since scheduled days off are normally given much more frequently during periods of routine activity.

Indicators of the need for a day off include long shifts, but equally important, the actual observation of the physical and mental condition of the employee. This is a critical responsibility of every manager and supervisor.

Required days off for all employees not assigned to an incident are non-compensable when they occur on the employee's scheduled day(s) off. Management directed day(s) off on an employee's scheduled workday(s) are considered excused absences and are compensable. Home unit timekeeper should record management directed days off as Administrative Leave and charge to home unit funds.