

CHAPTER 310: PERSONNEL

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311 RECRUITMENT

A. Cooperating Agencies

Recruitment of fire suppression personnel from cooperating rural fire districts, volunteer fire companies, fire service areas, municipal fire departments, and County, State, Tribal, and Federal agencies will be in accordance with pre-fire cooperative agreements, annual operating plans, mobilization guides, and mutual aid agreements. Summary listings of agreements currently in force are in the DNRC Fire Authorization - 200 Manual.

Land Offices may also complete local pre-fire arrangements for local government personnel and equipment. See Section 312, Subsection F (paragraph 3) of this manual for further information or the NRCG Chapter 50 supplement to the SIIBM for more information.

B. Hiring of Emergency Firefighters (EFFs)

Per MCA 76-13-104, DNRC may employ more personnel than are already on staff to protect the natural resources of the state. DNRC hires temporary employees (EFFs) as state employees without a competitive interview process and utilizes the EFF Pay Plan (see the NRCG Chapter 10 supplement to the SIIBM). EFF pay rates are determined by the nature of the EFF work assigned. While an EFF is considered a short-term worker, they are not bound by the 90-working day rule. An EFF is an individual hired of necessity to cope with a sudden and unexpected emergency, actual or potential (including Severity/Extended resources). EFF employment is uncertain or temporary in duration and shall terminate as soon as the emergency has sufficiently abated. Trust and responsibility are critical criteria for all DNRC incident personnel in dealing with wildfire command structure, agency cooperators, local governments, and the public. All DNRC personnel shall follow appropriate protocol and abide by applicable policies within the EFF Hiring Packet. This is especially true for personnel representing the State of Montana with other agencies, states, or counties.

Employment as an EFF is not guaranteed. While individuals may complete all necessary paperwork to be available as an EFF during a wildfire season, or an extension of the wildfire season, they are not employed, and are therefore not paid, until they are hired and work on an as-needed basis for a particular incident. EFF employment is sponsored for an individual wildfire or other hazard incident basis. Employment terminates when the EFFs work on the incident is complete. Hiring and dispatching EFFs for incidents impacts the limited resources at the DNRC offices that sponsor the EFFs, restricting how many EFFs can be sponsored at any given time. Generally, EFF sponsorship is looked at as to whether it is a benefit to DNRC or the incident management organizations that DNRC supports.

The DNRC local office is the Sponsoring Unit within the dispatch boundary where the EFF resides. The Sponsoring Unit has discretion whether or not to sponsor any EFF position. Not all persons seeking sponsorship will be sponsored. The

sponsoring unit will consider State and Local Government resource needs along with the local office's ability to manage the sponsored EFFs. No persons are guaranteed future EFF sponsorship regardless of previous sponsorship, since hiring of the EFF position is determined by the needs of DNRC.

NOTE: For non-emergency work (i.e. preseason work, meetings or training) personnel should be hired as short-term workers. Workers shall not be hired as EFFs for work that is NOT for a sudden and unexpected emergency, actual or potential.

Hiring procedures are put in place to ensure fair and effective hiring and management of temporary or casual employees (EFFs).

Hiring Circumstances:

1. To work directly in suppression of an ongoing incident.
2. To increase suppression capability during periods when fire danger is very high, or when conditions exist for rapid fire growth and when risks of fire occurrence are high.
3. To provide support for an ongoing incident, including pre and post-incident administration, and training.
4. To support active Incident Management Teams.
5. To support a Governor's Disaster Declaration.

Sponsoring Unit Responsibilities:

1. Manage certification and training records.
2. May annually issue an Incident Qualification Card, upon approval from the Sponsoring Unit's Qualification Review Committee.
3. Process appropriate time and travel documents for compensation.
4. Will consider and work with Local Government to identify their resource needs.
5. Will consider the needs of the state in identifying resource needs.
6. Will consider training and experience needs for local fire management.
7. Will decide whether or not to make an EFF available for assignment, depending on needs, conditions and/or ability to manage the personnel.
8. May agree to make an EFF available for a NR Incident Management Team commitment.
9. The Sponsoring Unit has the discretion whether or not to sponsor/certify any EFF position.
10. The Area or Unit Manager or designee has final authority to accept or reject any person hired under this plan.

EFF Responsibilities:

1. Provide the Sponsoring Unit appropriate training certification documents.
2. Maintain their current availability with their Sponsoring Unit.
3. Present complete pay and per diem documents to the sponsoring unit within 30 days of assignment completion, and certainly no later than 90 days, without prior authorization.

4. All contacts regarding pay or travel status must only be addressed through the Sponsoring Unit.
5. All contacts regarding employment concerns must only be addressed through the Sponsoring Unit.

Conditions of Hire:

1. Hiring occurs when a need is identified and at the request of an agency representative.
2. Employment for emergency operations begins at the point of hire when an individual is available to fill an established need. Employment ends at the point the EFF is returned to the point of hire or is no longer available. Point of hire is defined as the location of the unit where hiring documentation is completed.
 - a. All hours worked as an EFF must be recorded as either on-shift or off-shift. All on-shift time is compensable; all off-shift time is non-compensable.
 - b. On shift includes:
 - i. Time spent in travel status to the incident from point of hire, travel from the incident to point of hire, and related waiting time:
 - ii. Other travel necessary for the performance of work, such as from fire camp to fire line or between fire camps.
 - iii. Mandatory days off but held at incident.
 - iv. Ordered standby; and
 - v. Actual work
 - c. Off shift includes:
 - i. Time allowed for sleeping and eating when personnel are free from assigned duty; and
 - ii. Other periods when personnel are free from duty and are not in an ordered standby status. Ordered standby occurs when, at the direction of the agency representative, an EFF is held in a specific location fully outfitted and ready for immediate assignment.
 - iii. Mandatory days off.
 - d. EFFs that deviate from the normal travel route home are considered “no longer available” and are not entitled to travel time home nor to transportation provided by the government from the point the travel deviation occurs. (Travel documentation must be documented and attached to the EFF’s original time record [OF-288] for use by the payment unit. This documentation shall also be made part of the incident record.)
3. EFF pay rates are determined by the nature of the work assigned. See the NRCG supplement to Chapter 10 of the SIIBM for Montana EFF pay rates. Length of service and/or additional qualifications are not used to determine pay rates. Occasional or infrequent duties at a higher level do not justify a change in pay rate.
4. All transportation required from point of hire until return to point of hire will be at government expense, except as stated in 2 d. If an EFF terminates, pay will be stopped at that time. The hiring unit will decide whether or not the government will provide return transportation and if the EFF will be paid for travel time back to the point of hire.

5. For all state employees, which includes EFFs, meal periods should be applied in accordance with the NRCG supplement to Chapter 50 of the SIIBM.
6. State and federal taxes are deducted from EFF gross earnings and state unemployment insurance is paid by the state. FICA (federal social security) taxes are not deducted from EFF earnings.
7. EFFs are not entitled to sick or annual leave and are not required to participate in the state retirement plan, unless already enrolled in PERS through another means such as prior or current employment with another state agency, and then participation becomes mandatory.
8. EFFs may be eligible for medical benefits if hours worked are in excess of 1,040 annually, including overtime hours.
9. EFFs are covered under MT Workers Compensation Insurance.
10. If an incident commissary is available, EFFs are granted commissary privileges on a cash-only basis, in accordance with instructions in the SIIBM.
11. EFFs earn overtime on work performed for more than 8 hours in a calendar day and greater than 40 hours in a week. Though time is kept on the OF-288, overtime will not be computed on an incident; it will be figured when EFF time reports are processed by DNRC Payroll.
12. EFFs are not entitled to hazard pay or any other pay differentials. The exception to this is for those specially trained employees or EFFs working in the Operable Unit 3, which is the asbestos area near Libby Montana, for which hazard pay is authorized.
13. EFFs are eligible for one day of paid R&R upon return home from an incident per the Work/Rest and Work-Length Policy, policy P-DNRC-HR-50. If the IC on an incident feels it is warranted, it may be provided by the incident prior to demobilization, otherwise R&R must be managed by the area or unit office upon return home from an incident.

Criminal Convictions:

DNRC should follow the procedure below when evaluating whether to sponsor and/or hire an EFF when DNRC management either knows or has reason to believe an individual has a criminal conviction.

1. Alleged convictions of potential EFFs must be evaluated on a case-by-case basis.
2. When DNRC management becomes aware of the potential existence of a criminal conviction for an individual that seeks to be sponsored by DNRC or seeks to complete the EFF hiring paperwork, management shall contact DNRC legal staff. Together, DNRC management and legal staff will seek to obtain all relevant information regarding the conviction(s) including, but not limited to, court documents and investigations.
3. DNRC will obtain relevant information regarding the potential EFF's qualifications, the type of position(s) the individual seeks, and the duties of that position(s).
4. DNRC management in consultation with DNRC legal staff will evaluate whether the nature of the conviction could negatively impact, detract from, or compromise

DNRC's wildfire-suppression mission, both in-state and out-of-state, if the EFF were to be hired into the position sought or sponsored in IROC. DNRC will also comply with any applicable requirements or policies regarding the hiring of EFFs in making its decision on sponsorship in IROC and/or hiring. The Chief of the Fire Protection Bureau will be notified when decisions are made under this policy.

5. DNRC management will inform the potential EFF of the DNRC's decision in writing.

C. Employment of Personnel 16 To 18 Years of Age and State of Montana Retirees

1. Employment of Personnel 16 to 18 Years of Age

Employment of Emergency Firefighters (EFFs) between the ages of 16 and 17 *shall only be used if absolutely necessary* for the successful completion of incident operations, such as for fire camp duty. These EFFs will not be involved in actual firefighting or work activities that are considered hazardous.

Emergency Firefighters must be 18 years old at the time of hire to participate in any type of fire line activity. This includes the hiring of Local Government Fire Forces (LGFF) on a contracted basis.

2. Employment of State Retirees

Retired State of Montana employees may be employed as EFFs, subject to the following conditions:

- a. A retiree must be retired at least 90 days and receive one benefit check before accepting a PERS-covered job.
- b. The law imposes some limits on working retirees depending on your age.
 - 960 hours of employment if you are less than age 65.
 - 960 hours or an earning limit if you are age 65 or older.
 - No earning limit will apply to any retiree who is age 70½ or older.
- c. The limits apply to each calendar year, and the MPERA will only reduce your benefit when you exceed the limit.
- d. There are no legal restrictions on the type of EFF duties to be assigned, provided the retiree is physically and otherwise qualified.
- e. Regular EFF employment procedure, rates of pay, timekeeping, worker's compensation, and other procedures apply.

Additional information can be found in the Montana Public Employee Retirement Handbook, available in state agency personnel offices or at the following website: <http://mpera.mt.gov/MEMBERS/Member-Handbooks>.

D. Emergency Firefighter (EFF) Employment Forms

Information and forms are located at: <http://dnrc.mt.gov/divisions/forestry/fire-and-aviation> or they may also be found at: <https://portal.dnrc.mt.gov/directors-office/human-resources/hiring-packets>. A list of required forms is also listed in the NRCG Chapter 50 supplement to the SIIBM, Section 01.3-5 Hiring Documents.

E. Ordering Procedures

Ordering procedures for both cooperating agency personnel and EFFs will be as described in the DNRC Wildland Fire Suppression - 900 Manual, Section 920-Dispatch/Coordination Channels. This manual can be found at the following website: <http://dnrc.mt.gov/divisions/forestry/fire-and-aviation/resources/manuals>.

312 PAY PROVISIONS

A. Work/Rest and Work-Length Policy, Travel and Per Diem Guidelines, Meal Policy Guidelines, Rental Vehicles, Cell Phone and Electronic Device Guidelines

1. Work/Rest and Work-Length Policy for Fire Suppression and All-Hazard Assignments

The DNRC internal policy can be found at the following website: <https://portal.dnrc.mt.gov/policies>

2. Travel and Per Diem Guidelines:

DNRC employees engaged in wildfire firefighting operations may be eligible for fire meals. Under special circumstances, fire meals may be provided and/or reimbursement of the actual cost of a fire meal (not to exceed approved fire meal rates) may be allowed prior to food and lodging being provided by the state. This may be an instance where a camp has yet to be set up or perhaps, extensive work shifts with no meal breaks, or traveling to an incident, or providing rest and recuperation in place. These special circumstances must be approved by the host agency.

Lodging for personnel at motels and providing meals at restaurants can be handled via pre-determined agreements, instead of per diem forms. Motel allowances per individual shall not exceed the current acceptable state rate plus tax; and in high cost cities variable rates plus tax. Exceptions must be justified on the *Request for Reimbursement of Lodging at Actual Cost* form. This form is available at the following website: <http://dnrc.mt.gov/divisions/forestry/docs/fire-and-aviation/business/forms/requestlodgingreimbursment.pdf>.

Some federal personnel (smokejumpers) may request per diem accommodations in lieu of state fire camp facilities; DNRC does not provide these arrangements. If these crews stay at facilities other than those provided by DNRC, they do so at their own expense.

The DNRC Travel Policy with per diem rates for Montana is available at the following website under Travel Forms and Information:
<http://dnrc.mt.gov/divisions/forestry/fire-and-aviation/fire-business/forms-and-information>.

Travel home for DNRC employees during personal emergencies is an allowable expense but must be approved by the immediate supervisor and follow all existing DNRC purchasing procedures.

Miscellaneous travel expenses such as baggage fees, parking fees etc. are reimbursable via a Travel Expense Voucher, with a receipt attached for the expense.

Travel to foreign countries:

Out of Country meal and lodging allowance guidelines are established in Section 2-18-501(2), MCA. Reference the applicable State Employee Travel Policies at the following website: <http://doa.mt.gov/employee-travel>

Out of country travel expenses are reimbursed at United States Department of State maximum travel per diem allowances for foreign areas when receipts are provided with the travel expense voucher. These rates can be found at the following website: https://aoprals.state.gov/web920/per_diem.asp

3. DNRC *In State* Meal Policy Guidelines:

The following guidelines for meals purchased within the State of Montana are pursuant to department policy resulting from House Bill 411 (HB411) in the 2011 Legislature. The language is contained in Montana Code Annotated (MCA) 2-18-501. This law is effective as of the April 21, 2011, signing date.

MCA 2-18-501. Meals, lodging, and transportation of persons in state service. *All elected state officials, appointed members of boards, commissions, or councils, department directors, and all other state employees must be reimbursed for meals and lodging while away from the person's designated headquarters and engaged in official state business in accordance with the following provisions:*

(10) When the actual cost of meals exceeds the maximum standard allowed pursuant to subsection (1), the department of administration may authorize the actual cost of meals for firefighters.

(11) For the purposes of implementing subsection (10), the following definitions apply: (a) "Firefighter" means a firefighter who is employed by the department of natural resources and conservation and who is directly involved in the suppression of a wildfire in Montana. (b) "Wildfire" means an unplanned, unwanted fire burning uncontrolled and consuming vegetative materials."

In addition to the legislation in 2011, guidance is granted by Montana Code Annotated 76-13-104: (2) (a) *The department shall adopt rules to protect the natural resources of the state, especially the natural resources owned by the state, from destruction by fire and for that purpose, in declared emergencies, may employ personnel and incur other expenses when necessary.*

The intent of providing meals to personnel is to ensure the health, safety, welfare and availability of fire personnel for rapid dispatch to and support of a wildfire incident. For those personnel involved in fire suppression efforts within the State of Montana, a fire meal rate applies; this is defined as a "fire meal".

The In State Fire Meal Policy Guide can be found under Fire Finance Info & Forms at the following website: <http://dnrc.mt.gov/divisions/forestry/fire-and-aviation/fire-business/forms-and-information>.

- In general terms, if a Procard is used for payment, an **itemized** receipt and a Restaurant Authorization Form are required when purchasing meals using the fire meal rates. The cost of the individual fire meal (breakfast, lunch or dinner) cannot exceed the meal rate established for the individual meal. Any amount over the established fire meal rate must be paid out of pocket by the employee at the time of purchase.
- If personal money is used for payment, reimbursement will be made at actual cost *up to* the fire meal rates; an itemized receipt is required and must be attached to a Travel Expense Voucher. Example: actual breakfast meal receipt is \$9.00, allowed fire meal rate is \$10.00, reimbursement will be \$9.00. If no itemized receipt is included, normal per diem rates apply.
- Fire meals are the **only** meals that can include a gratuity that is not paid out of pocket to the vendor. A gratuity is allowed for meals served in a restaurant and for restaurant prepared take-out meals, including Sack Lunches if applicable. The maximum gratuity allowed is 15% unless it is clearly stated on the menu that large groups are charged a higher mandatory rate.

Meals/allowable rates:

<u>RATES</u>	
FIRE MEALS FOR PERSONNEL INVOLVED IN FIRE SUPPRESSION EFFORTS	
<u>In State</u>	
Breakfast	\$ 10.00
Lunch	\$ 11.00
Dinner	<u>\$ 15.00</u>
	\$ 36.00

Rates are exclusive of gratuity.

- ✘ Fire meals may be provided when personnel are involved in the suppression of an **ONGOING** wildfire.

Agency Provided Meals may be provided for personnel when the situation is such that:

1. It is necessary to hold personnel in close proximity to be immediately available for rapid dispatch to, or support of, anticipated new fires (such as when staffing under Severity/Extended Resource authorization). Fire supervisors must verify the probable need to use the personnel prior to their next shift.
 - ✘ **Severity/Extended Resources and Re-assignment**
For scheduled shifts exceeding 10 hours when personnel are being kept past their normal duty day, one fire meal may be provided. Additional meals may be provided for those resources that are kept or held under the direction of the state for the duration of their assignment.
2. Personnel that cannot be relieved of duty for a meal break, mealtime is uncertain, or work shift exceeding 10 hours when employees are working past their normal duty day.

Personnel involved in the fire mop-up, patrol, and support activities, **AND** who are operating out of their normal duty station daily, do not qualify for meals unless covered under A and B above. Personnel are expected to provide their own meals on any given normal work day.

3. During travel to and from wildfire incidents, and/or personnel are requested as “self-sufficient”. The requirements of Travel Status, as defined in the State Employee Travel Policy, must be met.

Examples of Agency Provided Meal situations:

Meals served in fire camp – State Operated Kitchen, Caterer, etc.

- Paid at actual cost via OF-286 Invoice.

Sack lunches, MRE’s, etc., served on the fireline to suppression personnel.

- Paid at actual cost with a Procard or Vendor Invoice.

Meals contracted for at local restaurants, either served in or taken out.

- Payment method is Procard or Vendor Invoice.
- A Restaurant Authorization Form naming each individual receiving a meal is required (see Appendix for an example.) The form can be found under Fire Finance Info & Forms at: <http://dnrc.mt.gov/divisions/forestry/fire-and-aviation/fire-business/forms-and-information>
- If names are not available (i.e. IA resources being dispatched) provide a comment/justification on to whom the meals are intended for on the bottom of the form.

Meals prepared for personnel at their normal duty station rather than sending personnel to a local restaurant. The total cost of groceries is not to exceed the fire meal rate x the number of people approved to receive agency provided meals.

- Payment method is Procard or Vendor Invoice.
- A Restaurant Authorization Form naming each individual receiving a meal is required (see Appendix for an example.) The form can be found under Fire Finance Info & Forms at: <http://dnrc.mt.gov/divisions/forestry/fire-and-aviation/fire-business/forms-and-information>
- If names are not available (i.e. IA resources being dispatched) provide a comment/justification on for whom the meals are intended on the bottom of the form.

Meals purchased during travel. When traveling to/from a wildfire assignment, or when ordered self-sufficient by the incident, individual meals may be purchased by personnel when the situation is such that:

- a) The incident has not provided meals, **and**
- b) The requirements of Travel Status as defined in the State Employee Travel Policy are met.

Individuals may dine in or take out from restaurants; or may purchase food items at grocery stores if they wish to prepare their own meals. The total cost of the meal/food items is not to exceed the fire meal rate allowed for that meal. Meal rates are in effect from the time travel begins to when travel concludes and personnel return to the home unit.

- If payment method is Procard: A detailed receipt is required and a Restaurant Authorization Form naming the individual receiving the meal is required for each meal (see Appendix).
- If payment method is personal money (out-of-pocket): The employee will be reimbursed at actual cost *up to* the fire meal rate established for the meal; an itemized receipt is required and must be attached to the Travel Expense Voucher. If itemized receipts are not provided for reimbursement, the employee may only claim the standard state per diem meal rate on the Travel Expense Voucher.

4. DNRC *out-of-state* fire assignment meal policy guidelines:

Meals for out-of-state fire assignments are pursuant to the travel policy for the State of Montana, with one exception; a Procard may be used to purchase meals and a 15% gratuity may be authorized. Out-of-State meal rates shall apply for the entire travel period, from the point of departure (i.e. home unit, airport etc.) to return to the point of departure and should not be mixed with in-state or fire meal rates.

The Out Of State Fire Meal Policy Guide can be found under Fire Finance Info & Forms at: <http://dnrc.mt.gov/divisions/forestry/fire-and-aviation/fire-business/forms-and-information>.

Additional travel policy information can be found at <https://sfsd.mt.gov/SAB/EmployeeTravel>.

5. Cell Phone and Electronic Devices, and Rental Vehicle Guidelines:

These items are not authorized unless requested by the host agency and noted in the Special Needs or Documentation section of the resource order by the Geographic or Zone Interagency Dispatch Center.

a. Cell Phone and Electronic Devices

Authorization is provided for damage and/or repair/replacement and is not meant for billing normal usage charges. Cell phone overage charges due to international incident usage may be reimbursed with appropriate backup documentation.

If an individual has approval to bring a cell phone and/or an electronic device, and it is subsequently damaged, the individual must follow the claims process and obtain an “S” number for repair/replacement reimbursement.

Claims for damages/loss need to be pursued through established procedures. See chapter 370 of this manual for guidance.

b. Rental Vehicles

Rental cars should not be used unless approved and provided for by the host agency. Off-road rental vehicles must be ordered through dispatch.

In the Northern Rockies region, DNRC line going personnel may be issued off-road vehicles from rental car companies that have participated in the DNRC Off-Road Vehicle Solicitation. The intent of the DNRC Off-Road Rental Vehicle Solicitation is to provide off-road vehicles to meet operational line resource needs within this region. The solicitation will not be used to obtain vehicles for general transportation and travel.

Dispatch may also acquire rental vehicles through the NERV BPA; a rental vehicle agreement solicited by the Forest Service and available nationally. Specific guidelines for use within the Northern Rockies region can be found at: <https://drive.google.com/file/d/1RYKC4dlipuPgLHEVZQoiCagF0XV87bBB/view>

If a rental vehicle is needed for on-road/paved road transportation use, the dispatch center/employing agency will arrange for a rental vehicle appropriate for the position filled and pay via agency procurement methods.

In the case of a DNRC Direct or County Assist incident, the line officer must approve all rental vehicles. Rental vehicle usage may not be reimbursed on a billable incident unless there is a resource order and each vehicle has its own “E” number.

Rental vehicles must be demobed and closed out with Finance at each incident. There should not be any carry over between incidents. Make arrangements through the ordering dispatch center for transportation to and from an incident.

See the NRCG Chapter 10 supplement to the SIIBM for additional guidelines on vehicle use. This is listed under Travel.

6. Luggage Guidelines:

- a. Additional luggage fees incurred for airline travel is an approved reimbursable expenditure covered in the *Montana Cooperative Wildland Fire Management and Stafford Act Response Agreement (2017-2021)*, Appendix D Section IV.

B. State of Montana Other Than DNRC

1. Montana National Guard (MTNG)

- a. National Guard will only be used when activated by executive order of the Governor. The Montana National Guard is a state resource and will be ordered through DNRC channels for all incidents including federal support.

All requests for MTNG support will go through the DNRC Direct State Fire Coordinator at the Northern Rockies Coordination Center (NRCC), Missoula. The DNRC State Direct Fire Coordinator will contact the Disaster and Emergency Services (DES) on-duty officer. DES will then contact the Governor's office, and the Governor's office will issue an executive order proclaiming a state of emergency. Use and coordination of MTNG equipment and personnel will be managed through the usual channels.

The state of emergency will be based on one or more counties specified in the executive order proclaiming an emergency or disaster. See executive order examples in the Appendix of this manual. A state of **emergency** may not continue for longer than 20 days unless continuing conditions of the state of emergency exist, which must be determined by a declaration of an emergency by the President of the United States (see MCA 10-3-302). A state of **disaster** may not continue for longer than 30 days unless continuing conditions of the state of disaster exist, which must be determined by a declaration of a major disaster by the President of the United States (see MCA 10-3-303). Use of National Guard Armories and Fort Harrison does not require a declaration of emergency.

For more information, see Montana National Guard/Montana DNRC Memorandum of Agreement in the DNRC Fire Authorization - 200 Manual or the DNRC Fire Protection, Fire Business website at:
<http://dnrc.mt.gov/divisions/forestry/fire-and-aviation/fire-business/agreements-plans-and-guides>

- b. National Guard Pay and Allowances

Pay rates and allowances for use of the Montana National Guard are outlined in Annex C, D, and E of the Memorandum of Agreement between the Montana Department of Military Affairs (DMA), Montana National Guard, and the Montana Department of Natural Resources and Conservation, Forestry Division.

- c. Payroll and Per Diem Procedures for Montana National Guard

All time is kept by the MTNG designated member and copies will be forwarded to the DNRC Forestry Division Office Fire Finance & Incident Business Supervisor. Mark any timekeeping documents clearly as National Guard and

include military rank of individual. Montana National Guard personnel are paid a daily rate.

Crew Time Reports or similar forms shall be utilized on all FEMA declared incidents.

NOTE TO INCIDENT FINANCE OFFICERS: National Guardsmen may be granted commissary privileges on a cash or credit card basis.

Travel per diem is reimbursed according to State of Montana rules and regulations.

d. Reimbursement

The DMA will bill DNRC for all federal and state supported fires. DNRC reimburses DMA through a No-Warrant Transfer of Funds, and then DNRC bills the federal agencies for the support to their fires.

2. Montana Department of Corrections (Inmate Fire Crew)

For more information, see the Montana Department of Corrections/Montana Department of Natural Resources and Conservation Agreement (DOC/DNRC) Annual Operating Plan in the DNRC Fire Authorization - 200 Manual. The Operating Plan can also be found at: <http://dnrc.mt.gov/divisions/forestry/fire-and-aviation/fire-business/agreements-plans-and-guides>

Additional information is provided in the NRCG Chapter 50 supplement to the SIIBM.

3. Other Montana State Agencies

Employees of other Montana State agencies may be utilized by DNRC to assist on DNRC fires in one of two ways: **“Reimbursement basis”** and **“On Loan”**.

a) Reimbursement basis: DNRC will only reimburse another Montana State agency for the overtime of an individual, travel expenses, and pre-authorized items (i.e., supplies and materials), unless they have been approved and are “on loan” to DNRC.

- Record all DNRC incident work time on the Crew Time Report (CTR) or Emergency Equipment Shift Ticket for the other agency individual and/or equipment. Mark the timekeeping documents clearly with the other agency name and home office address.
- At the conclusion of the DNRC assignment, the completed and approved original Incident Time Report (OF-288) or Emergency Equipment Use Invoice (OF-286) (which could be used if the other agency has no regular

equipment use reporting system) shall be given to the other agency official for further processing within the other agency. The DNRC Forestry Division must advise the other agency official that the other agency must bill DNRC Forestry Division in Missoula for any personnel overtime (NOT base time) and/or equipment use charges at the other agency's appropriate regular rates, using the DNRC timekeeping forms provided.

b) On Loan: Employee(s) that are “on loan” should not take paid leave from their home agencies. The agency director of the employee(s) on loan should send an email to the DNRC Director approving the employee(s) loan. The loaned employee(s) would go on the payroll of DNRC at their current rate.

See the Montana Operations Manual, Category: Accounting, Title: 317 Disaster and Emergency Expenses; effective date 7/1/2005, revised 3/1/17; Section IV. General Information and Section VI. Request for Reimbursement. The document is located at <http://mom.mt.gov/default.mcp>. Click on “Click Here to Access the Montana Operations Manual”.

- “On loan” employees must be authorized by their home Agency Director. DNRC Financial Services Office (FSO) will request the authorization from the home Agency Director of the employee(s) on loan if DNRC FSO has not already received a letter and/or e-mail.
- “On loan” employees must complete the EFF Hiring Packet with the hiring Land/Unit office. On the “Emergency Firefighter Employment Form,” complete the “Current or Past State Employee Information Section.” The Land/Unit office will submit the completed original EFF Hiring Packet to the DNRC Payroll office.
- Record all DNRC incident work time on the combined DNRC Emergency Personnel & Equipment shift ticket, Crew Time Report (CTR) or Emergency Equipment Shift Ticket for the other agency individual and/or equipment. Mark the timekeeping documents clearly with the other agency name and home office address.
- At the conclusion of the DNRC assignment or end of each pay period, whichever comes first, the completed original and approved EFF Time Report (OF-288) will be submitted by the Land/Unit office to the DNRC Payroll Office.

DNRC Payroll Office will contact the home agency payroll contact person of the loaned employee to get the current rate of pay and a copy of their home agency timesheet(s) (if applicable) for the pay period(s) they have worked for DNRC. The DNRC Payroll staff will submit the loaned employee's time in the SABHRS payroll module under DNRC and charge to the appropriate DNRC SABHRS fire or incident number for all expenses related to the

incident for the individual on loan. Payroll expenses will be recorded under DNRC at the employee's current rate of pay, using the Incident Time Report OF-288 form provided.

C. Federal Personnel and Employees from Other States

1. General

In general, the salary or wages of federal personnel, including emergency firefighters hired by federal agencies for DNRC use (e.g., Native American Crews and others) are billed to DNRC by the sending federal agency under the provisions of existing cooperative agreements (see Chapter 350 of this manual). Federal billings are at the actual cost to the sending agency for compensable travel and work time, including premium pay if and when premium pay is earned, under the policies, laws, or rules governing the employees of the sending agency.

Most federal agencies which are involved in wildland management; and therefore, likely to cooperate with DNRC in fire suppression, comply with the policies and practices in the NWCG Standards for Interagency Incident Business Management handbook and the Montana Cooperative Wildland Fire Management Agreement, commonly referred to as the 6 Party Agreement.

DNRC Line Officers, Incident Business Advisors, and fire fiscal personnel should therefore, be aware of the provisions of the SIIBM and the 6 Party Agreement, since these provisions generally govern federal employees on DNRC fires, and accordingly govern the federal billings later presented to DNRC for payment.

Find these agreements online at: <http://dnrc.mt.gov/divisions/forestry/fire-and-aviation/fire-business/agreements-plans-and-guides>.

2. Other Fire Protection Agency Employees

Employees of other fire protection agencies may be dispatched by cooperating federal agencies or under State agreements to DNRC fires. These imported resources can appear under very different employment terms and conditions, depending on the agreement with the sending unit.

D. Montana Counties

1. Cooperative Counties

Detailed guidelines are provided in the DNRC Wildland Fire Suppression - 900 Manual, Section 935 and the NRCG Mobilization of Local Government Firefighting Resources (MLGFF) manual. County crews and equipment as well as other units of county government, including adjacent counties under cooperative mutual aid agreement with the county experiencing the fire, will be

counted as part of a county's commitment to the incident. Under guidelines in the MLGFF, county forces should be utilized where practical, before private assistance is hired onto the fire.

DNRC may hire county forces as EFFs from the county experiencing the fire as per guidelines in the MLGFF and the NRCG Chapter 50 supplement to the SIIBM. The decision to hire and the specific details for that hire will be made at the DNRC land office/unit level.

E. Rural Fire Districts, Volunteer Fire Companies, Municipal Fire Departments, and Fire Service Fee Areas

1. Within Cooperative Counties:

Detailed guidelines are provided in the MLGFF and the NRCG Chapter 50 supplement to the SIIBM.

All counties within the state of Montana are considered cooperative counties. County Cooperative Fire Agreements are agreements between the State of Montana and counties, and normally encompass rural fire districts, fire service areas, volunteer fire companies, and municipal fire departments.

Rural fire districts, fire service areas, and municipal departments are their own legal entities however and may have separate agreements (see below) with DNRC direct protection units. Any rural fire district, volunteer fire company, municipal fire department, and fire service fee area activities will be considered by DNRC as a county activity.

A local DNRC unit or area office may, at its discretion, hire local government fire force personnel within their legal jurisdiction and pay for their time commencing 24 hours (unless otherwise stated in an agreement or Annual Operating Plan) after the first initial attack resources are dispatched. To qualify for this, local government forces must be fully committed and have exercised local mutual aid resources. See NRCG Chapter 10 supplement to the SIIBM, Exhibit NR1 – MT DNRC EFF Pay Plan, for the current ICS positions and EFF pay rates.

Local government fire equipment will not be hired within legal jurisdiction but approved operating supplies such as fuel, oil, and foam may be covered.

Local government equipment operating outside of its legal jurisdiction may be hired using the rates found in the NRCG Chapter 50 supplement to the SIIBM.

2. Within DNRC Direct Protection Areas:

Outside of cooperative county protection and within established rural fire districts, municipal fire departments, fire service fee areas, DNRC or its federal

fire protection contractors (acting through DNRC) may enter directly into cooperative agreements with rural fire districts, volunteer fire companies, municipal fire departments, and fire service fee areas. Any payment for such services will be as described in the appropriate agreement (reference Chapter 350 of this manual).

F. Local Government Fire Forces

Local government fire department personnel may be hired as EFFs. The pay grade shall be specified on the EFF Time Report (OF 288) according to the NRCG Chapter 10 supplement to the SIIBM, Exhibit NR1 – MT DNRC EFF Pay Plan. Local government fire department personnel hired as EFFs will be covered by worker's compensation insurance which is paid by the employer (DNRC).

LGFF personnel must be 18 years old at the time of hire to participate in any type of fire line activity.

Fire departments may elect to contract their personnel and equipment, which is acceptable, but departments must provide all employee coverage such as worker's compensation insurance, payroll taxes, etc. Backfill and administration costs are not allowed and therefore will not be reimbursed.

See the NRCG Chapter 50 supplement to the SIIBM, and/or the NRCG Mobilization of Local Firefighting Resources for options in hiring local government firefighters and equipment.

313 TIMEKEEPING

See the NWCG SIIMB, Chapter 10, Personnel Timekeeping/Recording section for timekeeping procedures.

The Crew Time Report (CTR) or the combined DNRC Emergency Personnel & Equipment shift ticket is typically completed by the Engine Boss or Crew Boss in charge, and then reviewed and approved by the next level of supervisor. CTRs may also be completed by a single resource and reviewed and approved by the supervisor. Crew members listed on the shift ticket are responsible for reviewing those hours to ensure accuracy before they are approved and submitted for posting to the OF-288. There is no location on the shift tickets for individual signatures.

When the individual or crew member is unavailable for final signature on the OF-288 due to initial attack or return to school, etc., and every attempt has been made to secure that signature, it is perfectly acceptable to note in the signature block "not available for signature" to expedite that pay document. In no case should the OF-288 be held up for payment unless there are gross errors present.

The Time Unit or agency Timekeeper approval of the OF-288 certifies that the required documentation, i.e. an approved CTR or DNRC Combined Shift Ticket, is on file and no further documentation is required for pay purposes.

A. Common Timekeeping Problems

The following are common timekeeping problems:

1. Landowners and Local Residents on the Line When Crew Arrives

Landowners and local residents often go directly to a fire when they see smoke and are on the line when regular crews arrive. If the line officer makes a decision to pay these cooperators, their time needs to be verified by the responsible official. These individuals must report to the Time and Equipment Recorders in the Finance Section when they come off the line. If placed into pay status, an EFF hire packet must be completed, and their time/hours worked must be recorded on the appropriate shift ticket and approved.

2. Resources Moving from One Fire Camp to Another on Same Fire

Some incidents may grow so large that several camps are established with resources checking out of one camp and into another. There may or may not, be a Finance person working at the secondary camp. If the secondary camp is within a reasonable driving distance, Finance may send a person on a daily basis to pick up the shift tickets.

If the camp is located beyond a reasonable distance, it will be very important that the Finance and Operations sections work together to ensure that individual time reports (crew time reports – CTRs), as well as any Equipment Shift Tickets or the combined DNRC Emergency Personnel and Equipment shift tickets, are collected and delivered to the Finance group for processing in a timely manner. This would also include shift tickets for any contract equipment under hire.

In some cases, a separate Finance group may be set up in the second camp to facilitate the collection and processing of crew time reports and equipment shift tickets. The two Finance groups will work together to ensure accurate and timely processing.

3. Resources Moving from One Fire to Another Fire within Area of DNRC Responsibility

Ideally, all resources on an incident should be formally demobilized, and follow those demob procedures; closing out with each individual section before leaving an incident for another one. This ensures that all Time reports are reviewed and processed appropriately, and any accountable property is returned, etc.

When those same resources are being sent to a subsequent incident, the current Time Unit should close out the current Time reports when that resource is to leave the incident (Departure-12:00). A new time report would then be started with that same departure time (Start Time-12:00) that would then be taken to the next incident by that resource. Travel time from one incident to the next is to be paid by the receiving incident.

Original time reports would then be returned to the hiring Land or Unit office as normal.

4. Resources Moving Outside the Area of DNRC Responsibility

Organized crews of Emergency Firefighters are normally paid at the conclusion of their DNRC firefighting assignments. Finance Section Chiefs and Time Unit Leaders need to be aware of the arrangements made with the crews well in advance of moving any of them to another fire. When crews are being sent to another fire outside areas of DNRC responsibility, their time reports are to be closed out and originals transmitted to the resource's home unit for payment processing. Do not send these DNRC time reports to the other agency fire. New resource time reports are started at the new assignment.

5. Armed Forces Members

There are no legal restrictions for DNRC EFF employment of active-duty members of U.S. Armed Forces. Such employees must be physically and otherwise qualified for any EFF duties they may be assigned.

Note: There is a federal prohibition against federal (not DNRC) EFF hire of active duty members of U.S. Armed Forces.

6. Vacating Job Without Notice

Occasionally an employee will check out for work on the line and will vacate the job without bothering to check back through the Time Recorder. Review all time reports with sufficient frequency so that all cases of disappearance can be checked without undue delay. The possibility always exists that a long overdue employee was hurt and is still out on the fire line. An investigation may save his life. Report all suspected cases to the supervisor.

314 COMMISSARY

See the NWCG SIIBM, Chapter 10 for guidance. Currently there are no national contracted commissaries.

315 COMPENSATION FOR INJURY

Procedures covering state employees, to include local government forces hired as EFFs, on both state and federal fires are described in the NRCG Chapter 10, Exhibit NR3, and the Chapter 50 supplement to the SIIBM. See the DNRC Fire Protection, Fire Business website for a link to First Report of Injury form and instructions:

<http://dnrc.mt.gov/divisions/forestry/fire-and-aviation/fire-business/forms-and-information>

See also the Supervisor's Incident Investigation Report form in the Appendix.

Procedures covering employees of cooperating federal agencies used on DNRC fires are described in Chapter 10 of the NWCG SIIBM. Guidance is also available on the NRCG Business Committee website. See the document titled, "OWCP Guide" in the Incident Business Toolbox:

<https://gacc.nifc.gov/nrc/nrcg/committees/business/toolbox/toolbox.htm>