



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 15-0320, Version: 1

REPORT TO COUNCIL

SUBJECT

Adopt a Resolution for Reimbursement of Response Costs under the California Fire Assistance Agreement

BACKGROUND

The California Office of Emergency Services, the State of California Department of Forestry and Fire Protection, and various Federal Fire Agencies responsible for providing wild land fire protection for federal lands have operated for approximately 64 years under the California Master Mutual Aid Agreement, with the purpose of coordinating resources of Federal, State and local agencies (Mutual Aid Providers) to effectively respond to wild land fires and other emergencies.

The California Fire Assistance Agreement (CFAA) governs the operational and administrative protocols that enable local agencies to deploy personnel, fleet, and apparatus to emergency operations throughout the state and receive reimbursement for costs associated with their support.

The City of Sunnyvale Department of Public Safety has participated as a Mutual Aid Provider since the inception of this program. In order to adequately recover the costs of deployment of its personnel and equipment, the Department of Public Safety performs an annual review of existing budgeted rates for personnel, and calculates the effective rate for each class of employee to be utilized in an event ("Average Actual Rates"). CFAA requires that those Average Actual Rates be on file with the Office of Emergency Services ("Cal OES").

On January 23, 2015, Cal OES notified all Mutual Aid Providers in the State of California that the CFAA Committee had performed both a 5 year review of the recitals portion of the CFAA as well as an annual review of its exhibits. An overhaul of the rates, methodologies and formulas of the agreement took effect on January 1, 2015.

The newly crafted Exhibit A of the CFAA (page A-5, Clause A-15 "Formula for Suppression Personnel Using Average Actual Rates") specifies the formula for reimbursement of any personnel dispatched to an incident. There are two variations of the formula used for reimbursement calculations: one allows an agency to claim all hours, portal to portal; the other only allows reimbursement for actual hours at the site of the incident. In order to claim "portal to portal" hours, a Mutual Aid Provider must submit an MOU/MOA or governing body resolution that substantiates the agency's employee compensation policy as portal to portal.

EXISTING POLICY

Department of Public Safety employs 201 sworn personnel who are compensated under the City Salary Resolution. Additionally, a Memorandum of Understanding is in place between the City of Sunnyvale and the Sunnyvale Public Safety Officers Association (PSO and Lieutenant); Management

level employees (Deputy Chiefs and Captains) are compensated under a Memorandum of Understanding ("Manager's Agreement") between the City of Sunnyvale and the Public Safety Managers Association; a Memorandum of Understanding between the City of Sunnyvale and the Communications Officers Association (COA) governs the compensation of Public Safety Dispatchers; and a Memorandum of Understanding between the City of Sunnyvale and the Sunnyvale Employees Association (SEA) governs the compensation of Equipment Mechanics.

The City of Sunnyvale Salary Resolution defines how overtime is calculated under "4.020. OVERTIME COMPUTATION. Overtime, when applicable, shall be paid at the rate of 1½ times the straight-time rate, except as otherwise provided for in an applicable MOU or herein." Additionally within section 4.03.03 OVERTIME PAY "or an employee in Category C on tour of fire duty has worked more than 24 hours of fire tour duty shall be entitled to overtime pay."

The Department of Public Safety maintains a Department General Orders Manual that defines department policy with regard to personnel administration matters. In Chapter 6, Section 6.2.09, instructions regarding the submission of time cards for overtime require that an employee prepare and submit a time card that includes "Time beginning and ending (each activity)."

Under Section 12.07 of the Public Safety Manager's Association Agreement, policy referring specifically to deployment states:

"As an example, an employee who is deployed for 7 days on an out-of-county wild land deployment would receive additional pay, at 1.5 times their hourly rate, for the entire time of deployment above and beyond their 40 hour work week. Reimbursable deployments are defined as events that the City of Sunnyvale is reimbursed for the costs associated with the incident, including costs of personnel assigned to the event."

Moreover, current departmental policy and historical practice regarding overtime, deployment and special assignments indicates that employees are paid for the entire time they are engaged in an activity, including travel time, when applicable.

ENVIRONMENTAL REVIEW

This activity does not require environmental review because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment. CEQA Guidelines Section 15061(b)(3).

DISCUSSION

As a Mutual Aid partner, the Department of Public Safety has participated in a program that has gained national recognition for its ability to rapidly mobilize and transport substantial resources from one end of this vast state to the other. As the state population continues to increase, the potential for fires and other disasters to destroy wild land resources and property and threaten human life will multiply in scope and complexity. It is foreseeable that department personnel, fleet, and apparatus will continue to be utilized in this vital partnership and as such it is important that every effort is made to recover the cost of deployment.

Current and historical departmental policy and practice includes portal to portal pay for various activities where personnel are deployed and/or assigned outside the jurisdiction. In order for the Department of Public Safety to recover the cost of portal to portal pay for activities related to the

CFAA, the City must adopt a resolution stating that it is our official policy to compensate employees for all hours worked in association with any CFAA deployment, including travel time. Portal to Portal is a commonly used expression to define a time period from when a unit is deployed to a mutual aid event through the entire time they are gone until they arrive back at their regular station assignment and are relieved of duty for that event. Mutual Aid assignments generally last 14 days but can be 21 days in length.

The CFAA Agreement requires that Mutual Aid System Agencies submit a Salary Survey if the required reimbursement for its personnel is higher than the established Base Rate. The current overtime rates for Department of Public Safety personnel exceeds the established CFAA Base Rate, and staff will submit a timely annual Average Actual Rate survey to guarantee recovery of personnel costs. For purposes of that survey, Sunnyvale Department of Public Safety personnel will be classified as follows:

Public Safety Captain - Battalion Chief
Public Safety Officer II - Engineer, Apparatus Operator, Firefighter/EMT
Public Safety Lieutenant - Lieutenant
Public Safety Deputy Chief - Deputy Chief
Public Safety Dispatcher, Senior Public Safety Dispatcher - Radio Operator
Equipment Mechanic - General Mechanic

FISCAL IMPACT

Adoption of a resolution to include the portal to portal pay policy in the annual Average Actual Rate calculation will ensure that costs associated with deployment of personnel to statewide emergency events will be fully recovered. There will be no additional fiscal impact to the City.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

RECOMMENDATION

Adopt a resolution to codify our policy of portal to portal pay for all employees deployed to emergency incidents in its role as a Mutual Aid Provider subject to reimbursement provided under the California Fire Assistance Agreement (CFAA) effective January 1, 2015.

Prepared by: Steve Drewniany, Deputy Chief, Fire Services
Reviewed by: Chief Frank Grgurina, Director of Public Safety
Reviewed by: Robert A. Walker, Assistant City Manager
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. 2015 Agreement for Local Government Fire and Emergency Assistance
2. 2015 Cal OES Relevant Changes Letter
3. Resolution

