



City of Palo Alto

City Council Staff Report

(ID # 5747)

Report Type: Consent Calendar

Meeting Date: 5/18/2015

Summary Title: Portal to Portal Paid Deployment

Title: Adoption of Resolution Authorizing Overtime and Portal to Portal Pay for Deployments Away from the City for the Palo Alto Fire Department

From: City Manager

Lead Department: Fire

Recommended Motion

Staff recommends the City Council adopt a Resolution approving Portal to Portal pay and overtime for certain Fire Department employees.

Executive Summary

The Palo Alto Fire Department participates in the State Wide Mutual Aid System. This system provides for movement of local government resources throughout the state during times of disasters to assist other government agencies. Passage of the proposed resolution conforms to past practice and provides the required documentation per the California Fire Assistance Agreement (CFAA).

Background

Cal Fire and the Federal Agencies that have fire suppression responsibilities are not covered under the Statewide Mutual Aid System; therefore, a separate agreement was created several years ago to provide support to these agencies when needed. The CFAA governs the mobilization and payment for resources that respond in support of Cal Fire and the Federal Agencies.

Discussion

The CFAA has recently gone through an update and rewrite process as allowed under the guidelines of the Governor's Office of Emergency Services. While a majority of the changes are updating the agreement to reflect current practices, a new requirement has been added requiring local government agencies to provide copies of existing MOUs/MOAs and a governing body resolution or equivalent that indicates how personnel will be compensated. Historically, the method used to reimburse local agencies has been Portal to Portal, meaning the firefighters are paid from the moment they depart for the assignment to the moment they return. This formula has worked well in that it assumes, at some point, the crews providing mutual aid are

earning overtime, as are the crews called in to cover shifts back at the agency's community. In order to comply with the new requirements and maintain our long-standing process of paying our crews Portal to Portal, we must ask that the City Council adopt a resolution that in essence reinforces what we have already been doing for as long as the department has been providing resources under the CFAA. In addition, as the Department's Chief Officers are not covered by an MOU/MOA, it is important that the Resolution reinforce the past practice of paying the Chief Officers in the same manner as our firefighters.

If this resolution is not adopted, the crews would only be paid for actual hours worked on the fire. The firefighters would not be paid for the time they are in base camp, mandated rest periods or otherwise not engaged in a fire line assignment. While the firefighters are on these assignments, they are not allowed, nor would it be practical, to return home after their shift. Only when the fire is contained or controlled and the firefighters have been demobilized and returned to Palo Alto are they released and allowed to return home.

Timeline

The adoption of this resolution coincides with the upcoming wildfire season.

Resource Impact

The adoption of the proposed resolution will have no fiscal impact to the City as the Portal to Portal method of payment identified is the City's existing practice. Portal to Portal payment under the CFAA is designed to fully compensate the City for the cost of providing resources, including the overtime impact of filling shift vacancies in City stations while crews are deployed.

Failure to adopt the proposed resolution may result in less than full compensation to the City of Palo Alto for the cost of providing resources while crews are deployed. The City would likely be required to pay the employees their full salary and overtime based upon past practice, yet the City would only be reimbursed approximately one half the amounts.

Attachments:

- Attachment A- A Resolution For Terms And Conditions For Compensation Of Outside Jurisdiction Incidents (PDF)

NOT YET APPROVED

Resolution No. _____

Resolution of the Council of the City of Palo Alto Identifying the Terms and Conditions for Compensation and Reimbursement for Palo Alto Fire Department Response to Incidents Outside of the Jurisdiction

RECITALS

A. The City of Palo Alto Fire Department routinely responds to requests for assistance to incidents outside the jurisdiction;

B. The request for resources to respond for assistance may be through an “Assistance for Hire” agreement;

C. The City of Palo Alto Fire Department may be compensated for resources provided or reimbursed for response expenses through such agreements; and

D. The City of Palo Alto Fire Department personnel will be compensated for all time, including overtime, on a portal to portal basis by the City of Palo Alto for response through such agreements.

NOW, THEREFORE, the Council of the City of Palo Alto RESOLVES as follows:

SECTION 1. When the City of Palo Alto receives compensation and/or reimbursement for incident/event response through an agreement, such compensation, and/or reimbursement shall be used for personnel compensation, equipment use, repair, and replacement, and allowable administrative costs as authorized by the agreement.

SECTION 2. Personnel shall be compensated at a rate specified by a Memorandum of Understanding (MOU) accompanying the agreement, and/or other directive that identifies personnel compensation in the workplace.

SECTION 3. In the event a personnel classification does not have an assigned compensation rate “Base Rate” as set forth in an organizational policy, an administrative directive or similar document shall be used to compensate such personnel.

SECTION 4. The City of Palo Alto Fire Department will maintain a current salary survey or acknowledgement of acceptance of the “Base Rate” on file with the California Governor’s Office of Emergency Services, Fire Rescue Division.

SECTION 5. Personnel will be compensated (portal to portal) beginning at the time of dispatch to the return to jurisdiction when equipment and personnel are in service and available for agency response.

SECTION 6. The Palo Alto Fire Department response personnel include: Fire Chief, Deputy Chief, Battalion Chief, Fire Captain, Engineer, Fire Inspector and Firefighter.

NOT YET APPROVED

SECTION 7. The Council finds that the adoption of this resolution does not meet the definition of a project under Public Resources Code Section 21065, thus, no environmental assessment under the California Environmental Quality Act is required.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Fire Chief

Director of Administrative Services