

RESOLUTION NO. 2015-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA IDENTIFYING THE TERMS AND CONDITIONS FOR FIRE DEPARTMENT RESPONSE AWAY FROM THEIR OFFICIAL DUTY STATION AND ASSIGNED TO AN EMERGENCY INCIDENT.

WHEREAS, the Marina City Fire Department is a public agency located in the County of Monterey, State of California, and

WHEREAS, it is the City of Marina's desire to provide fair and legal payment to all its employees for time worked; and

WHEREAS, the City of Marina has in its employ, Fire Department response personnel to include: Fire Chief, Division Chief, Fire Captain, Engineer, Firefighter/EMT, Reserve Firefighter; and

WHEREAS, the City of Marina will compensate its employees portal to portal while in the course of their employment and away from their official duty station and assigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response; and

WHEREAS, the City of Marina will compensate its employees overtime in accordance with their current Memorandum of Understanding while in the course of their employment and away from their official duty station and assigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response.

NOW, THEREFORE, BE IT resolved by the City of Marina that:

1. Personnel shall be compensated according to Memorandum of Understanding (MOU), Personnel Rules and Regulations, and/or other directive that identifies personnel compensation in the workplace.
2. In the event a personnel classification does not have an assigned compensation rate, a "Base Rate" as set forth in an organizational policy, administrative directive or similar document will to compensate such personnel.
3. The City of Marina 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.
4. 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.
5. Fire department response personnel include: Fire Chief, Division Chief, Fire Captain, Engineer, Firefighter/EMT, and Reserve Firefighter.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 21st day of April 2015, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Brown, Morton, O'Connell, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

April 8, 2015

Item No: **8f(1)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of April 21, 2015

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2015-, Identifying the terms and conditions for Fire Department response away from their official duty station and assigned to an emergency incident.

BACKGROUND:

Through the California Governor's Office of Emergency Services (Cal OES), the City of Marina has been a participant in the California Fire Assistance Agreement (CFAA) which provides a mechanism for all California fire agencies to receive assistance from other California fire agencies during major incidents. Under the CFAA, agencies providing aid are reimbursed for their costs (both personnel and equipment) with the intent of making them whole.

During the past several years, the federal side of the system has been balking at paying portal-to-portal and overtime to volunteers or part-timers who do not normally work a regular shifts. This slippery slope has led to the threat that they would no longer pay portal-to-portal or overtime for any agency.

The CFAA has recently been revised and includes a clause that personnel costs will be reimbursed only for "actual hours worked" unless the agency providing those personnel has provided a MOU or a Governing Body Resolution stating that the agency pays its employees portal to portal (the time of initial dispatch of said personnel from their home base until their arrival back at their home base) and overtime in accordance with FLSA laws and negotiated MOU's.

Under the existing MOU's, the Fair Labor Standards Act, and other regulations, Marina is obligated to pay fire personnel for the entire time they are at work, which includes Portal to Portal and earned overtime pay. The attached resolution provides the necessary "Governing Body Resolution" that Marina must submit to Cal OES to ensure Marina will be fully reimbursed when it sends personnel on assignments under the CFAA.

ANALYSIS:

Cal OES (acting as our local government representative) and Cal Fire negotiated with their federal partners and, knowing that hiring local government resources for a few weeks is infinitely cheaper than buying engines and hiring firefighters, the federal partners acquiesced. The caveat to this is there has to be on file with Cal OES a resolution passed by the governing board affirming that the City does pay portal-to-portal and earned overtime for these extraordinary responses.

The proposed resolution language has been provided by Cal OES to comply with the negotiated CFAA agreement.

FISCAL IMPACT:

If the attached resolution is approved, the City of Marina will be fully reimbursed for expenses associated with responses to incidents via the CFAA. Under that agreement, Cal OES will reimburse agencies for personnel who are assigned away from their home base only if the agency has passed a resolution stating that it will pay its personnel for Portal to Portal and earned overtime. The potential lost revenue to Marina would vary on an annual basis based on the number and duration of CFAA response requests it receives. In recent years the amount of shortfall would likely have been over \$50,000.

CONCLUSION:

Staff recommends that the City Council approves the attached resolution identifying the terms and conditions for Fire Department personal response while away from their official duty station and assigned to an emergency incident.

Respectfully submitted,

Doug McCoun
Fire Chief
City of Marina

REVIEWED AND CONCUR

Layne Long
City Manager
City of Marina