

AD Firefighter Association (ADFA)

*Continuing Our Professional Support
To Emergency Operations*

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April 12, 2005

[NAME/ADDRESS OF CONGRESSPERSON]

Dear [NAME OF CONGRESSPERSON]

The AD Firefighter Association wishes to express our intense concern regarding the federal wildland firefighting agencies'¹ continued use of the 1951 AD Pay Authority. It is an archaic, highly unfair, and misused method of hiring "short-term" employees to supplement the agencies' regular workforce that fights wildfires and assists on other natural disasters and national emergencies.

The Administration's Proposed 2005 Administratively Determined (AD) Pay Plan, as issued by the United States Forest Service on November 16, 2004, and as revised March 25, 2005, is an indicator of the extent to which this system is broken.²

The ADFA was formed in March of 2003 in response to the AD pay rates issued that year by the five federal wildland fire agencies. These rates are also utilized by most states' Departments of Forestry.

What Is The AD Pay Authority? The term "AD" refers to the "Administratively Determined" hiring authority established by Congress in 1951 under 7 U.S.C. 2226, and as amended in 16 U.S.C. 554e. The AD Authority authorizes the agencies to pay AD (casual) employees a regular (straight) rate of pay (without overtime) for all hours of work, regardless of whether these hours were in excess of 40 hours per week or were performed on Sunday or a holiday.

¹ USDA-Forest Service and Department of the Interior agencies: Bureau of Indian Affairs, Bureau of Land Management, National Park Service, and U.S. Fish & Wildlife Service.

² Access all references at <http://www.eteamsolutions.com/adfa1/legislative.htm>.

ADFA Has Tried To Work Cooperatively With The Agencies To Achieve Solutions, But With No Success. Despite ADFA's 2-year effort to achieve a "win-win" solution for both the agencies and the AD firefighter, the federal and state wildfire agencies continue to ignore our concerns and utilize a 54-year-old, outdated, and unrealistic program to hire supplemental staffing for incident management, operations, and support. A history of our correspondence can be located on the web at www.adfirefighter.org under the *Documents* link.

What Are The Issues? AD pay rates were, and continue to be totally out of line with pay commensurate with the skills, experience, and qualifications necessary to perform high-risk operations within the incident environment.

During 2004, the National Wildfire Coordinating Group (NWCG) Incident Business Practices Working Team (IBPWT) engaged in a position evaluation/leveling process to determine the 2005 rates. Rate decreases of \$1-\$7 per hour were proposed from the already low 2004 pay rates. The IBPWT developed the evaluations utilizing agency Subject Matter Experts, and claims Department of Labor Wage classifications were consulted. No substantiation has been provided as to why the 2005 decreases were justified.

Moreover, the IBPWT leveling is rife with inconsistencies, and reveals little knowledge by IBPWT members of the job responsibilities and complexities of incident management and operations positions. It is obvious that a self-imposed cap was placed on the process, resulting in unfair rates that, in most cases, resulted in 2-week paychecks that are \$2,000-\$5,000 less for an AD employee performing the same job as a government employee. The proposal resulted in significant negative feedback and was not implemented: the agencies decided in the March 25 US Forest Service letter to utilize the old 2004 rates. These are not acceptable, nor were the 2003, 2002, 2001, and 2000 rates.

Additionally, discriminatory treatment of ADs is pervasive. Counter-productive, inefficient rules and limitations on AD hiring still exist, all of which have been brought to the agencies' attention by ADFA, with little or no results. The previously-mentioned ADFA website, as well as the site at www.eteamsolutions.com/adfa1/legislative.htm, contains a poll of our membership taken in 2004 that clearly outlines the depth and seriousness of these issues.

What Is The Agencies' Stance? The agencies state, quite correctly, that the 1951 AD Authority was never meant to achieve pay equality.

ADFA's response to this -- and the continued use of the AD Hiring Authority -- is that it is an *archaic, outmoded hiring method that was never meant to hire supplemental firefighters other than literally "off the street."*

Moreover, the Authority was never intended to meet the staffing and experience challenges of today's incidents, nor was it devised or envisioned to hire professionals and specialists so crucial in the complex firefighting world that exists today. Needless to say, the incident management world has changed significantly in 54 years, a reality that agency fire management and operations personnel certainly recognize, but which the administrative staffs apparently do not. The two are clearly working at cross purposes.

Agencies Have Misused The AD Pay Authority Over the past decade, the Authority has been manipulated and utilized by the agencies to widely supplement their incident staffing, a totally inappropriate use of the hiring authority to obtain, in the words of one agency official, “*a cheap, quick source of labor.*”

In fact, representatives of the Internal Revenue Service were recently at the Department of the Interior’s National Business Center gathering AD pay record data that presumably may show that some AD firefighters (also known as “casuals”) have worked beyond the normal “casual” limits, therefore indicating the agencies have misused the emergency casual hiring authority. Note that ADs are not required to contribute to Social Security, Medicare, etc., though our membership and most other ADs would certainly wish to do so.

Who Are ADs and What Do They Do? The AD Emergency Fire Fighter (EFF) community is estimated at 1000-2000 personnel, plus the 100+ 20-person AD Type 2 crews, many of whom are of Native American or Hispanic descent. ADFA cannot make any reasonable estimate because the agencies have either no system in place to obtain accurate figures or are unwilling to divulge the extent of their dependency upon the AD community. The ADFA currently has membership across 26 states and represents a significant skill base of this AD community.

Employees hired under the Administratively Determined (AD) authority have been critical and indispensable resources who respond to wildfires as well as “all-risk” incidents such as the World Trade Center, Shuttle Disaster recovery, Florida hurricanes, Mississippi floods, *Exotic Newcastle Disease* Taskforce, etc. The Incident Management Teams (IMTs) who respond to the large disaster fires and non-fire incidents could not exist without ADs filling critical roles on their rosters. Based on government estimates, they fill as many as 25%-35% of the positions on Type 1 and 2 Incident Management Teams (IMTs).³

Additionally, AD personnel provide critical resources upon which the fire agencies have depended **for as much as 35% of their non-team emergency operations workforce over the past decade.** They provide decades of experience and knowledge; they also mentor and train younger agency employees on incidents.

ADFA’s Rate Proposal ADFA subject matter experts have developed a rate proposal⁴ that is realistic and recognizes the skills and experience required by the position.

The ADFA rates will definitely serve to retain the experience base that is rapidly disappearing, both from within the agencies due to retirements, and outside the agencies (i.e., ADs not

³ The extent of the incident staffing problem is contained in *The National Interagency Complex Incident Management Organization Study, Findings and Recommendations, February 2005* (NIMO) Report.

⁴ <http://www.eteamsolutions.com/adfa/legislative.htm>

participating due to low hourly rates, pay checks that are significantly less than those of GS employees, and discriminatory treatment).

What Will Be The Effects In 2005 If Nothing Is Done? In response to the Administration's 2005 Rate Proposal that cut AD pay rates by \$1-\$7 per hour, a significant percentage of AD firefighters in key management and safety positions were stating that they would not fight fires in 2005.

As noted, the agencies have rescinded the 2005 Proposal due to significant negative comments from both within and outside the agencies. They will utilize the old 2004 rates for the 2005 fire season. However, the situation of highly unjust rates remains. ADFA has never agreed with any of the AD Pay Plans, including the 2004 rates.

This issue is of particular importance given the massive effects of numerous wildfires on the local and regional infrastructure (e.g., southern California and Montana fires of 2003). It should also be of concern given the national security issues of potential terrorist activity in both the wildfire environment and IMT response to post-9/11 terrorist incidents.

Due to the dependence of the agencies on ADs, continued use of the AD Hiring Authority will result in an inability to adequately staff emergency incidents with sufficient skilled, professional individuals that will promote even a minimally acceptable level of safety and efficiency.

Of added concern are the rollout effects of the Cramer Incident in Idaho where two helicopter crewmembers lost their lives. The agencies are quite justifiably concerned with their liability in hiring AD firefighters, as well as documentation of training and qualifications. However, to date, no national direction addressing these issues has been issued to units sponsoring ADs. ***Absent any direction from the national offices, many units are refusing to sign up ADs.*** With fire season in the West right around the corner, the situation is, in a word, chaotic.

The prediction of another disastrous fire season in many areas of the country, further exacerbated by increased retirements of agency firefighters, serious forest health issues, and a budget which already has prevented agencies from hiring their normal levels of seasonal workers, makes achieving a solution in the next month imperative.

Continued use of this program does not serve the needs of the AD firefighters, who see both the rates and their treatment as demeaning and insulting. Nor does it meet the operational needs of our state and federal firefighting agencies, who are finding it increasingly difficult to staff incidents during even moderate fire years.

With these results, the pay rates issued by the agencies do not meet the needs of our ultimate customer, the American public.

In short, the system is broken, and we seek your help with both near- and long-term resolutions to this problem.

Possible Solutions How can we achieve mutually acceptable solutions?

Please see Attachment 1, *Executive Summary*, to facilitate your understanding of these issues. The entire history of ADFA's communications with the agencies, the current situation, as well as Frequently-Asked Questions and pay differential analyses, are contained in a document entitled *AD Firefighter Association Briefing on Utilization of Emergency Fire Fighters To Supplement Emergency Incident Staffing: **Background, Challenges, and Solutions.***⁵

As you will notice from the attached Executive Summary, ADFA is proposing a concurrent three-pronged initiative that will we believe will solve the problem prior to the 2005 fire season, provided that there is a sincere commitment by the agencies to do so.

If you see a need for a personal meeting or testimony before an appropriate committee on this issue, ADFA would respond immediately.

I will be the primary contact on this issue, and may be contacted at 970-921-5333 or on my cell phone 970-778-7078 or via e-mail at adfa@rmci.net.

If I am unavailable, and you need an immediate response, please contact ADFA board members in the order listed:

Dick Grace, ADFA Vice-Chair, Home: 541-935-3724, dgrace@efn.org

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Joe Bistryski, ADFA Secretary, Cell: 801-518-2797 Home: 435-843-7917, jrbistryski@msn.com

Carl Pence, ADFA Legislative Affairs, 208-468-9318, Cell: 208-880-3531, pencavi@msn.com

Thank you for the attention. ADFA looks forward to working with our elected legislators towards long-term solutions that will meet the critical needs of incident staffing and support in the 21st century.

Yours truly,

Isi Hugh Carson

Chair, AD Firefighter Association

On behalf of the ADFA Board, as well as ADFA Membership, plus all ADs who have no representation

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⁵ <http://www.eteamsolutions.com/adfa1/legislative/ADFAcongmedbrief.pdf>

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Shari Downhill, Non-Retiree AD Representative, 541-955-0755,

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Dick Mangan, Training Coordinator, 406-544-8922, blackbull@bigsky.net

Attachments: 1

1 – **Executive Summary**, AD Firefighter Association (ADFA) Briefing on Utilization of Emergency Fire Fighters To Supplement Emergency Incident Staffing: **Background, Challenges, and Solutions** (8 pp)

References: 1

1 – AD Firefighter Association Briefing on Utilization of Emergency Fire Fighters To Supplement Emergency Incident Staffing : **Background, Challenges, and Solutions** (166 pp)

This reference is not enclosed but is available at

<http://www.eteamsolutions.com/adfa1/legislative.htm> or directly at

<http://www.eteamsolutions.com/adfa1/legislative/ADFAcongmedbrief.pdf>

President George W. Bush

Vice-President Richard Cheney

50 State Governors

535 Members of Congress, with copies to the Committee Chairs and Committee Ranking Democrats for:

Senate Committee On Homeland Security and Governmental Affairs; Senate Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia; Senate Committee on Indian Affairs; Senate Energy & Natural Resources Committee; Senate Subcommittee on Forestry, Conservation, and Rural Revitalization; Senate Subcommittee On Public Lands and Forests; Senate Subcommittee on National Parks; House Committee On Resources; House Subcommittee On National Parks, Recreation And Public Lands; House Committee on Forests and Forest Health; House Subcommittee on Department Operations Oversight Dairy Nutrition and Forestry; House Subcommittee on Department Operations Oversight, Dairy, Nutrition, and Forestry; House Subcommittee on Federal Workforce and Agency Organization; House Committee on Agriculture; House Subcommittee on Interior, Environment, and Related Agencies

Mr. Mike Johanns, Secretary of Agriculture, U.S. Department of Agriculture 1400 Independence Ave., S.W. Washington, DC 20250

Mr. Dale Bosworth, Chief of the Forest Service, USDA Forest Service, P.O. Box 96090, 1400 Independence Ave., SW, Washington, D.C. 20250-0003

Mr. Tom Harbour, Director, Aviation and Fire Management, USDA-Forest Service, P.O. Box 96090, Washington, D.C. 20250

Ms. Gale Norton, Secretary of the Interior, U.S. Department of the Interior, 1849 C Street, NW, Washington, DC 20240

Ms. Kathleen Clarke, Director, Bureau of Land Management, 1849 C Street, N.W., Washington DC 20240

Mr. Larry Hamilton, Director, Fire and Aviation, BLM-NIFC, National Interagency Fire Center, 3833 S. Development Avenue, Boise, Idaho 83705-5354

Mr. Tim Murphy, Deputy Director, Fire and Aviation, BLM-NIFC, National Interagency Fire Center, 3833 S. Development Avenue, Boise, Idaho 83705-5354

Ms. Fran P. Mainella, Director, National Park Service, 1849 C Street NW, Washington, DC 20240

Ms. Edy Williams-Rhodes, Chief, Fire and Aviation, National Park Service, 1849 C Street NW, Washington, DC 20240

Mr. Matt Hogan, Acting Director, U.S. Fish & Wildlife Service, 1849 C Street NW, Washington, DC 20240

Mr. W. Patrick Ragsdale, Director, Bureau of Indian Affairs, 1849 C Street NW, Washington, DC 20240

Mr. Kirk Rowdabaugh, Chair, National Wildfire Coordinating Group, 2901 W. Pinnacle Peak Road, Phoenix, AZ 85027

Ms. Anne E. Heissenbuttel, National Association of State Foresters, Hall of the States, Suite 540, 444 North Capitol Street, NW Washington, DC 20001

Mr. Don Artley, National Association of State Foresters Representative, National Interagency Fire Center, 3833 S. Development Avenue, Boise, ID 83705-5354

Mr. Michael Chertoff, Secretary of the Department of Homeland Security, U.S. Department of Homeland Security, Washington, D.C. 20528

Ms. Linda M. Springer, Director Designee, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415-1000

Mr. Rick Dice, President, National Wildfire Suppression Association, P.O. Box 330, Lyons, OR 97358

EXECUTIVE SUMMARY

The 1951 AD Pay Authority, when it has been utilized over the past 5-10 years to hire single resources (either retiree or non-retiree) or Type 2 line firefighting crews, results in significant pay disparities between AD hires and regular government personnel. The artificial cap of \$35 per hour set by the agency precludes consideration of any pay equality with agency employees, who are earning overtime and hazard pay differential.

Pay disparities between an AD employee earning straight time (because no overtime is paid) and a GS employee earning overtime and hazard range anywhere between \$1,000 and \$7,000 per two-week pay period.¹

Additionally, significant pay disparities exist for Type 2 AD crews, many of whom are of Native American or Hispanic descent and whose crewmembers are very much dependent upon firefighting income. A Type 2 AD crew (in aggregate) earns approximately \$47,000 for a 2-week period, while a government Type 2 crew comprised of General Schedule (GS) employees earns approximately \$70,000 - a disparity of \$23,000 - for the same work performed over the same time period. This is due to (a) low AD per hour pay rates and (b) the AD employee does not receive overtime or hazard pay differential.²

It is important to emphasize that the intent of ADFA in making this comparison is not to imply that the GS crews are overpaid. In fact, they earn every penny they make, and should be paid better. The intent *is* to bring the Type 2 AD pay scale in line with the GS crews, resulting in fair and comparable pay for comparable work

The agencies contend (quite correctly) that the 1951 AD Authority was never meant to achieve pay equality between agency firefighting personnel and emergency firefighters hired directly from the public ranks.

ADFA's response to this position is that the *1951 Authority is an archaic, outmoded hiring method that was designed to hire firefighters "off the street."* Beyond that, the AD Pay Authority has outlived its original intent, and cannot adequately or effectively function as the primary procurement program through which highly skilled professionals are hired for complex firefighting and national emergency incidents.

¹ See *AD Firefighter Association (ADFA) Briefing on Utilization of Emergency Fire Fighters To Supplement Emergency Incident Staffing: **Background, Challenges, and Solutions**, Appendix 4, Pay Inequality Analysis: Difference Among Pay Period Earnings Of GS Employees At GS Grade Levels 3 Through 14 And An AD Employee's Earnings At 2004 Rates*, for the difference for each ICS position.

² See *Appendix 6, Type 2 Crew Pay Comparison*, in the *AD Firefighter Association (ADFA) Briefing on Utilization of Emergency Fire Fighters To Supplement Emergency Incident Staffing: **Background, Challenges, and Solutions***, for the breakdown on these figures.

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Over the past decade, the AD Pay Authority's policies, parameters and pay scales have been stretched beyond their original intent, and essentially have imploded as the agencies have attempted to utilize it to widely supplement incident staffing.

The ADFA maintains this approach is an inappropriate utilization of the hiring authority to obtain "*a cheap, quick source of labor*" and suggests the time has come to create a new procurement program better suited to addressing today's complex and demanding firefighting and national emergency environment.

The challenges of incident management in the late 20th and early 21st century -- with its issues of "mega-fires" in vast areas of drought-stricken, unhealthy forests, frequent response to "all-risk" (e.g., non-fire) incidents such as hurricanes, floods, earthquakes, and terrorist incidents such as the WTC -- all dictate that a fairer, more stable hiring methodology be implemented.

The 1951 AD Pay Authority and associated rates, as derived by the National Wildfire Coordinating Group's (NWCG's) Incident Business Practices Working Team (IBPWT) over the past five years, does not recognize or reflect the value of the highly experienced personnel provided by the AD community, a workforce upon whom management and operations personnel depend extensively during incident operations.

On the other hand, most management and operations personnel do recognize this value and dependence. However, they have not exercised their responsibility to oversee the IBPWT's work and product.

The agencies still have not solved the non-standard practices being employed by local units throughout the country, including blatant refusal to sign up and hire AD firefighters. This is especially baffling in light of the significant number of "Unable To Fill" orders that lay on dispatch office desks throughout the country during an even moderate fire season.

Issues of discriminatory treatment of ADs still exist. Additionally there are rules and procedures in the *Interagency Fire Business Management Handbook* as implemented by the IBPWT prohibiting reimbursement of ADs for use of personally-owned vehicle, laptop computers, and cell phones. While the intent of these rules may have been laudable (cost cutting), the net result is the opposite.

ADFA's position is that individuals who fill an incident assignment should receive the same pay and partial benefits as those who are employed under regular government hiring authorities (e.g., GS or WG) through which agency employees are paid. These authorities meet Fair Labor Standard Act (FLSA) requirements and are exempt from the GS-10 pay cap when on incident assignment.

ADFA Executive Summary

ADFA proposes that ADs would receive:

- A pay rate that is equitable and that compensates them fairly for lack of overtime and hazard duty pay differential
- Access to group health insurance for non-retired ADs
- The ability to contribute to the social security system
- Liability coverage

In short, use of the 1951 Pay Authority should be discarded, but not before an alternative hiring authority is put in place (See *Three Key Recommendations* on the next page).

THREE KEY RECOMMENDATIONS TO LAY A FOUNDATION FOR SUCCESS

ADFA, as well as those in the AD community who are not members, have an opportunity to work collectively with the agencies towards a viable, long-term solution.

Solutions include two (2) short-term recommendations and one (1) long-term recommendation, that, implemented together, will solve the problem.

Note that these alternatives are not mutually exclusive, though Alternative #1 is purely a stop-gap measure to meet the immediate needs of non-agency-retired ADs. Provided unrealistic procedures are not imposed by the agencies for rehire of retired annuitants, as has occurred in the past, Alternative #2 will meet the short-term needs of retired agency personnel.

Note that all alternatives can be fully implemented prior to the 2005 Western fire season.

To do so, however, will require a concerted commitment by the agencies and ADFA to achieving a “win-win” solution.

ADFA Executive Summary

RECOMMENDATION #1: ESTABLISH 2005 AD RATES WITHOUT THE ARBITRARY \$35 CAP

Remove the arbitrary cap of \$35 per hour imposed by the agencies under the 1951 Pay Authority.

Utilize the National Wildfire Coordinating Group's (NWCG's) Incident Business Practices Working Team's (IBPWT's) position evaluation/leveling documents and ADFA's Draft Proposed 2005 AD Pay Rates (see Appendix 5) to establish fair rates.

Note that the IBPWT's evaluation/leveling will have to be revised and corrected since there were numerous errors; however, the errors can be quite easily corrected, provided that the IBPWT task group obtains outside, independent subject matter expertise.

ADFA's 2005 Rate Proposal,¹ developed by ADFA subject matter experts, increases most position hourly rates from 50% to 75% over the established 2004 rates.

While this may seem to be a huge increase, it is not, since AD rates have been set artificially low with the \$35 cap for a decade.

They are also consistent with any objective analysis of the duties, responsibilities and complexities of the position.

ADFA POSITION: Rescind the 2005 Pay Rates issued March 24, 2005 and establish fair, realistic rates for the 2005 fire season.

¹ Contained in Appendix 5 of the *AD Firefighter Association (ADFA) Briefing on Utilization of Emergency Fire Fighters To Supplement Emergency Incident Staffing: Background, Challenges, and Solutions*

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ADFA Executive Summary

RECOMMENDATION #2: REQUEST EXTENSION OF OPM'S WAIVER OF DUAL COMPENSATION REDUCTION FOR REHIRED ANNUITANTS; ESTABLISH PROCEDURES THAT ARE REALISTIC

Concurrently with Recommendation #1 above, request that OPM extend the *OPM Waiver of Dual Compensation Reduction for Rehired Annuitants*, which expired December 31, 2004¹. Under this waiver, retirees can be hired back at their old grade with benefits and liability coverage by the agency, with no penalty (reduction) in their annuity.

The Forest Service has been highly resistant to utilization of this waiver, but ADFA's perception is that this has been mainly due to prejudicial attitudes by several key FS personnel in operations, contracting and fire business management. DOI, and particularly the BLM, have been more proactive, with the BLM in 2004 establishing a "national clearing house" where a retiree from any agency could sign up and be called. We understand the BLM is currently in the process of requesting an extension. This alternative also solves the issue of what ICS positions are "*inherently governmental*" in nature, since the rehired annuitant is once again an employee.

However, use of this Waiver is hampered by OPM-imposed procedures:

1. The procedure requires the annuitant to actually turn down the assignment as an AD. In which case, the order disappears back into the dispatch system, never to be seen again. The only way this procedure works is if the turn-down is "greased" between the ordering office and the annuitant, which is not the intent of the system.
2. Use of the Waiver is only authorized at National Preparedness Levels (PL) 4 and 5 (widespread fire activity in several Geographic Areas). Again, this is not realistic. One Geographic Area can be at PL 4-5, nationally the PL is only 3 or lower, but the requested resource is still "*Unable To Fill (UTF)*." Also, the national PL can be 3 or lower, but key shortage positions (aviation, fire behavior, finance) remain *UTF*.

The above procedures hamper effective use of the Waiver and should be reevaluated and, hopefully, discarded. We encourage the agencies to be honest with OPM: "*For the next decade we will have an "experience gap" that precludes us from staffing incidents fully, safely and efficiently. We need the highest degree of latitude to meet historic personnel shortage areas and the needs of national security and all-risk incident management.*"

¹ See *AD Firefighter Association (ADFA) Briefing on Utilization of Emergency Fire Fighters To Supplement Emergency Incident Staffing: Background, Challenges, and Solutions, OTHER RELEVANT DOCUMENTS, OPM Waiver Of Dual Compensation Reduction For Rehired Annuitants And DOI Order 3227 Delegation Of Authority To Waive Dual Compensation Limits*

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ADFA POSITION: Any retiree should be able to be hired back without penalty as a Rehired Annuitant during any emergency incident, regardless of preparedness levels.

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RECOMMENDATION #3: UTILIZE CONTRACTORS AND/OR PERSONAL SERVICES CONTRACTS TO ACCESS INDIVIDUALS WHO WERE PART OF THE AD WORKFORCE

ADFA strongly supports the government pursuing the ability to utilize personal services contracts, or some other contracting methodology to meet incident staffing needs.

This is consistent with the Administration's emphasis on outsourcing.

Essentially, the market would determine the pay rates. There are several companies *currently ready, willing and able to* provide personnel under contract. There are two major impediments associated with this alternative, both of which can easily be solved:

1. The agencies - particularly contracting and fire business management - are resistant to implementing these contracts, most likely because if most ADs were to sign up with these companies, the agency AD program under the 1951 Pay Authority would be destroyed. Since the pay rates offered by at least one of these companies are fairly equitable, the "*cheap, quick source of labor*" available through the AD system would no longer be available. It would remain *quick* but would not be as cheap as the discriminatory, artificially low rates set by the agencies;
2. The GSA contracts cannot be implemented in a timely fashion to meet incident needs (e.g., 2 hour mobilization time that is standard for fire dispatch centers). This could easily be corrected by GSA delegating authority to order services to the National Interagency Coordination Center (NICC) and the Geographic Area Coordination Centers (GACCs).

The issue of which ICS jobs are "*inherently governmental*" could be a sticking point with this alternative. However, the stance that the agencies have taken to date seems reasonable: [paraphrased] "*No AD or contractor may be an Incident Commander. All positions below the IC are covered by the IC's delegating authority and responsibility to the individual filling the position.*"

Additionally, there is language in Federal Acquisition Regulation 7 that may preclude contractors from performing standard, daily tasks of positions within the Incident Command System. Once again, the challenges of incident management in the 21st century dictate that if necessary, changes should be made to regulations and/or laws that might preclude highly skilled and experienced personnel from participation.

ADFA POSITION: Discard the 1951 Pay Authority. Utilize contracted personnel as the long-term solution.

ADFA Executive Summary

HOW DO WE GET “*FROM HERE TO THERE?*”

The IBPWT’s 2005 Proposed Rates, as well as the underlying position leveling process, has made it abundantly clear that a new approach to this AD firefighter issue needs to be taken:

- All stakeholders, including ADFA, must be involved;
- Outside, objective subject matter workforce experts need to be involved;
- Agency contracting personnel should be represented to assist in evaluating the needs of implementing ADFA Recommendation #3;
- A Congressional liaison should be identified to address legislative challenges that are identified
- A high-level Agency Administrator should oversee the process