Firefighter Shift Pay Policy	
  Nederland Fire Protection District Standard Operating Procedures and Guidelines	
Title: Firefighter Shift Pay Policy	**Section/Topic:**
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These SOPs/SOGs are based on FEMA guidelines FA-197	

1.0 Policy Reference

CFR	29 CFR § 553.230 - Maximum hours standards for work periods of 7 to 28 days - section 7(k).
NIMS	
LODD	

2.0 Purpose

This policy describes the standard work period, overtime calculation and unpaid time off rules for firefighters working a 48/96 shift pattern. This policy supersedes policies in the 2021 Employee policy manual as appropriate.

3.0 Scope

Applies only to firefighters working a 48/96 pattern.

4.0 Definitions

Work period – 24-day period on which the pay calculation is made.

Work time – Physical presence in the workplace doing work for the district. Remote meetings where presence is required also constitute work time.

Unpaid time off – Work time, in hours, taken by an employee that is not covered by vacation or sick time.

5.0 Procedures/Guidelines & Information

Nederland Fire operates a rotating 48 hour on / 96 hour off shift pattern. This pattern does not fit regular employment laws regarding hours worked and overtime calculations. Federal employment law, as noted above, (the law) has an exception for firefighters and law enforcement officials and the state of Colorado follows this regulation. Firefighters are exempt employees under FLSA and entitled to overtime payments when hours worked exceed legal maximums as stated in the law.

Nederland Fire operates a 24-day work period of 192 hours. Under the law the maximum number of hours that may be worked in any 24-day period, without incurring overtime, is 182. Consequently, firefighters accrue 10 hours of overtime for each work period.

Nederland Fire pays staff on the last day of each month. Consequently, this creates an offset between the 24-day period and calendar month payments that can complicate the calculation of firefighter pay. In this method of pay calculation a firefighter who takes vacation or sick time automatically loses overtime as hours not worked are paid at regular time. This is a disincentive to take vacation and sick time and leads to large accruals of both or shift swaps, which makes pay calculations complex where the swap does not complete in one pay period. Nederland Fire sick and vacation policy either caps or prevents rollover of unused sick and vacation time, further complicating the problem.

In order to simplify the problem and make shift firefighter pay regular throughout the year the following policy shall be adopted and applied.

Firefighters shall be paid $1/12^{th}$ of their annual pay for each month worked, provided all scheduled shifts have been worked or shift-trades occurred within the period that ensure that all scheduled hours have been worked. The $1/12^{th}$ payment includes the regular overtime.

For each firefighter an hourly rate of pay will be calculated, and this rate will be used to calculate and hourly overtime rate at 1.5x normal rate. The calculation for this rate and methodology of calculation is attached in Appendix A. In this calculation the regular 10 hours of overtime in included, no overtime is accrued on a regular schedule.

Each firefighter will complete a time sheet for each 24-day period. This timesheet shall show the hours worked up to 182 hours, the hours worked between 183 and 192 hours and the hours worked in excess of 192 hours. Hours worked in excess of 192 hours will be paid at the overtime rate at the next regular payroll payment. The timesheet shall also document used vacation, sick time or unpaid time off for tracking purposes.

Taking time-off, either sick or vacation, where it is covered by accrued vacation or sick time does not alter the regular monthly payment. If time-off has not been accrued but is reasonably expected to be accrued in the calendar year the regular payment remains the same.

Taking time-off, either sick or vacation, where it is not covered by either accrued time or reasonably expected to be accrued in the calendar year will result in a deduction in the firefighter's pay at the calculated hourly rate for each hour not worked. In this event, and where the actual work time of the employee falls below 182 hours, should the firefighter then work in excess of 182 hours in the work period (working extra shifts for instance), each hour in excess of 182 hours must be paid at the overtime rate to meet the requirements of the law. Should this situation arise, the firefighter should not work or be assigned work in excess of the 182 hour limit wherever possible. In this case work hours in excess of 182 hours should be approved by the fire chief or designee.

In the event of employment termination where the firefighter has a negative balance of vacation or sick time, a deduction will be made from the final paycheck to reflect the unpaid time at the regular hourly rate. Vacation and sick-time accrual and use will be tracked by the department. In the event of a disagreement of time-off accrued or used, the submitted timesheets will be used as the source of truth.

Shift-trades are permitted. Where shift-trades occur, they should complete within the same pay period. In the event that a shift-trade bridges pay periods the trading parties agree that will be paid their regular amounts in both periods, no overtime will be accrued, and no deductions will be made from paychecks. The shift-trade should be reported on the time sheet and noted that it will bridge pay periods. Shift-trades between more than 2 parties are prohibited. Shift-trades must be approved by the fire chief or designee.

If a firefighter moves to a modified light duty their monthly pay rate remains the same provided the firefighter is working a regular 40-hour work week. Where the modified light duty work week consists of less than 40 hours appendix B should be used to calculate a new rate for pro-ration. A firefighter moving to a 40 hour week should do so within the constraints of the 24 day work period to ensure no overtime is accrued.

Appendix A

Firefighter pay calculation methodology

A Firefighter is employed at a rate of $70,000 per year
Each year consists of 15.2 pay periods
In each pay period a firefighter accrues 182 hours of regular pay
In each pay period a firefighter accrues 10 hours of overtime at 1.5x their regular rate

The hourly rate is calculated as follows;

A firefighter works 15.2 pay periods per year, each pay period is 192 hours
In each pay period;
182 hours are paid a regular rate; (182*15.2) 2766.4 hours
10 hours are paid at overtime rate; (10*15.2*1.5) 228 hours

In one year, a firefighter is paid 2994.4 pay hours (2766.4+228)

Their effective hourly rate is 70,000/2994.4; $23.38
Their effective overtime rate is; $35.07
Their normal monthly pay is 70000/12 ; $5833.33

<center>Appendix B</center>

Firefighter Pay Modified Light Duty Calculation

When a firefighter is moved to a modified light duty schedule their hourly rate should be calculated based on a 40-hour work schedule.

A firefighter is employed at a rate of $70,000 per year
The firefighter is working a 40-hour work week schedule
Their annual hours (52*40) are 2080
Their hourly rate of pay is (70,000/2080); $33.65
Their overtime rate is; $50.48