



IDL Legislative Proposal

Wildland Firefighter Differential Pay
(Hazard Pay)

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Executive Summary

This legislative proposal creates a new **wildland firefighter differential pay** option in Idaho code, otherwise known as hazard pay. The bill, if passed, would pay IDL's wildland firefighters a 25% premium above their base hourly wage while working on an uncontrolled fire or at active fire helibase.

IDL's wildland firefighters engage in highly dangerous work for low pay protecting 6.2 million acres of private, state and federal land. They also respond to fire incidents beyond Idaho's borders outside of peak fire season. Most are hired as temporary, seasonal employees and do not receive benefits. Other jurisdictions, including the other western states and the federal government, offer higher wages, benefits in many cases, and paths to permanent employment. Consequently, Idaho faces extreme challenges in recruiting and retaining wildland firefighters.

Each year IDL hires approximately 250 temporary seasonal wildland firefighters. After just two seasons, typically 40% do not return to work for IDL again. This high turnover rate, given training requirements, is costly. Those seeking careers in fire obtain certifications and experience working for IDL, then go on to obtain permanent or higher paying positions elsewhere. This steady influx of new, inexperienced employees each year exacerbates the hazards of working in dangerous conditions.

Given that the extreme fire conditions experienced across the west and corresponding shortage of firefighting resources is likely to be the new norm, Idaho must do more to prepare for responding to fire. To be prepared, we need wildland firefighters. To better recruit and retain these employees, we need to offer differential hazard pay.

Talking Points

- This legislation creates a new wildland firefighter differential pay option in Idaho code, otherwise known as hazard pay.
 - The bill provides IDL's wildland firefighters a 25% premium above their base hourly wage while working on an uncontrolled fire or at active fire helibase.
 - IDL's wildland firefighters engage in highly dangerous work for low pay protecting 6.2 million acres of private, state and federal land.
 - Most of these firefighters are seasonal employees and do not receive benefits.
- Other jurisdictions, including the other western states and the federal government, offer higher wages, benefits in many cases, and paths to permanent employment.
- Idaho faces extreme challenges in recruiting and retaining wildland firefighters. This bill helps solve those challenges.
 - Each year IDL hires approximately 250 temporary seasonal wildland firefighters.
 - After just two seasons, typically 40% do not return to work for IDL again.
 - This high turnover rate, given training requirements, is costly to the state.
 - Those seeking careers in fire obtain certifications and experience working for IDL, then go on to obtain permanent or higher paying positions elsewhere.
 - This steady influx of new, inexperienced employees each year exacerbates the hazards of working in dangerous conditions.
- Idaho Code, administrative rules, and Division of Human Resources policies do not currently allow IDL to provide its wildland firefighters with differential or hazard pay.
 - I.C. 67-5309D(4)(a) does generally allow for shift differential pay, this existing section of code only applies to employees working regular and scheduled shifts.
 - Idaho's Division of Human Resources has advised IDL that since wildfire suppression work occurs at irregular intervals, there is no mechanism in law, rule or DHR policy to provide differential hazard pay to wildland firefighters.
- This legislation places Idaho on a more equal footing with jurisdictions such as the federal government, Utah, Washington and Oregon, who provide hazard pay or some type of fire differential pay.
 - Improving IDL's ability to recruit and retain wildland firefighters ultimately helps protect Idaho's public and private forests and rangeland from the devastating effects of wildfire.
- The Land Board supports this proposed legislation.
- IDL worked closely with the state's Division of Human Resources to craft this legislation.

Reviewing the Problem and the Solution

What is the problem?

Suppressing wildland fires poses a hazard to the lives, health, and wellbeing of wildland firefighters. This hazardous work involves exposure to flames, smoke, aircraft accidents, and rough remote terrain where the potential for serious injury or death may result. These hazards cannot be totally mitigated.

Wildland firefighters operate in a hazardous environment where they have no control of the environmental conditions around them. Microbursts, sudden weather changes, hazardous trees, stump holes, and wildlife encounters are common environmental hazards. Terrain based hazards, rolling material and debris, steep terrain, while carrying 50+ pounds of equipment and tools, all compound the severity and frequency of trip and fall hazards resulting in significant bone/joint damage and lacerations.

Aircraft bucket and retardant drops (from 700-10,000 gallons) can be near firefighters. In addition, hazardous driving conditions due to limited visibility, heavy fire personnel traffic, difficult terrain, coupled with firefighter fatigue leads to numerous injuries annually.

Other, often unseen hazards of the job of fighting wildland fire include long term exposure to toxic air quality (without the option for breathing apparatus/supplemental oxygen), dehydration, and heat illness which are common and a direct result of heavy physical exertion during prolonged shift assignments (16 hours or more). Additionally, many wildland fires are in remote locations and there may not be readily available medical treatment nearby.

The growing wildland urban interface (WUI) environment also presents a new challenge for wildland firefighters as they are increasingly dealing with panicked, and at times hostile, members of the public. Urban infrastructure (fuel tanks, ammunition storage, power lines, septic tanks, wells, and power lines) all present additional hazards to firefighters. As Idaho continues to grow, a larger WUI represents more dangers.

Additionally, the Department competes against surrounding states and the federal government to recruit and retain qualified wildland firefighting personnel. Because other jurisdictions provide their wildland firefighters hazard differential pay equal to twenty-five percent (25%) of hourly rates while engaged in fire suppression activities, the department faces a significant recruitment and retention impediment.

Why is a legislative Solution needed?

Idaho Code, administrative rules, and Division of Human Resources policies do not currently allow IDL to provide its wildland firefighters with differential or hazard pay while working on fire incidents. While I.C. 67-5309D(4)(a) does generally allow for shift differential pay, this existing section of code only applies to employees working regular and scheduled shifts.

Although IDL's wildland firefighters work regular shifts when standing by to respond to wildfires, actual wildfire suppression work occurs at irregular intervals. Under this bill, IDL's wildland firefighters would be eligible to receive differential hazard pay for time accrued while working on uncontrolled fires or at an active fire helibase.

This legislative solution does not provide a blanket 25% increase to base wildland firefighter wages. Instead, it increases wages only when employees are working on uncontrolled fires or at an active fire

helibase. Compensable time for work activities like training, equipment maintenance or travel to or from an incident would not be eligible for the differential hazard pay increase.

Because wildfires can start at any time of day, there is no practical way to pre-schedule specific shifts that would be eligible for differential pay under the existing statute. For example, a fire crew on standby may respond to an incident at 9am in the morning or 3pm in the afternoon, and they may work for just a few hours, or through the night. The duration and timing of work on uncontrolled fires is dictated by the incident's needs.

IDL has collaborated extensively with the Division of Human Resources to identify other ways for providing this type of hazard pay to wildland firefighters, but updating the law is the only solution.

DHR's administrator, Lori Wolff, concurs this legislative change is needed and supports IDL's legislation.

How does this legislation benefit Idaho?

Low, stagnant pay and inflation are hampering IDL's ability to compete in the labor market. IDL is competing in a rapidly changing labor market where entry level positions are widely available at higher wages, even in non-fire jobs. This legislation helps solve these compensation-related problems.

For fires on land protected by IDL, Idaho is required to provide hazard pay or fire differential pay to firefighters from other jurisdictions if it is offered by their agencies. For example, last summer on the Bedrock Fire near Lenore, IDL firefighters worked side by side with federally employed firefighters. Idaho was required to provide hazard pay to federal firefighters on that incident but was prohibited from providing hazard pay to our own personnel.

When fire activity is low in Idaho, IDL's wildland firefighters may be dispatched to other states under reciprocal fire protection assistance agreements. Given the current statute, IDL firefighters working in Utah, a state that provides hazard pay, will not receive differential hazard pay while working on an uncontrolled fire in hazardous conditions. This legislation, however, would allow IDL wildland firefighters to increase their earnings while working out-of-state and being paid by other jurisdictions.

In a recent survey 60% of IDL's wildland firefighters who indicated they would not return to work for the agency in the next season reported that if hazard pay was provided, they would stay on with IDL. Providing differential hazard pay, when coupled with other efforts to increase starting salaries from \$12.55 per hour, will immediately and dramatically improve wildland firefighter retention.

Given that 40% of Idaho's seasonal wildland firefighters do not continue working for IDL after two seasons, turnover is costly. Employees new to the industry use IDL to obtain certifications and experience, then go on to better paying jobs elsewhere.

This legislation will also aid in firefighter recruitment by placing Idaho on a more equal footing with jurisdictions such as the federal government, Utah, Washington and Oregon, who provide hazard pay or some type of fire differential pay.

Improving IDL's ability to recruit and retain wildland firefighters ultimately helps protect Idaho's public and private forests and rangeland from the devastating effects of wildfire.

Who is eligible to receive wildland firefighter differential pay?

This update to the statute only applies to wildland firefighters that hold current incident qualification cards, i.e. red cards. Additionally, they may only receive the differential hazard pay while working on an uncontrolled fire or at an active fire helibase. In other words, if an IDL wildland firefighter clocks 12 hours on one day, but only works for 3 hours on an uncontrolled fire, then he or she would only be eligible to receive the differential hazard pay for those 3 hours.

Each year IDL employs approximately 250 temporary seasonal wildland firefighters.

Although any state employee could conceivably work as a wildland firefighter, IDL is the only state agency that may manage active wildfire incidents, so only IDL wildland firefighters are eligible to receive the differential hazard pay. Other state agencies, including the Idaho Department of Fish and Game, have fire-qualified personnel that do join IDL's fire crews seasonally. Accordingly, those Fish and Game employees working on IDL fire crews would be eligible to receive the differential hazard pay while working for IDL on uncontrolled fires. Additionally, IDL's regular employees who hold red card qualifications could earn differential hazard pay under the bill, too.

Idaho currently provides hazard pay to firefighters from other jurisdictions deployed to IDL-managed fire incidents.

When does this new differential hazard pay solution need to be in place?

Prior to fire season ramping up, each year IDL hires almost all of its temporary, seasonal firefighters by May. Given the importance of offering hazard pay to recruitment, we need this solution to be in place this spring. The bill includes an emergency clause to place it into effect after its passage and approval.

Pay Rate Analysis

When surveyed in 2021, other western states and the federal government reported paying their entry-level wildland firefighters from between 7% and 35% more than IDL. Since then, other jurisdictions have undertaken efforts to improve wildland firefighter pay. For example, near the end of last season the federal government announced it would increase the starting base pay for its wildland firefighters to at least \$15 per hour, and Montana recently increased its starting wage to \$15.50 per hour and is working to implement hazard pay at 25% of hourly base wages.

2021 Entry Level Firefighter Pay Rates

<i>Agency</i>	<i>Starting Rate</i>	<i>Difference</i>
Nevada	\$16.99	35.38%
Washington	\$16.62	32.43%
Wyoming	\$16.30	29.88%
Oregon	\$15.23	21.35%
Montana	\$13.80	9.96%
Utah	\$13.58	8.21%
Federal	\$13.45	7.17%
Idaho	\$12.55	

In Fiscal Year 2023's budget, IDL is seeking a decision unit request to increase the entry level wage for seasonal wildland firefighters to \$15 per hour. This decision unit request is an important companion to IDL's differential hazard pay legislation. While increasing the base hourly wage will help, given pay increases offered by other agencies, differential hazard pay is still needed to level the recruitment and retention playing field.

Other Jurisdictions' Policies Related to Hazard Pay

<i>Agency</i>	<i>Hazard Pay</i>
Nevada	Not provided
Washington	Employees paid a premium \$2 per hour for "F-Pay"
Wyoming	Not provided
Oregon	Employees paid a shift differential
Montana	No (work underway to provide 25% of base pay)
Utah	Employees are paid 25% of their base pay
Federal	Employees are paid 25% of their base pay

Fiscal Impact

The estimated annual cost for providing wildland firefighters hazard differential pay ranges from \$330,000 to \$390,000, which may impact the general fund, dependent upon if department firefighters are deployed to fires under department protection or to areas protected by other jurisdictions.

State Spending Impact

Fiscal Year	General	Dedicated	Federal	Total
FY 2022	\$330,000 to \$390,000	\$0	\$0	\$330,000 to \$390,000
FY 2023	\$330,000 to \$390,000	\$0	\$0	\$330,000 to \$390,000
FY 2024	\$330,000 to \$390,000	\$0	\$0	\$330,000 to \$390,000
FY 2025	\$330,000 to \$390,000	\$0	\$0	\$330,000 to \$390,000
FY 2026	\$330,000 to \$390,000	\$0	\$0	\$330,000 to \$390,000
Five-Year Total	\$1,650,000 to \$1,950,000	\$0	\$0	\$1,650,000 to \$1,950,000

Paying for Fire Suppression – Background Information

When personnel and equipment are dispatched to a fire, payment for those resources while assigned to the fire is made from the general fund through deficiency warrant authority granted by the Legislature to the State Board of Land Commissioners. Deficiency warrant authority allows IDL to spend money to promptly suppress wildfires without prior legislative appropriation. When the Legislature convenes in January, it reviews the suppression bills incurred during the previous fire season and typically appropriates funds to resolve the negative fund balance. In some instances, the Legislature has opted to pre-fund the account in anticipation of suppression bills yet to be received.

For fires outside of IDL protection where IDL resources are deployed, the jurisdiction responsible for managing the fire reimburses Idaho for actual costs.

Proposed Bill

This legislative proposal adds new language under 67-530D(4) to allow for wildland firefighters to receive differential hazard pay and includes an emergency clause. Additions to the statute are noted in red.

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 53
PERSONNEL SYSTEM

67-5309D. OTHER PAY DELIVERY OPTIONS. (1) In addition to pay increases authorized in section [67-5309B](#), Idaho Code, the department director may grant a classified employee bonus pay not to exceed two thousand dollars (\$2,000) in any given fiscal year based upon exemplary performance. Exceptions to the two thousand dollar (\$2,000) limit provided in this subsection may be granted in extraordinary circumstances if approved in advance by the state board of examiners. Departments shall submit a report to the division of financial management and the legislative services office by October 1 on all bonuses granted in the preceding fiscal year.

(2) In addition to pay increases authorized in section [67-5309B](#), Idaho Code, the department director may grant a classified employee an award payment based upon suggestions or recommendations made by the employee that resulted in taxpayer savings as a result of cost savings or greater efficiencies to the department or to the state of Idaho in excess of the amount of the award, and in compliance with the rules for employee suggestion awards promulgated by the division of human resources. The award may be an amount up to twenty-five percent (25%) of the amount determined to be the dollar savings to the state, but not in excess of two thousand dollars (\$2,000). Exceptions to the two thousand dollar (\$2,000) limit provided in this subsection may be granted in extraordinary circumstances if approved in advance by the state board of examiners. Departments shall submit a report to the division of financial management and the legislative services office by October 1 on all employee suggestion awards granted in the preceding fiscal year. Such report shall include any changes made as a direct result of an employee's suggestion and savings resulting therefrom.

(3) In addition to pay increases authorized in section [67-5309B](#), Idaho Code, the department director may grant award pay to a classified employee for recruitment or retention purposes upon completion of at least six (6) months of achieving performance standards. The department director and the administrator of the division of human resources are authorized to seek legal remedies available, including deductions from an employee's accrued vacation funds, from an employee who resigns during the designated period of time after receipt of a recruitment or retention bonus. Departments shall submit a report to the division of financial management and the legislative services office by October 1 on all such awards granted in the preceding fiscal year.

(4) In addition to pay increases authorized in section [67-5309B](#), Idaho Code, department directors may provide a classified employee other nonperformance related pay as provided in this subsection. Departments shall submit a report

to the division of financial management and the legislative services office by October 1 on all such awards granted in the preceding fiscal year.

(a) Shift differential pay up to twenty-five percent (25%) of hourly rates depending on local market rates in order to attract and retain qualified staff.

(b) Geographic differential pay in areas of the state where recruitment and retention of qualified staff are difficult due to economic conditions and cost of living.

(c) Wildland firefighter differential pay up to twenty-five percent (25%) of hourly rates for wildland firefighting personnel who hold current incident qualifications cards while working on the fireline of a fire incident not deemed controlled, or working at a fire incident helibase servicing active flights.

(~~ed~~) Employees in the same classification who are similarly situated shall be treated consistently in respect to shift differential and geographic pay differential.

(5) When necessary to obtain or retain qualified personnel in a particular classification, upon petition of the department to the administrator containing acceptable reasons therefor, a higher temporary pay grade may be authorized by the administrator that, if granted, shall be reviewed annually to determine the need for continuance.

(6) In unusual circumstances, with prior approval from the administrators of the division of human resources and the division of financial management, agencies may grant nonperformance related pay to employees, which in no case may exceed five percent (5%) of an employee's base pay. Departments shall submit a report to the division of financial management and the legislative services office by October 1 on all such awards granted in the preceding fiscal year.

(7) Specific pay codes shall be established and maintained in the state controller's office to ensure accurate reporting and monitoring of all pay actions authorized in this section.

(8) An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Implementing the Legislation if Passed

If this legislative proposal becomes law, IDL would implement the law by adopting a new fire management policy. This policy, published below in draft form, would be administered by the bureau chief over the Fire Management program.

The new policy establishes guidelines for the payment and compensation for hazardous duty pay differential to the employees of the Idaho Department of Lands (IDL) that are involved in wildland fire suppression duties involving exposure to hazards associated with the suppression of wildland fires while in the service of the state or its cooperators. It would apply to all IDL Areas, Forest Protective Districts, and Timber Protective Associations.

Associated Policies

- A. Fire Management Handbook, 800 Series
- B. NWCG Standards for Interagency Incident Business Management

Exception Authorization

Exceptions to this policy may be granted by the Chief, Bureau of Fire Management.

Definitions

Fire Line: For purposes of pay administration for hazardous duty, a fire line is defined as the area within or adjacent to the perimeter of an uncontrolled wildfire of any size in which action is being taken to control the fire. Such action includes operations, which directly support control of the fire (e.g., activities to extinguish the fire, ground scouting, spot fire patrolling, search and rescue operations, intelligence gathering and backfiring).

Control of Fire: The Incident Commander or Agency Administrator will determine when the fire is controlled. Fire may be controlled even if confinement strategy is applied.

Flying: Participating in limited control flights, such as those undertaken under unusual and adverse conditions (e.g., extreme weather, maximum load, limited visibility, extreme turbulence, or low-level flights involving fixed or tactical patterns), which threaten or severely limit control of the aircraft.

Policy Elements

Pay Differential

IDL shall compensate part time, seasonal and full-time employees a hazardous duty pay differential of 25 percent of an employee's base rate when performing duties specified below:

1. **Firefighting:** Participating as a member of a firefighting crew, helitack or incident overhead in fighting uncontrolled fires on the fire line. Persons assigned to firefighting duties, after the official control time, are not entitled to hazardous duty pay differential.
 - a. Helitack personnel supporting an aircraft directly are entitled to the hazardous duty pay differential.
2. **Flying/Helitack Operations:** Individuals, except pilots, who are participating in limited control or low-level flights in support of fire suppression operations and Helitack personnel directly supporting aircraft in helibase or groundwork operations. Computation

An individual who performs duties for which hazardous duty pay differential is authorized shall be paid the hazard differential for those hours hazardous duty is actually performed. Hazard pay shall be computed on the basis of an individual's base compensation and shall be paid in addition to any other compensation which the individual earns under other authority.

Eligible Employees

All employees are eligible for hazard pay while carrying out assigned duties, if hazard pay criteria, as described above, is met. This does not include personnel engaged in logistical support, service, and non-suppression activities (e.g., media tours to the Fire line, delivery of supplies to the Fire line). Eligible persons must also be qualified under National Wildfire Coordinating Group standards for their particular function or position on a fire assignment.

Hazardous Duty Criteria

Travel time to an incident assignment and return travel to the employee's home duty station is not eligible for hazardous duty pay differential. Employees must be performing duties within or adjacent to the perimeter of an uncontrolled wildfire of any size in which action is being taken to control the fire. Such action includes operations, which directly support control of the fire (e.g., activities to extinguish the fire, ground scouting, spot fire patrolling, search and rescue operations, intelligence gathering, and backfiring).

The incident must be in an uncontrolled status for hazardous duty pay differential to apply. Once the Incident Commander or Agency Administrator declares the fire controlled, the hazardous duty pay differential will no longer be authorized. A fire may be declared controlled even if a confinement strategy is applied.

Prescribed Fire

Prescribed fire does not meet fire line hazard definition for hazard pay unless the prescribed fire burns out of prescription and is declared a wildfire by the Incident Commander/Burn Boss.

Procedures

Documentation Requirements and Supervision

1. Personnel Incident Timekeeping/Recording: All personnel must utilize an Incident Crew Time Report SF-261 (CTR) to record clock hours, rounded to the nearest half hour, based on actual time performing hazardous duties.
2. Supervision: Incident supervisors must manage for the appropriate application of this authority and certify time worked by signing the CTR. Prior to signing the CTR an incident supervisor will certify each operation period which contain the following information:
 - a. On-Shift Time – Time of actual work, ordered standby, travel and Hazardous Duty Differential that has a specific start and ending time.
 - i. Travel Time –Travel time shall be recorded on the CTR and by placing a "T" in the Remarks block 6, column.
 - ii. Hazardous Differential time- shall be recorded by placing and "H" in the Remarks block 6 column and note the hazard category (see below table for guidance) in block 11 of the CTR. Hours must be clocked based on actual exposure and rounded to the nearest half hour.

Hazard Description for CTR/Fire Time Sheet	Description	Activity	Eligible for Hazardous Duty Pay	Comments
Firefighting	Participating as a member of a firefighting crew in fighting forest and range fires on the Fireline before the fire is controlled. This does not include personnel engaged in logistical support, service, and non-suppression activities.	Fighting uncontrolled fire Safety personnel patrolling uncontrolled Fireline Search and rescue on uncontrolled Fireline	Yes	
Firefighting	See Above	Delivering supplies or personnel to the fire line	No	N/A
Firefighting	See Above	Any incidental personnel visiting uncontrolled fireline Media tours to uncontrolled fireline	No	Not considered active firefighting
Firefighting	See Above	Smoke Exposure	No	N/A
Helitack	See Above	Fighting uncontrolled fire Safety personnel patrolling uncontrolled fireline Search and rescue on uncontrolled fireline	Yes	
Helitack, Helibase Operations	Personnel directly supporting aircraft during helibase operations.		Yes	Base personnel would reflect hazard pay by the number of hours the aircrafts HOBBS meter reflects.

Helitack/Flying /Groundwork (helicopter)	Participating in ground operations to attach an external load to a helicopter hovering just overhead.	Hover hook-ups, para-cargo, cargo freefall, cargo letdown and sling load missions. (Helicopter or fixed wing)	Yes	Time Rounded to the nearest half hour.
Flying	<p>Individuals who are onboard aircraft during limited control flights.</p> <p>Limited Control Flight – Flights undertaken <i>under unusual and adverse conditions</i> (e.g., extreme weather, maximum load or overload, limited visibility, extreme turbulence, or low-level flights involving fixed or tactical patterns) <i>which threaten or severely limit control of the aircraft</i>. Hazard pay for flying activities is related to the use of the aircraft, not the work of the occupants. Hazard pay is not authorized for situations such as flying passengers from a work center to a location to fix equipment when there are no adverse conditions that threaten or severely limit the aircraft.</p>	Limited control flights	Yes	