

106TH CONGRESS  
1ST SESSION

# S. 1498

To amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.

---

## IN THE SENATE OF THE UNITED STATES

AUGUST 4, 1999

Mr. BURNS introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

---

## A BILL

To amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wildland Firefighters  
5 Pay Equity Act of 1999”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

1           (1) developing and maintaining skilled qualified  
2           personnel in the Federal firefighting agencies (the  
3           Bureau of Land Management, the Fish and Wildlife  
4           Service, the Bureau of Indian Affairs, and the Na-  
5           tional Park Service within the Department of the In-  
6           terior and the Forest Service within the Department  
7           of Agriculture) is an increasing problem that jeop-  
8           ardizes the safety and effectiveness of wildland fire  
9           suppression operations across the Nation;

10          (2) the main reasons for the problem involve—

11                (A) a pay equity discrepancy which cat-  
12                egorizes personnel assigned to wildland fire sup-  
13                pression operations in either non-exempt posi-  
14                tions (such as firefighters and truck drivers) or  
15                exempt positions (such as supervisors and man-  
16                agers);

17                (B) compensation for overtime is cal-  
18                culated differently for these categories;

19                (C) non-exempt personnel are compensated  
20                for overtime at a rate of one and a one-half of  
21                their normal base pay;

22                (D) exempt personnel are compensated for  
23                overtime with a restriction at step 1 of GS-10  
24                of the General Schedule, which may be below  
25                their normal base pay;

1 (E) some personnel with highly responsible  
2 supervisory and management duties in a  
3 wildland fire suppression operation, such as an  
4 Incident Commander, being paid less than a  
5 truck driver working on the same wildland fire;

6 (F) a disparity in overtime pay compensa-  
7 tion that results in discouraging firefighters  
8 from advancing to supervisory and management  
9 positions;

10 (G) discouragement to many dual career  
11 family members from becoming qualified as  
12 firefighters since income earned from wildland  
13 fire suppression operations usually does not suf-  
14 ficiently offset additional family care costs, such  
15 as child care, incurred with the disrupted sched-  
16 ules in fighting fires; and

17 (H) personnel shortages that are increas-  
18 ing in senior fire suppression positions with the  
19 aging and retirement of personnel without a  
20 corresponding replacement by younger qualified  
21 and skilled firefighters.

22 (b) PURPOSES.—The purposes of this Act are to—  
23 (1) eliminate the pay equity problem in over-  
24 time pay compensation between non-exempt and ex-  
25 empt positions assigned to wildland fire suppression

1 operations to provide equal formulas for calculating  
2 overtime pay for both positions;

3 (2) provide incentives for personnel to become  
4 qualified as firefighters since overtime pay com-  
5 pensation will not be penalized with advancement;

6 (3) provide some financial relief for dual career  
7 families involved in wildland fire suppression oper-  
8 ations to offset the additional costs of family care  
9 while fighting fires; and

10 (4) reduce personnel shortages in senior fire  
11 suppression positions by increasing the numbers of  
12 qualified firefighters seeking advancement.

13 **SEC. 3. REVISED LIMITATION.**

14 (a) IN GENERAL.—Section 5542(a) of title 5, United  
15 States Code, is amended by adding at the end the fol-  
16 lowing:

17 “(5) Notwithstanding paragraphs (1) and (2),  
18 for an employee of the United States Forest Service  
19 in the Department of Agriculture or the Department  
20 of the Interior engaged in emergency wildland fire  
21 suppression activities the overtime hourly rate of pay  
22 is an amount equal to one and one-half times the  
23 hourly rate of the basic pay of the employee and all  
24 that amount is premium pay.”.

1       (b) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect on the first day of the first  
3 applicable pay period beginning on or after the end of the  
4 30-day period beginning on the date of the enactment of  
5 this Act.

