



CALIFORNIA DEPARTMENT OF HUMAN RESOURCES

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Governor Edmund G. Brown Jr.
Secretary, Government Operations Agency Marybel Batjer
Acting Director Richard Gillihan
Acting Chief Deputy Director Pam Manwiller

August 1, 2014

The Honorable Mark Leno
Chair, Joint Legislative Budget Committee
Legislative Office Building
1020 N Street, Room 553
Sacramento, CA 95818

Re: Temporary Addendum to Bargaining Unit 8, CDF Firefighters, Memorandum of Understanding (MOU) - The California Department of Forestry and Fire Protection (CAL FIRE) - Seasonal Employees Pilot Project

This is to inform you of an agreement to launch a temporary pilot project between the state and CDF Firefighters. This pilot project will change the way seasonal firefighter employees are separated at the end of the fire season. This agreement will allow seasonal firefighter employees to return to active status more quickly and efficiently.

No later than July 1, 2015, the parties have agreed to meet and discuss the viability of continuing the program. The pilot will expire October 1, 2015, or with the current MOU, July 1, 2017, depending on the viability of the program.

If you have any questions or concerns please contact Jodi LeFebre, Legislative Coordinator at (916) 327-2348.

Sincerely,

Richard Gillihan, Acting Director
California Department of Human Resources

Attachment

cc: Members, Joint Legislative Budget Committee

Peggy Collins, Principal Consultant
Joint Legislative Budget Committee

Camille Wagner, Chief Deputy Legislative Affairs Secretary
Office of Governor Edmund G. Brown Jr.

Mac Taylor, Legislative Analyst
Office of the Legislative Analyst

Nancy Farias, Deputy Secretary for Legislation
Government Operations Agency

ecc:

Marianne O'Malley, Director Gen. Government
Office of the Legislative Analyst

Christian Griffith, Chief Consultant
Assembly Budget Committee

Nick Schroeder, Fiscal and Policy Analyst
Office of the Legislative Analyst

Mark Martin, Consultant
Assembly Budget Committee

Erika Li, Asst. Program Budget Manager
Department of Finance

Mark McKenzie, Staff Director
Senate Appropriations Committee

Craig Cornett, Chief Fiscal Policy Advisor
Office of the Pro Tem

Maureen Ortiz, Consultant
Senate Appropriations Committee

Charles Wright, Chief Consultant
Office of the Pro Tem

Geoff Long, Chief Consultant
Assembly Appropriations Committee

Chris Woods, Budget Director
Office of the Speaker

Joel Tashjian, Consultant
Assembly Appropriations Committee

Greg Campbell, Chief of Staff
Office of the Speaker

Pamela Schneider, Chief Consultant
Senate PE&R Committee

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Senate Republican Fiscal Office

Gary Link, Consultant
Senate Republican Caucus

Chantele Denny, Consultant
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Terry Mast, Consultant
Assembly Republican Caucus

Anthony Archie, Consultant
Assembly Republican Fiscal Office

Pam Manwiller, Acting Chief Deputy Director
CalHR

Eric Swanson, Staff Director
Assembly Republican Fiscal Office

Alene Shimazu, Chief
Financial Management, CalHR

Mark Ibele, Staff Director
Senate Budget Committee

Joe Stephenshaw, Consultant
Senate Budget Committee

AGREEMENT

Between the State of California, Department of Human Resources (CalHR), Department of Forestry and Fire Protection (CAL FIRE), and the CAL FIRE Local 2881 (Union) regarding CAL FIRE seasonal employees.

The parties have arrived at the following agreement as a full disposition of this matter:

When it is determined that there is a lack of work, CAL FIRE will:

- a. Determine the last day of physical work and obtain equipment, tools, identification cards, personal protective equipment, etc.
- b. Convert the timebase for Firefighter Is from full-time to intermittent. The employee will be identified as off pay/off work status.
- c. Pay the employee in a lump sum payment (code 9v) for accumulated leave credits (i.e., vacation, annual leave, holidays, etc.) that would normally be "cashed out" upon permanent separation.
- d. Employees' State service credit, benefits and eligibility for pay differentials will be temporarily suspended during the off pay/off work status under the same applicable Government Codes, laws and rules as other off pay/off work status.
- e. Employees will be eligible to enroll in the COBRA in order to maintain their health, dental and vision benefits. Upon their return to full-time status, their benefits will resume.
- f. CAL FIRE will not contest applications for unemployment benefits for Firefighter Is who are laid off or hours of work reduced consistent with this agreement.
- g. Upon determination of the availability of work, employees whose timebase has been changed to intermittent will be contacted to return to active full-time work status based upon the current standards and conditions for re-hire. Upon the employee's return to active, full-time work status, the employee's State service credit, benefits and eligibility for pay differentials will be determined concurrent with the date of their return to "active" full-time work status.
- h. Upon determination of the availability of seasonal work and if the employee does not return to work as requested and consistent with the current standards and conditions for re-hire, the employee will be deemed to have voluntarily resigned after three requests to work and three waivers by the employee.
- i. CAL FIRE will have the authority to order firefighters back to work during the time period of intermittent timebase for limited duties that must be addressed within a specific limited duration timeframe.
- j. During the period of intermittent timebase, if an employee is called back to work for any reason, the employee shall be placed on paid status.

p. Nothing in this agreement is intended to change how (the duties and assignments) and when (general time periods and start/stop cycles) seasonal employees will be used by CAL FIRE.

k. During intermittent status, the employee is still considered a Bargaining Unit 8 employee and is represented by CAL FIRE Local 2881.


l. This agreement is applicable as of January 2014.

m. This agreement is not intended to modify the current Memorandum of Understanding (MOU) between the parties. This is a pilot program and expires October 1, 2015.

n. No later than July 1, 2015, the parties agree to meet to discuss any unexpected impact that was not already discussed, and determine the viability of continuing this pilot program.


o. If the parties do not avail themselves of this reopener, than this pilot program will continue and will expire concurrent with the current MOU, July 1, 2017.

STATE OF CALIFORNIA



Pam Manwiller
Chief Deputy Director (A)
California Department of Human Resources

5-22-14
Date

CAL FIRE Local 2881


Mike Lopez
President


5-22-14
Date


Kristine Rodriguez
Assistant Deputy Director
Labor and Human Resource Management
CAL FIRE


5/22/14
Date


Timothy Edwards
State Rank and File Director

5/22/2014
Date


Lily Cervantes
Labor Relations Manager
Labor and Human Resource Management
CAL FIRE

5/22/14
Date


Gary Messing
Attorney

5/22/14
Date