

**POLICY - 2.11.4 - EMPLOYEE COMPENSATION DURING STATE
CONFLAGRATION ACT RESPONSE**
SCOPE - ALL EMPLOYEES

Occasionally the District is asked to provide assistance in the form of personnel and equipment to other areas of the state, or more rarely to another state, as a result of enactment of the State Conflagration Act, ORS 476.510 - 476.610. The intent of the Act is to assure an adequate response of resources, as assigned by the State Fire Marshal, for the mitigation of fire emergencies. Usually the District commits personnel resources comprised of both paid and volunteer staff to such incidents.

Whenever the Act is invoked, the providing agency is assured compensation for all expenses during the response including personnel costs. Compensation for volunteers is based upon an hourly rate established by the State Fire Marshal, while compensation for paid staff is based on the actual salary scale established by the employing district for that employee. Personnel receiving compensation for participation in the Act are compelled to acknowledge that they are liable for all State and Federal taxes, and that these taxes may be withheld.

It is not unusual for emergency incidents meeting the criteria for enactment of ORS 476.510 - 476.610 to be of a duration lasting several days. Due to this condition there is a provision in the mobilization plan adopted by the State Fire Marshal to pay personnel over-time compensation after the first forty (40) hours of response to the incident.

The intent of this policy is to establish that, for the purpose of response to the State Conflagration Act, hourly accounting will begin at the same time for both volunteer and paid personnel. Further, to the extent that the state authorizes overtime compensation after forty (40) hours of response to an incident, the overtime exemptions of ORS 652.060 will not apply.

This policy does not create any special contractual agreement between the District and its volunteer personnel. As it relates to the District, the person's classification as a volunteer does not change and the person shall not be considered an employee of the District, except as is consistent with the State Conflagration Act and for no other purpose. The District assumes no responsibility for payment to any volunteer of any sums deemed owed to the volunteer by the State of Oregon. The District will assist in collection and disbursement of those sums received from the State of Oregon. If sums are not received, or there is some change in state procedure, the volunteer acknowledges that the District has no liability for any pay to volunteer personnel for their response participation.