

TO: James L. App, City Manager
FROM: Ken Johnson, ES Chief 
SUBJECT: Mutual Aid Reimbursement
DATE: May 19, 2015

NEEDS: For the City Council to consider formalizing its employee payment obligations in order to continue receiving reimbursement in the same amount spent for distant mutual aid assignments.

- FACTS:**
1. Under the California Fire Assistance Agreement, Paso Robles participates in emergency responses outside its area of jurisdiction (i.e., mutual aid).
 2. Mutual aid responses outside the County usually result in Federal and/or State Government reimbursement.
 3. Participation in out of county mutual aid assignments is made possible only by working employees beyond their normal work-hours.
 4. The City's legal obligation is to compensate employees at the overtime rate when working them in excess of their designated hours.
 5. In an attempt to curb potential overpayment in large mutual aid assignments, the State is requiring affirmation of local employee-payment arrangements (particularly when providing portal-to-portal pay).

ANALYSIS &

CONCLUSION: As required by law, the City pays its FLSA non-exempt employees for all work hours. This includes travel time to and from out-of-county mutual aid assignments. Participation in these mutual aid assignments must be covered by off-duty firefighters compensated at the one and one-half time (overtime) rate. This is consistent with State and Federal wage laws, and is also referenced in the labor group's Memorandum of Understanding (MOU).

Not all participating mutual aid agencies are paid overtime for all hours (e.g., Federal workers) and the State is now requiring an affidavit stipulating the manner of local pay. Filing a local resolution with the State will allow the City to continue receiving reimbursement commensurate to its cost.

POLICY

REFERENCE: None

FISCAL

IMPACT: None. The resolution merely acknowledges current employee-payment practices, enabling the City to continue receiving full reimbursement.

- OPTIONS:**
- a. Adopt Resolution No. 15-xxx confirming the method of calculating overtime payments for mutual aid assignments; or
 - b. Amend, modify or reject above option.

RESOLUTION NO. 15-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING OVERTIME AND PORTAL TO PORTAL PAY FOR EMPLOYEES

WHEREAS, the City of Paso Robles is a public agency located in the County of San Luis Obispo, State of California; and

WHEREAS, it is the City's desire to provide fair and legal payment to all its employees for time worked; and

WHEREAS, the City has in its employ, fire department response personnel that include: Fire Battalion Chief, Fire Captain/Paramedic, Fire Captain/EMT, Firefighter/Paramedic, and Firefighter/EMT; and

WHEREAS the City will compensate its employees portal to portal while in the course of their employment and away from their official duty station and assigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response; and

WHEREAS the City will compensate its employees overtime in accordance with their current Memorandum of Understanding while in the course of their employment and away from their official duty station and assigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of El Paso de Robles that the conditions set forth in this resolution, as stated above, take effect upon adoption.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 19th day of May 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Steven W. Martin, Mayor

Caryn Jackson, Deputy City Clerk