

RESOLUTION
 CAL FIRE LOCAL 2881 58th ANNUAL CONVENTION
 SACRAMENTO, CA
 JANUARY 9 - JANUARY 12, 2025

SUBJECT: Shift Pattern 4 Hours of Work

SUBMITTED BY: Butte Chapter

INTENT: Change Shift Pattern 4 to a standard 4-day 40 hour work week

FINANCIAL
 IMPACT:

(To be assigned by fiscal steering committee/state finance director)

Sunset Date: _____ Continues Indefinitely _____

Estimated Annual Revenue: _____

WHEREAS, (1) The 2024 Tentative Agreement between Local 2881 and CalHR established a standard 66 hour workweek across all shift patterns; and

WHEREAS, (2) Shift Pattern 1 consists of consecutive 24 hour shifts over the course of 2 or 3 days per week and is available to personnel assigned to a fire station; and

WHEREAS, (3) Shift Pattern 4 consists of 4, 10 hour days with 26 hours standby spread across the first 3 days and is only allowable for personnel not assigned to a fire station; and

WHEREAS, (4) The nature of spreading 26 hours of standby over the course of 3 days creates one or more small windows of off-duty time at odd hours of the day, such as a 2 hour window from 0500 to 0700 in the morning, creating “off duty” time periods that are not practical or useful for the employee to pursue non-employment-related activities; and

WHEREAS, (5) The one or two additional duty days per week (4 days versus 2 or 3) further reduces the employee’s ability to either pursue personal interests or work overtime shifts by 65 days each year; and

WHEREAS, (6) There is no difference in compensation between personnel assigned to either Shift Pattern 1, Shift Pattern 4, or any other Shift Pattern in spite of a 45% variation in the number of days worked; and

WHEREAS, (7) This creates a disincentive for Fire Protection Personnel to transfer or promote to positions that are not assigned Shift Pattern 1; and

WHEREAS, (8) Many other fire departments assign positions not working at a fire station to a 4-day, 40-hour work week with identical annual compensation and benefits package as the same classification receives when assigned to an engine; and

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- WHEREAS, (9) The job duties of many employees assigned to Shift Pattern 4 perform primarily administrative duties, bringing into question the applicability of the overtime exemption under FLSA 7k; and
- WHEREAS, (10) Assigning administrative personnel to a 4 day, 40 hour work week with zero standby also avoids any conflict with the FLSA 7k exemption for firefighters due to some positions duties being virtually 100% administrative; and therefore, be it
- RESOLVED, (A) CAL FIRE Local 2881 work to modify Section 8.2 of the MOU so Shift Pattern 4 is a standard, 4 day, 40 hour work week with zero standby hours with the exact same annual compensation and benefits package (effectively rolling EDWC hour compensation into the annual total compensation) as had that employee been assigned Shift Pattern 1; and be it further
- RESOLVED, (B) This would include changing the “Clock” (aka “EDWC Clock”) in Section 8.2.3.1 to 40 while an employee is assigned to Shift Pattern 4, ensuring all hours worked over 40 in a week are compensated as Unplanned Overtime; and be it further
- RESOLVED, (C) An employee assigned Shift Pattern 4 would remain an “MOU Section 8.2” employee for all other aspects of the MOU, including the “portal to portal” provisions.

ACTION:

To Executive Board of Directors _____ Adopt in Original Form _____

Adopt as Amended _____ Adopt as a Consolidation of Resolutions _____

Withdrawn by Author _____ Reject _____