



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, DC 20240

IN REPLY REFER TO:

MAR 20 2013

Memorandum

To: Regional Director, Rocky Mountain Region

From: Director, Bureau of Indian Affairs 

Subject: Administratively Determined (AD) Hiring by Tribally Contracted or Compact Fire Management Programs for Fire Suppression and Fuels Management

This memorandum is in response to tribally contracted and compacted fire management programs for fire suppression and fuels management activities. Guidance for Administratively Determined (AD) employees referenced from the following documents:

- 2012 DOI Administratively Determined Pay Plan for Emergency Workers
- Interagency Incident Business Management Handbook
- April 6, 2001 Memorandum Guidance for Tribally Operated Wildland Fire Management Programs
- May 4, 2004 Memorandum Clarification on Training Policy for Administratively Determined (AD) Emergency Hires

Can tribal employees be delegated the authority to hire AD emergency workers under a P.L. 93-638 contract or tribal compact agreement?

AD hiring authority cannot be delegated to a tribally contracted or compact program. This is an inherently federal function that needs government oversight. However, Tribes may designate a Tribal Official to sign as Time Officer on the Emergency Firefighter Timesheet (OF-288) when such Tribal Officials are designated. Designation must be agreed upon in a Memorandum of Agreement/Understanding or Contract Scope of Work Statements between the Tribe and the Bureau of Indian Affairs (BIA). After the Agency Superintendent or federal designee reviews the pay documents for accuracy, the documents should be submitted to the Casual Payment Center (CPC) for processing and payment.

Who is responsible for the oversight and support of AD employees at Agencies that have the wildland fire program contracted or compacted by a tribe or tribal organization?

The Agency Superintendent or their designee has responsibility for oversight and support of AD employees at Agencies that have a wildland fire program contracted or compacted by a tribe or tribal organization. A designee must be a federal employee who has a written delegation from the Agency Superintendent to administer this activity. An Agency Superintendent cannot

delegate this responsibility to a tribally contracted or compacted program. If an Agency Superintendent does not have the capacity to fulfill this responsibility, the Regional Office will need to meet this inherently federal activity.

In order for AD employees to travel outside their point of hire location, do they need to have a travel authorization and who is responsible for approving their travel?

AD employees traveling outside their point of hire location under the AD pay plan Section 17(e) states the hiring agency/unit is responsible for issuing authorization to travel (if required) and for processing claims for travel expense reimbursement per agency procedures. Section 14 (e) under the Conditions of Hire states:

All transportation required from point-of-hire until return to point-of-hire must be at government expense, except as stated in section 13(g) above. If a casual is fired or quits without an acceptable reason before the emergency is over, pay will be stopped at that time. A government official may decide whether or not the government will provide return transportation and if the casual (AD) will be paid for travel time back to the point-of-hire.

Federal Travel Regulations (FTR) and/or agency specific travel regulations will be utilized for all travel policies and processes as referenced in the Interagency Incident Business Management Handbook, Chapter 10 page 117 lines 8-9.

What is the BIA's definition of hiring official regarding the AD pay plan?

The BIA's definition of hiring official regarding the AD pay plan is the sponsoring Agency Superintendent or federal designee to act on their behalf.

Are AD employees required to have the same employee training as regular federal government employees?

AD employees hired under this plan must meet minimum physical fitness standards, security and qualification requirements as established by agency policy. In addition, AD's are required to complete agency specific-health and medical screening requirements for certain positions prior to being hired. These requirements are outlined in section 6 (e), Conditions of Hire in the AD pay plan. AD's are to meet the minimum requirements to allow them to respond to emergency incident situations. Additional fire training must not exceed 80 hours per calendar year. Courses such as Defensive Driving, Discrimination & Whistle Blowing in the Workplace (NO FEAR), and Ethics training are not required for AD's.

Per the AD pay plan in section 6 (d), "To allow personnel to attend emergency incident training in preparation for emergency incident situations." In most cases, this should not exceed a total of 80 hours per calendar year regardless of hiring agency.

Only training courses referred to as "Required" in the Wildland and Prescribed Fire Qualification Guide (PMS-310-1) are authorized for delivery to AD hires. The only exception to this rule is

the Annual Safety Refresher Training, which is currently an annual training requirement for AD employees who work on the fireline, as well as any reference in the Wildland Fire and Aviation Program Management and Operations Guide to training requirements exceeding 310-1 standards.

When AD employees are injured, who is responsible for the accident reporting and administrative support?

When AD employees are injured, the accident reporting and administrative support is the responsibility of the sponsoring Agency Superintendent or federal designee. The sponsoring/hiring agency will adhere to the Office of Workers Compensation Programs (OWCP) policies and reporting procedures.

AD employees have the same rights to FTR's and OWCP, in addition to subsequent policies and procedures outlined in the AD pay plan. Federal Program Managers/Agency Administrators need to support the existing federal policies and regulations pursuant to an on call emergency workforce.

BIA-NIFC will be adding a section on AD management and administration in the next re-write of 90 IAM to address your concerns and provide additional guidance. Further questions can be directed to Aaron Baldwin at (202) 208-5831.