



## Frequently Asked Questions

### Implementation of Section 40803 of the Bipartisan Infrastructure Law (Public Law 117-58)

June 21, 2022

The document was created to provide answers to the most frequently asked questions related to the new GS-0456 Wildland Firefighter occupational series announced on June 21, 2022, and the temporary wildland firefighter supplemental salary increase.

Please contact your servicing Human Resources Office with questions.

#### *New Wildland Firefighter Temporary Pay Provisions*

##### **1. What is the pay increase from the Bipartisan Infrastructure Law (BIL)?**

Section 40803 of the Bipartisan Infrastructure Law provides a supplemental salary increase of \$20,000 per year, or 50% of base salary (whichever is less), for wildland firefighters employed by the U.S. Department of Agriculture/U.S. Forest Service and the U.S. Department of Interior. The supplemental salary increase is payable upon a determination by the Secretary of each Department, in coordination with the Office of Personnel Management (OPM), that the wildland firefighter is located in an area where it is difficult to recruit or retain wildland firefighters. The Forest Service will receive funds of \$480,000,000, and Interior will receive funds of \$120,000,000, for use from October 1, 2021 through September 30, 2026, or until the funds are depleted, whichever comes first.

##### **2. Who will receive the supplemental salary increase?**

The supplemental salary increase applies to wildland firefighters that have primary or secondary firefighter retirement coverage status. This also includes temporary employees who occupy primary firefighter positions but are not paying into the retirement system because they are under a temporary appointment or intermittent work schedule.

##### **3. Does the pay increase apply to all geographic areas?**

**Yes.** The Bipartisan Infrastructure Law requires that criteria be applied to determine which positions are difficult to recruit or retain. Through the analysis conducted, it's been determined that it is difficult to recruit or retain wildland firefighters in every geographic area.



#### 4. When will I receive payment of the supplemental salary increase?

##### Forest Service

- a) **Retroactive Payments.** Forest Service employees will receive several retroactive payments. The first retroactive payment will occur within the next three pay periods and will cover your base hours from October 1, 2021, through May 21, 2022. A second retroactive payment will occur by the end of July and will cover May 22, 2022, through July 2, 2022. If you are a nonexempt employee and if you worked any overtime hours during that timeframe, you will also receive a retroactive Fair Labor Standards Act (FLSA) overtime payment. The additional FLSA payment will be issued within the next 4 months.
- b) **Each Pay Period.** Beginning on July 3, 2022 (pay period 14), Forest Service employees will receive the supplemental salary increase (also referred to as a “supplement”) each pay period. You will receive the additional pay each pay period as long as you continue to meet the eligibility requirements, up until September 30, 2026, or until the funds are depleted, whichever comes first.

##### Interior

- a) **Retroactive Payment.** You may receive two types of retroactive payments. The first retroactive payment will cover your base hours from October 1, 2021, through July 2, 2022. If you are a nonexempt employee and if you worked any overtime hours during that timeframe, you would also receive retroactive Fair Labor Standards Act (FLSA) overtime payments. Both the retroactive base hours and any additional FLSA payments will be included in your July 12, 2022, paycheck.
- b) **Each Pay Period.** Beginning on July 3, 2022 (pay period 15), you will receive the supplemental salary increase (also referred to as a “supplement”) each pay period. For example, if the increase is based on the \$20,000 amount, and if you are a full-time employee with an 80-hour biweekly basic tour of duty, you would receive an additional \$766.40 each pay period. You will receive the additional pay each pay period as long as you continue to meet the eligibility requirements, up until September 30, 2026, or until the funds are depleted, whichever comes first.

#### 5. How much will I receive?

Your salary supplement will be based on an annual salary amount - either a \$20,000 annual amount or 50% of your annual base salary, whichever is less. Generally speaking:



- If your annual salary is more than \$40,000, your salary supplement will be based on the \$20,000 amount.
- If your annual salary is less than \$40,000, your salary supplement will be based on 50% of your annual base salary.

To determine your annual salary (including locality payment), refer to OPM's General Schedule (GS) [Locality Pay Tables](#). For firefighters at grades GS-2 through GS-4 receiving a special rate under Table 001M that is higher than your locality rate, your annual salary is the special rate on that [special rate schedule](#).

**Hourly Supplement.** The supplemental salary increase is paid as an hourly supplement and the payment you will receive for a biweekly pay period is based on the number of non-overtime hours in that pay period during which you were in a pay status (i.e., working or taking paid leave or other paid time off).

- For example, a GS-6 step 1 employee earning \$40,262 under the Rest of U.S. locality pay table would receive a supplement based on the \$20,000 annual amount, which equals \$9.58 per hour, for each non-overtime hour in a pay status:

$$\$20,000 / 2,087 \text{ annual hours} = \$9.58 \text{ hourly supplement}$$

If the employee is a full-time employee with 80 non-overtime hours in a biweekly pay period and the employee is in a pay status during all of those hours, the employee would receive an additional \$766.40 for that pay period:

$$80 \text{ hours} \times \$9.58 = \mathbf{\$766.40 \text{ supplemental salary increase payment per pay period}^*}$$

*\*Your supplement payment may not be paid out in your biweekly paycheck as exactly \$766.40, and you will receive catch-up payments to ensure you receive the full amount. See question #6 for more information.*

- For example, a GS-4 step 1, earning \$37,120 under the Los Angeles locality pay table would receive 50% of base pay, which translates to \$8.90 per hour, for each non-overtime hour in a pay status:

$$\begin{aligned} \$37,120 / 2,087 &= \$17.79 \\ \$17.79 \times 50\% &= \$8.90 \end{aligned}$$

If the employee is a full-time employee with 80 non-overtime hours in a biweekly pay period and the employee is in a pay status during all of those hours, the employee would receive an additional \$712.00 gross pay for that pay period:

$$80 \text{ hours} \times \$8.90 = \mathbf{\$712.00 \text{ supplemental salary increase payment per pay period}}$$



## 6. How will these payments be processed?

The wildland firefighter supplemental salary increase is a new type of pay and currently there is not a specific system application to process this supplemental pay. In order to get the money to you as soon as possible we must use existing system applications to process these payments.

- a) **Retroactive Payment.** The retroactive payments will be processed as a monetary award and will show up as a cash award on your Earnings and Leave Statement.
- b) **Each Pay Period.** The biweekly payments will show up as a retention incentive on your Earnings and Leave Statement. Retention incentives are processed as a percentage of pay and may only be processed as a whole percentage.

A retention incentive in our current payroll system applications will process as a percentage and not as a flat dollar amount. Based on the current salary you receive, your wildland firefighter supplemental salary increase may not calculate into whole percentages when we process the retention incentive payment. In these situations, the percentages will be rounded down to prevent employees from being overpaid and then periodic catch-up payments will occur by payment of a monetary award.

**It is important to note that each employee's payments will be monitored, and you will receive the full amount that is due to you.**

- For example, a full-time GS-9 step 1 under the Rest of U.S. locality pay table earns \$54,727 annually and the employee's supplement will be based on the \$20,000 annual amount. The correct biweekly supplement would be \$766.40 (\$9.58 x 80). The calculation for this specific employee comes out as 36.55% of basic pay (\$20,000 / \$54,727). However, since retention incentives can only be processed in whole percentage rates, the biweekly retention incentive will be processed at 36% (not 36.55%). Processing at 36% produces a biweekly supplement of \$755.20:

$$36\% \times \$54,727 = \$19,701.72$$

$$\$19,701.72 / 2087 \text{ hours} = \$9.44$$

$$\$9.44 \times 80 \text{ hours} = \$755.20$$

The remaining \$11.20 (\$766.40 - \$755.20) will be processed in periodic payments as a monetary award.



**7. Why is this being paid as an hourly supplement instead of one payment of \$20,000?** The statutory text in section 40803 of the Bipartisan Infrastructure Law states that funds shall be used to “increase the base salary.” For GS employees, the term “salary” is used in annual terms. The GS law establishes annual rates of basic pay for GS employees, from which hourly rates are derived (5 U.S.C. 5504). The section 40803 language makes reference to “\$20,000 per year”, which indicates the increase in base salary is an increase in an employee’s annual rate. Any annual rate supplement can be converted to a corresponding hourly rate supplement by using the 2,087-hour divisor set forth in 5 U.S.C. 5504(b). (For example, \$20,000 / 2,087 hours = \$9.58 hourly rate supplement.) The hourly rate supplement would be paid on an hourly basis in conjunction with the receipt of basic pay for non-overtime hours of work, including hours of paid leave or other paid time off. The hourly rate supplement would not be paid during periods of leave without pay or other periods of non-pay status.

**8. Will the hourly supplement affect my FLSA overtime rate?**

**Yes.** The hourly supplement will be used in computing FLSA overtime pay for nonexempt employees since FLSA law and regulations base the overtime pay computation on an employee’s total remuneration.

**9. Does the supplemental salary increase count towards my high-3 average for retirement?**

**No.** The retirement laws exclude pay given in addition to the base pay of the position as fixed by law or regulation except as specifically required by law (see 5 U.S.C. 8331(3) and 8401(4)). Section 40803 of the Bipartisan Infrastructure Law did not provide that the temporary wildland firefighter increase would be basic pay for retirement or any other purpose. The supplement salary increase will not be included as retirement-creditable basic pay for retirement and will not count towards the firefighter’s high-3 average salary used to compute lifetime retirement annuities.

**10. How can I tell if I’m covered under primary or secondary firefighter retirement coverage?**

#### **Forest Service**

Log into Dashboard and click “Position Description”. Enter your series and grade and your position description will pop up. Look in your position description and it will read if your position is covered under primary or secondary firefighter retirement coverage.



### **Interior**

Log into DOI's [electronic Official Personnel Folder \(eOPF\)](#) and review your position description (PD). Look in your PD and it will indicate if your position is covered under primary or secondary firefighter retirement coverage. If you do not have access to your eOPF, please contact your Servicing HR Office for a copy of your PD.

#### **11. If I take paid leave, will I still receive the supplemental salary increase that pay period?**

**Yes.** You will receive the salary supplement when you take periods of paid leave, but you would not receive the salary supplement during periods of unpaid leave or any other periods of non-pay status (LWOP, AWOL, during off season, furlough).

- For example, if a seasonal wildland firefighter came on the rolls on May 8, 2022, the employee would be eligible for the supplemental salary increase beginning on May 8, 2022 and would not be eligible for the supplement during off-season periods.

#### **12. Will the retroactive payment from 2021 cause a corrected W-2 to be generated?**

**No.** Corrected W-2s for the 2021 tax year will not be required for retroactive payments issued in 2022. Retroactive payments that pay out in tax year 2022 count as income on your 2022 wages and will be reflected in your 2022 W-2.

#### **13. Will the supplemental salary increase count towards the pay caps?**

**No.** The additional pay you receive from the supplemental salary increase is a different type of payment that is outside of your regular Title 5 pay and does not count towards the biweekly premium pay cap; the annual premium pay cap; or the aggregate pay cap. Pay exceeding these limitations will likely be paid at a later date. Existing pay processes do not allow for payments exceeding these limitations, so each individual case exceeding these limitations must be audited and paid out separately.

#### **14. Is the Administration working on a permanent pay solution?**

**Yes.** We are committed to finding a long-term solution to develop the more permanent, well-supported firefighting workforce needed to address the growing wildfire threat before the temporary salary supplements provided by BIL are exhausted.





## ***New Wildland Fire Management Occupational Series***

### **15. Was a new Wildland Firefighter classification series created for us?**

**Yes.** The Bipartisan Infrastructure Law provided that a new occupational series be created that covers positions for which the primary duties involve the prevention, control, suppression, or management of wildland fires. OPM has created GS-0456, Wildland Firefighter series.

### **16. Who will be impacted by the issuance of this policy?**

Federal wildland firefighters and anyone interested in applying to a Federal wildland firefighter position will be impacted. Current firefighters—defined as Federal employees covered by the General Schedule Classification System under Title 5, United States Code Chapter 51, performing wildland firefighting work—will have the opportunity to opt-in to the new Wildland Firefighter classification series. Future firefighters will be able to apply for jobs specifically designated as wildland firefighters.

### **17. Do I need to move into the new GS-0456 Wildland Fire Management series?**

The Bipartisan Infrastructure Law provides that current employees meeting the criteria specified for the new occupational series may elect to move into the new GS-0456 Wildland Firefighter position, or they may elect to remain in their current position – the choice is yours.

### **18. If I elect not to move to the new GS-0456 Wildland Fire Management series, will I have another opportunity to do so later on and will the process be any different?**

Forest Service and Interior are developing detailed guidance concerning the process for selecting whether to move to the new series, including whether there will be subsequent opportunities to do so. We will provide more information as it becomes available.

### **19. Do I need to move into the new GS-0456 Wildland Fire Management series to receive the supplemental salary increase payment?**

**No.** You will receive the supplemental salary increase payment whether or not you decide to move into the new wildland firefighter series, provided you continue to meet the eligibility requirements for payment.



**20. Will I still be eligible for hazard pay for firefighting if I move into the new GS-0456 Wildland Fire Management series?**

**Yes.** You are entitled to hazard pay when you meet the criteria for hazard pay under 5 CFR 550, appendix A to subpart I for fighting forest or range fires on the fire line, even if you move into the new GS-0456 Wildland Firefighter series.

**21. If I move to the new GS-0456 Wildland Fire Management series, will I be subject to mandatory travel?**

Moving to the new series has no impact on any travel requirements. Any travel requirements will continue to be a function of the requirements of the job.

**22. How will the new GS-0456 Wildland Fire Management series be an improvement for firefighters?**

The Wildland Fire Management series is a part of the long-term solution to ensure Federal wildland firefighters are supported, equitably compensated, and have a better work-life balance. For the past 50 years, there has been no specific Federal wildland firefighter job series or position descriptions and Federal jobs with a variety of roles and responsibilities including firefighting have all been incorporated in one broad job series referred to as the Forestry Technician GS-0462 job series. Moving forward the Wildland Firefighter Series will identify and provide job titles/specialties and a clear path to career advancement that reflects the true nature of the work.

**23. What does this new series mean for career ladders and mobility within jobs?**

The new Wildland Fire Management series provides a solid structure for strengthening the wildland firefighter workforce. Creation of the new series will provide a clear career path for wildland firefighters with defined requirements for advancement. This will also facilitate mobility between wildland firefighter jobs.

**24. What does the new series mean for retirement?**

The new series does not make any changes to retirement. Additional legislation would be required to make any changes to the wildland firefighter retirement benefits.

**25. Will this change the employees BUS code?**

Any changes to employee bargaining unit status are made accordance with the applicable collective bargaining agreements. However, bargaining unit status codes are not expected to





change for individuals moving into the new occupational series. Employees will remain in their same units and be represented by the same labor organizations.

**26. What's going to happen next?**

There is a significant amount of work to implement the new occupational series, and agencies typically have up to a year to do so under OPM policy. The Forest Service, for example, has over 400 classified position descriptions that need to be reviewed and reclassified with the new classification standards prior to moving employees into the new series. The positions at the Forest Service and Interior all need to be reviewed, after classification is completed, to designate these new positions as Wildland Firefighters for Federal firefighter retirement coverage. Forest Service and Interior will be in a position to post vacancies with the new series once position descriptions are developed for the new series. Implementation of the new series will be negotiated with the firefighters' labor unions.

**27. Will the Forest Service offer any on-line resources to educate/explain content and process?**

**Yes.** The Forest Service is developing a guide for wildland firefighters that explains the choice and steps to move into the new series or remain in the old series.

**28. What approach did OPM take to develop the Position Classification Standard for Wildland Fire Management Series, 0456?**

Creating a new occupational series requires extensive research, stakeholder engagement, consultation with employers from other sectors, detailed job analyses, collaboration with employing agencies, among many other activities. Typically, it takes over a year to create a new position classification standard. OPM used an expedited approach to develop the series in light of the 6-month statutory deadline imposed by Congress.

Under this expedited schedule, OPM coordinated regularly with the Forest Service and Interior. OPM's Classification and Assessment Policy Office also held multiple focus groups with subject matter experts and Union Officials representing wildland firefighters at various Federal agencies, conducted an extensive literature review of pertinent documents, collected agency comments and data, and analyzed a comprehensive array of occupational information.

Based on this analysis, OPM concluded that refreshing and updating the Position Classification Standard for Wildland Fire Management Series, 0456 was valid and expeditious path to best satisfy the needs for a new position classification standard.



**29. Why did OPM refresh the GS-0456 Wildland Fire Management series rather than create a new occupational series for wildland firefighters?**

A version of the 0456 series had been used many years ago for wildland firefighters. At the time, the fire season was shorter and the work more seasonal in nature. As a result, an occupational series geared toward a full-time, permanent wildland firefighter job was less relevant and useful. Accordingly, the Forest Service and Interior used other occupational series—such as forestry technician. But with the changing nature of the fire season and the need to employ wildland firefighters year-round, updating the 0456 series was appropriate. In the classification policy development process, preexisting policy is always considered. It must be proven through the study that the preexisting policy is insufficient for covering the work. Because the 0456 series deals specifically with wildland firefighting, classification policy supported its use, though with appropriate modifications to reflect the changing nature of the fire season and the work. The fact that OPM has refreshed a previously used series did not change its approach to creating the occupational series—OPM used the same process and conducted the same analysis.

**30. What updates did OPM make to the new GS-0456 Wildland Fire Management series?**

OPM provided substantial updates to the Wildland Fire Management Position Classification Standard including the series definition, titling, knowledge required to perform wildland fire fighting work, occupational information, illustrations of work performed by wildland fire fighters, and comments section. OPM included in Part 3 of the Wildland Fire Management Position Classification Standard, 0456 comments related to the content of the standard.

**31. Will the new GS-0456 Wildland Fire Management series help agencies recruit and retain new wildland firefighters?**

**Yes.** We expect the classification to help agencies recruit because they will now be able to easily identify applicants for specific wildland firefighting jobs instead of trying to identify which of the individuals who applied for Forestry Technician positions are interested in firefighting work. The Forestry Technician position includes both firefighting responsibilities and other functions that are separate from wildland firefighter functions. Both prospective applicants and current firefighters will see that they have opportunities for career progression and advancement, and they will be able to clearly identify the steps necessary to achieve that progression. The new series, together with the associated interim temporary pay increases and focused efforts on long-term solutions, is aimed at lowering attrition rates and significantly improving retention of Federal wildland firefighters.



**32. Have the grades for wildland firefighters changed as a result of the new GS-0456 Wildland Fire Management series?**

**No.** Grades will change specifically as a result of the new position classification standard. The overall grading structure for the position classification standard includes grades 2 through 15. OPM, Interior, and Agriculture verified through the classification process that this grading structure is adequate. Agencies have the delegated authority to determine the work and grades supportable for their positions. Accordingly, the Departments will now apply the standard to evaluate specific positions within the occupational series.

**33. Will OPM provide minimum qualifications policy guidance?**

**Yes.** OPM will provide separate guidance on qualifications for wildland firefighters.

**34. How does the new Wildland Fire Management series align with OPM's recent guidance on skills-based hiring?**

The new wildland firefighter occupation is aligned with EO 13932 on Modernizing and Reforming the Assessment and Hiring of Federal Job Candidates and [OPM's recently issued skills-based hiring guidance](#). While education institutions may offer associated college level degrees for this work, the existence of degree availability and course content is not required for the performance of the work in the 0456 Wildland Fire Management series. In accordance with 5 U.S.C. 3308, OPM and Federal agencies are prohibited from prescribing education when the work can be performed without it. While training for this occupation is needed, the best training is on-the-job training. This correlates to qualification requirements and degree availability for the 0081, Firefighting, occupation.

**35. How have agencies been notified of the new GS-0456 Wildland Fire Management series?**

Notification of the release of the final standards will be sent to the Chief Human Capital Officers Council, Deputy Chief Human Capital Officers, and Classification Policy Forum participants.

**36. On what date was the new GS-0456 Wildland Fire Management series released?**

The release date of the final standard is June 21, 2022.