H. R. 117TH CONGRESS 1ST SESSION

To reform and enhance the pay and benefits of Federal wildland firefighters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. NEGUSE introduced the following bill; which was referred to the Committee on

A BILL

To reform and enhance the pay and benefits of Federal wildland firefighters, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) Short Title.—This Act may be cited as the “Tim Hart Wildland Firefighter Classification and Pay Parity Act” or “Tim’s Act”.

(b) Definitions.—In this Act:

(1) Director.—The term “Director” means the Director of the Office of Personnel Management.
(2) **Federal Wildland Firefighter.**—The term “Federal wildland firefighter” means any temporary, seasonal, or permanent position at the Department of Agriculture or the Department of Interior that maintains group, emergency incident management, or fire qualifications, as established annually by the Standards for Wildland Fire Position Qualifications published by the National Wildfire Coordinating Group, and primarily engages in or supports wildland fire management activities, including forestry and rangeland technicians and positions concerning aviation, engineering heavy equipment operations, or fire and fuels management.

(3) **Secretaries.**—The term “Secretaries” means the Secretary of Agriculture and the Secretary of Interior.

**SEC. 2. FEDERAL WILDLAND FIREFIGHTER OCCUPATIONAL SERIES, PAY, RECRUITMENT, AND RETENTION.**

(a) **Occupational Series.**—

(1) **Establishment; determination.**—Not later than 1 year after the date of enactment of this Act—

(A) the Director of the Office of Personnel Management shall establish one or more classi-
classification series (if one series, to be designated as the “Wildland Firefighter Series”) for Federal wildland firefighter positions; and

(B) the Secretaries shall determine each position within the Department of Agriculture and the Department of Interior that qualifies as a Federal wildland firefighter position.

(2) Election.—Any individual employed as a Federal wildland firefighter in a covered 6C position (or any successor position) on the date on which any classification series established under paragraph (1) takes effect may elect—

(A) to remain in the occupational series in which the individual is classified on that date; or

(B) to be transferred to any occupational series established under paragraph (1).

(b) Pay.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, there is established a pay scale for Federal wildland firefighter positions within any classification series established under subsection (a). Under such scale, the minimum rate of basic pay for any position shall be not less than the rate of pay for step 3 of GS—6 of the
General Schedule, as adjusted by the pay locality designated as “Rest of U.S.” under section 5304 of title 5, United States Code.

(2) Annual Adjustments.—Notwithstanding any other provision of law, beginning in the first pay period beginning on or after the date that the pay scale is established under paragraph (1) and annually thereafter, the basic rate of pay for each Federal wildland firefighter occupying a position within such pay scale shall be increased by not less than the percentage equal to the percent change in the Consumer Price Index (all items—United States city average), published monthly by the Bureau of Labor Statistics, for December of the preceding year over such Consumer Price Index for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.

(3) Compensation Comparable to Non-Federal Firefighters.—Not later than 1 year after the date the pay scale is established under paragraph (1), the Secretaries shall submit a report to Congress on whether pay, benefits, and bonuses provided to Federal wildland firefighters are comparable to the pay, benefits, and bonuses provided for non-
Federal firefighters in the State or locality where Federal wildland firefighters are based.

(4) HAZARDOUS DUTY PAY.—Each Federal wildland firefighter in any classification series established under subsection (a) carrying out work completed during prescribed fire, parachuting, tree climbing over 20 feet, hazard tree removal, and other hazardous work as identified by the Secretaries, shall be entitled to be paid the appropriate differential under section 5545(d) of title 5, United States Code, as if such employee was covered by such subsection. The Director may prescribe regulations to carry out this paragraph.

(c) WORK SCHEDULES.—

(1) IN GENERAL.—Consistent with the requirements of this subsection, the Director shall establish guidelines for work schedules for positions within any classification series established under subsection (a) to better account for regular and overtime per workday, work performed when deployed on any resource order, on-call duties, stand-by, travel to and from assignment, and regular days off.

(2) RESOURCE ORDER.—

(A) IN GENERAL.—When deployed on a resource order under the Incident Resource Order
Capability System (or any successor system), a Federal wildland firefighter shall be paid for the period beginning on the receipt of such order and ending when the employee returns from such deployment.

(B) WAGES.—A Federal wildland firefighter shall receive compensation for each hour of each 24-hour period of such deployment, to include hours paid at such firefighter’s hourly rate of basic pay and hours of such period paid at a rate equal to one and one-half times such hourly rate of which all is premium pay.

(d) OTHER MATTERS.—

(1) UNPAID LEAVE TO CARE FOR FAMILY MEMBER.—A Federal wildland firefighter not covered by the Family and Medical Leave Act of 1993 or subchapter V of chapter 63 of title 5, United States Code, shall be allowed a period of unpaid leave, during each calendar year, not to exceed 180 days in order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition. Leave provided under this paragraph shall not accumulate for use in subsequent years.
(2) Recruitment and retention bonus.—

In order to promote the recruitment and retention of Federal wildland firefighters, the Director, in coordination with the Secretaries, shall establish a program under which a recruitment or retention bonus of not less than $1,000 may be paid to a Federal wildland firefighter in an amount as determined appropriate by the Director and the Secretaries. The minimum amount of such bonus in the previous sentence shall be increased each year by the Consumer Price Index in the manner prescribed under subsection (b)(2). Any bonus under this subsection—

(A) shall be paid to any primary or secondary Federal wildland firefighter upon the date that such firefighter successfully completes a work capacity test; and

(B) may not be paid to any such firefighter more than once per calendar year.

(3) Housing allowance.—The Secretaries shall provide a housing allowance to any Federal wildland firefighter deployed to a location more than 50 miles from their primary residence. Such allowance shall be in an amount determined appropriate by the Secretaries and adjusted based on the cost of housing in the area of deployment.
(4) CAREER TRANSITION.—

(A) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretaries, shall establish, maintain, coordinate, and operate a voluntary tuition assistance program for Federal wildland firefighters occupying a permanent position that encompass a broad range of educational experiences (either in-person or through distance-learning), including academic skills development, vocational programs, career and technical programs, and programs leading to the award of undergraduate and graduate degrees.

(B) AMOUNT.—The program under subparagraph (A) shall provide, not more than once during each calendar year, a payment of not less than $4,000 to each Federal wildland firefighter who elects to participate in the program.

(C) REVIEW.—The Secretaries shall conduct an annual review of whether the amount provided under subparagraph (B) is adequate, in consideration of inflation and other effects.
SEC. 3. HEALTH PROVISIONS.

(a) DATABASE; RECOMMENDATIONS.—Not later than one year after the date of enactment of this Act, the Secretaries shall—

(1) establish and maintain a publicly accessible, searchable database on a website, to be called the “Federal Wildland Firefighter Cancer and Cardiovascular Disease Database”, to track chronic disease caused by on-the-job environmental exposure over the lifetimes of current and former Federal wildland firefighters;

(2) update such database not less than on a yearly basis; and

(3) develop and adhere to recommendations on mitigation strategies to minimize exposure to environmental hazards for Federal wildland firefighters.

(b) MENTAL HEALTH.—

(1) MENTAL HEALTH PROGRAM.—Not later than January 1, 2023, the Secretaries shall establish and carry out a program for Federal wildland firefighters for mental health awareness and support. Such program shall include—

(A) a mental health awareness campaign;

(B) a mental health education and training program that includes an on-boarding curriculum;
(C) an extensive peer-to-peer mental health support network for Federal wildland firefighters and their immediate family;

(D) expanding the Critical Incident Stress Management Program, developing and retaining a larger pool of qualified mental health professionals who are familiar with the experiences of the wildland firefighting workforce, and monitoring and tracking mental health in the profession to better understand the scope of the issue and develop strategies to assist; and

(E) establish and carry out a new and distinct mental health support service specific to Federal wildland firefighters and their immediate family, with culturally relevant and trauma informed mental health professionals who are readily available, and not subject to any limit on the number of sessions or service provided.

(2) MENTAL HEALTH LEAVE.—Each Federal wildland firefighter shall be entitled to 7 consecutive days of leave, without loss or reduction in pay, during any calendar year. Leave provided under this paragraph shall not—
(A) accumulate for use in succeeding years; and

(B) be considered to be annual or vacation leave for purposes of section 5551 or 5552 of title 5, United States Code, or for any other purpose.

c) COORDINATION.—In carrying out subsections (a) and (b), the Secretaries may enter into partnerships or cooperative agreements with other Federal agencies, universities, or non-profit institutions.

d) WORKERS’ COMPENSATION PRESUMPTION RELATING TO FEDERAL WILDLAND FIREFIGHTERS.—

(1) IN GENERAL.—Section 8102 of title 5, United States Code, is amended by adding at the end the following:

“(c)(1) With regard to any employee who is a Federal wildland firefighter (as that term is defined in section 1(b) of the Tim Hart Wildland Firefighter Classification and Pay Parity Act), a disease specified in paragraph (3) shall be presumed to be proximately caused by the employment of such employee, subject to the length of service requirements specified. The disability or death of such an employee to such a disease shall be presumed to result from personal injury sustained while in the performance of such employee’s duty. Such presumptions may be rebutted by
a preponderance of the evidence from the employing agency.

“(2) Such presumptions apply only if the employee in fire protection activities is diagnosed with the disease for which presumption is sought within 10 years of the last active date of employment as an employee in fire protection activities.

“(3) The following diseases shall be presumed to be proximately caused by the employment of the employee if the employee has been employed for a minimum of 5 years in aggregate as an employee in fire protection activities:

“(A) Heart disease.

“(B) Lung disease.

“(C) The following cancers:

“(i) Brain cancer.

“(ii) Cancer of the blood or lymphatic systems.

“(iii) Bladder cancer.

“(iv) Kidney cancer.

“(v) Testicular cancer.

“(vi) Cancer of the digestive system.

“(vii) Skin cancer.

“(viii) Cancer of the respiratory system.

“(ix) Breast cancer.
“(D) Any other cancer the contraction of which the Secretary of Labor through regulations determines to be related to the hazards to which an employee may be subject.”.

(2) APPLICATION.—The amendments made by this section shall apply to a covered disability or death that occurs on or after the date of the enactment of this Act.

SEC. 4. RETIREMENT FOR FIREFIGHTERS.

(a) CONTINUATION OF FIREFIGHTERS PENSION COVERAGE IN CASE OF DISABILITY.—

(1) FERS.—

(A) IN GENERAL.—Section 8412(d) of title 5, United States Code, is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(ii) by inserting “(1)” before “An employee”; and

(iii) by adding at the end the following:

“(2)(A) The term ‘affected individual’ means an individual covered under this chapter who—

“(i) is performing service in a firefighter position;
“(ii) while on duty, becomes ill or is injured as a direct result of the performance of such duties before the date on which the individual becomes entitled to an annuity under paragraph (1) of this subsection or subsection (e), as applicable;

“(iii) because of the illness or injury described in clause (ii), is permanently unable to render useful and efficient service in the employee’s firefighter position, as determined by the agency in which the individual was serving when such individual incurred the illness or injury; and

“(iv) is appointed to a position in the civil service that—

“(I) is not a firefighter position;

and

“(II) is within an agency that regularly appoints individuals to supervisory or administrative positions related to the activities of the former firefighter position of the individual;

“(B) Unless an affected individual files an election described in subparagraph (E), creditable service by the affected individual in a po-
sition described in subparagraph (A)(iv) shall be treated as creditable service in a firefighter position for purposes of this chapter and determining the amount to be deducted and withheld from the pay of the affected individual under section 8422.

“(C) Subparagraph (B) shall only apply if the affected employee transitions to a position described in subparagraph (A)(iv) without a break in service exceeding 3 days.

“(D) The service of an affected individual shall no longer be eligible for treatment under subparagraph (B) if such service occurs after the individual—

“(i) is transferred to a supervisory or administrative position related to the activities of the former firefighter position of the individual; or

“(ii) meets the age and service requirements that would subject the individual to mandatory separation under section 8425 if such individual had remained in the former firefighter position.

“(E) In accordance with procedures established by the Director of the Office of Personnel
Management, an affected individual may file an election to have any creditable service performed by the affected individual treated in accordance with this chapter without regard to subparagraph (B).

“(F) Nothing in this paragraph shall be construed to apply to such affected individual any other pay-related laws or regulations applicable to a firefighter position.”.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 84 of title 5, United States Code, is amended—

(i) in section 8414(b)(3), by inserting “(1)” after “subsection (d)”;

(ii) in section 8415—

(I) in subsection (e), in the matter preceding paragraph (1), by inserting “(1)” after “subsection (d)”;

and

(II) in subsection (h)(2)(A), by striking “(d)(2)” and inserting “(d)(1)(B)”;

(iii) in section 8421(a)(1), by inserting “(1)” after “(d)”;
(iv) in section 8421a(b)(4)(B)(ii), by inserting “(1)” after “section 8412(d)”;

(v) in section 8425, by inserting “(1)” after “section 8412(d)” each place it appears; and

(vi) in section 8462(c)(3)(B)(ii), by inserting “(1)” after “subsection (d)”.

(2) IMPLEMENTATION.—

(A) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Director shall promulgate regulations to carry out the amendments made by paragraph (2). Such regulations—

(i) shall include a requirement that the head of the agency at which an affected employee incurred the applicable illness or injury certifies that such illness or injury—

(I) was incurred in the course of the employee’s duties; and

(II) permanently precludes the employee from rendering useful and efficient service in a firefighter position but would not preclude the employee or special agent from con-
continuing to serve in the Federal service;

and

(ii) shall ensure—

(I) that, to the greatest extent possible, the head of each agency appoints affected employees to supervisory or administrative positions related to the activities of the former firefighter position of the employee; and

(II) that the creditable service of an affected employee that is not in a firefighter position pursuant to an election made under such amendments shall be treated as the same type of service as the firefighter position in which the employee suffered the qualifying illness or injury.

(B) APPLICATION.—The amendments made by this section shall apply to an individual who suffers an illness or injury described in section 8412(d)(2)(A)(i)(II) of title 5, United States Code, as amended by this subsection, on or after the date that is 2 years after the date of enactment of this Act.
(b) DEPOSIT SERVICE.—Notwithstanding any other provision of law, any service performed by an individual as a Federal wildland firefighter on or after January 1, 1989, for which retirement deductions under chapter 84 of title 5, United States Code, have not been made shall be creditable under such chapter, but only if such firefighter—

(1) submits a written election to the Director;

and

(2) the deposit requirements of section 8411(f) of such title had been met with respect to such service.

(c) DISABILITY ANNUITY.—Beginning on the date of enactment of this Act, any Federal wildland firefighter who suffers from a disease described in section 8102(c)(3) of title 5, United States Code, (as added by section 3(d) of this Act) due to environmental job-related exposure, including smoke inhalation, silicate inhalation, and firefighting chemical exposure, shall be considered to be disabled for purposes of section 8451 of such title. Such section 8451 shall be applied to any such firefighter by substituting “12 months” for “18 months”.

(d) INCLUDING OVERTIME AS BASIC PAY.—Section 8331(3) of title 5, United States Code, is amended—
(1) in subparagraph (H), by striking “and” at the end;
(2) in subparagraph (I), by inserting “and” after the semicolon;
(3) by inserting after subparagraph (I) the following:
“(J) with respect to a Federal wildland firefighter (as that term is defined in section 1(b) of the Tim Hart Wildland Firefighter Classification and Pay Parity Act), overtime pay received on or after the date of enactment of this subparagraph;”;
(4) in the undesignated matter following subparagraph (J) (as added by paragraph (3)), by striking “subparagraphs (B) through (I) of this paragraph” and inserting “subparagraphs (B) through (J) of this paragraph,”.

(e) SEPARATE NORMAL-COST PERCENTAGE.—Section 8423(a)(1)(B)(i) of title 5, United States Code, is amended by inserting after “firefighters,” the following: “Federal wildland firefighter (as that term is defined in section 1 of the Tim Hart Wildland Firefighter Classification and Pay Parity Act),”.
SEC. 5. PAY PARITY FOR FEDERAL STRUCTURAL FIREFIGHTERS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, any pay, benefits, and bonuses provided to any Federal structural firefighter shall be comparable with the pay, benefits, and bonuses provided for Federal wildland firefighters under this Act. Not later than 1 year after the date the pay scale is established under section 2(b)(1), the Director shall submit a report to Congress on whether pay for such Federal structural firefighters is competitive with Federal wildland firefighters.

(b) FEDERAL STRUCTURAL FIREFIGHTER DEFINED.—In this section, the term “Federal structural firefighter”—

(1) has the meaning given the term “firefighter” in section 8401 of chapter 84 of title 5, United States Code; and

(2) does not include any Federal wildland firefighter.