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Newsletter

C A L F I R E M U S E U M

History of CDFEA & CalFire Local 2881 part 2

By
Ray Snodgrass

In the previous article, I discussed events leading up to the changes made prior to the impact of the provisions of the Fair Labor Standards Act (FLSA). About mid-1985, negotiations were started between the union and the state to determine how the provisions of the FLSA would be applied to the safety personnel in CDF. These negotiations were started after the MOU had been negotiated, however, the results of these negotiations would be incorporated as an amendment to the existing MOU.

Prior to the implementation of the FLSA provisions, there was no defined "work period", only the standard average 12 pay periods. There was no "planned overtime", now referred to as Extended Duty Week Compensation (EDWC). The FLSA required the establishment of work periods ranging anywhere between 7 and 28 days. The base of 53 hours per week (7 days) is established in FLSA and is defined as the base hours and anything above the 53 was considered overtime up to the scheduled hours of work for the work period. CDF determined the 28-day work period would be used that includes 4 weeks of 53 hours per week for a total of 212 hours of base pay. This provided the maximum flexibility to management to reduce the total hours of unplanned overtime. This was sometimes accomplished by changing work shifts to cover vacations/holidays etc. during the same work period. Agreement was reached that the shifts could be changed no more than twice during the work period.

It was determined and agreed that straight pay was already being paid to those working shifts of more than 53 hours per week, such as 72, 84 and 96. Additional pay to achieve time and one-half would be paid at the "half-time" rate. This created the second pay check, to cover the additional pay in each of the 13 work periods in the year, at the half-time rate resulting in time and one-half pay for the hours between 212 and 288 for a person scheduled to work 72 hours per week or 288 hours in each of the 28-day work periods.

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Even though agreement was reached on the implementation of the FLSA, of course not everyone was happy. It was recognized early on that there was an inequality created by agreeing to the half-time rate for the planned overtime hours. It was also recognized by all parties that demanding a truer time and one-half formula could have dramatic and possibly devastating effects on many of the local government fire protection agreements. This action also left open the future negotiation of rates that would reflect a more equal relationship to true time and one-half. Current rates are much nearer to the true overtime rate. This has been accomplished through many negotiation sessions and several MOU's since 1985.

A later lawsuit brought on by the union in behalf of the Fire Prevention Officer Classification resulted in the provisions of the FLSA being applied to the FPO class. Back pay was ordered by the court. Those personnel in the FPO classifications were awarded with rather substantial payouts due to the number of hours that were improperly compensated. In the early 1990's, another lawsuit was filed by the union in behalf of the Ranger Classes. While the issues were similar as those in the FPO lawsuit, the case stretched almost 5 years. At the conclusion, the court issued a summary judgement in favor of the union and ordered the parties to meet and determine what the monetary award should be and what changes needed to be made for the future of the Ranger and Forester classes covered in the lawsuit. Some of the excluded classifications were then subject to the provisions of the FLSA. This changed their time recording and the SFR-I class went to the 28-day work period reporting, etc.

During the late 1970's and early 1980's, implementation of the State Employer/Employee Relations Act (SEERA), hearings were held to, among other things, make the determination of which classes would be considered supervisory or rank & file. These hearings were referred to "Unit Determination Hearings". After countless hours of testimony where state management insisted the supervisor (excluded) classes included the rank of captain and above, the union presented compelling testimony to make the captain level classifications rank & file. And as it finally turned out, some of the state's witnesses presented testimony that bolstered the union position. The result was all captain level classes and below would be considered rank & file. In addition, some of the classifications above the captain level rank would also be considered rank & file thus ending up with some classifications having both rank & file and supervisor designations (split classes) depending on the specific job being performed up thru the SFR-III.

It was not the intent of the union to end up with split classes, however, it became an asset that was cashed in some 20 years later. Around 2002, state management was focused on eliminating the split classes. During a series of meetings with the union, it was ultimately agreed to do away with all split classes. For this, it was mutually agreed to move all the battalion chiefs into the rank & file class. While this was the main component of the agreement, other items were included.

Due to the timing of the agreement to end split classes and change the designation of BC's to rank & file, the previously negotiated terms of employment in the 2001-2006 MOU would be applied to all BC's with some additional provisions. Thus, the 72 hour/84 hour BC's were created. Essentially, all new BC's would be 72 hour employees while existing BC's would remain on the 84 hour work week.

Continued on page 3

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One other significant change made in the late 1990's was the color of the uniform.

Many traditionalists did not like changing from green/tan to blue and sometimes white and blue.

However, it became quite obvious, even to many of us stubborn types, the change impacted the public perception of our department personnel from appearing to be a deputy sheriff or game warden to a firefighter.

Of course, there are many other significant events in the history of the union and the impact on the pay/retirement/working conditions of the employees of Cal Fire. Some of the historical items deserve a much more in-depth accounting to make you, the reader, understand what caused the change or event. Hopefully, and with the help of others, we will be able to capture the more interesting events and pass along the information in future articles.

WE NEED YOUR HELP

At this time our museum is run on a volunteer basis and we need some help. Are you retired and looking for something to keep you busy a couple of days a week? Do you and your kids want a place to do something fun and help the community? Maybe you just want to be part of something bigger. Our museum is growing and we want you be a part of it.

Our current volunteers are doing great things to help us preserve the history of CDF/Cal Fire. Steve Maurer and the Cal Fire Museum wrote and edited "Images of America Cal Fire San Bernardino, Inyo, and Mono Counties." Copies are available for purchase on our website www.calfiremuseum.com. If you would like to contribute by creating a book for you unit, contact the museum.

Libby Groom has put together a great pictorial history of CDF on the website www.cdfhistory.smugmug.com. There are many opportunities big and small to help this museum grow. How do you want to contribute? Email us as at cdfmuesum@yahoo.com.

If spending time in the museum is not for you, we also have positions available on the board of directors. This would require quarterly meetings and participation in the governance of the museum. To be part of the board of directors you must be an active duty or retired Cal Fire employee. Currently we have three positions open for directors.

As always your donations are welcome as well. There are several ways that you can contribute to the museum. This can be done through payroll deductions, retirement deductions, directly at the museum or through PayPal. All donations are tax deductible.

For those who ask why do I need a Will or Trust here's is a article from October 2018 AARP Bulletin, that helps explain that question.

Left Alone & and at a Loss

After her spouse's death, grief is magnified by tough financial questions they had failed to discuss.

Article by Leslie Milk

I upgraded the operating system on my computer and suddenly couldn't connect to my home's Wi-Fi account.

It was in my name, but my late husband, Benjamin, had set it up and created the password.

Benjamin and I were married for 46 years. He died four years ago after a harrowing battle with brain cancer. Ever since I have been both missing him and missing clues that would unlock the secrets of our digital and financial lives.

Benjamin and I shared a life, but I soon learned that we didn't share everything. We Talked about major expenditures.

But there were dozens of little things concerning our finances that we never discussed. Confronting the paperwork and bureaucracy precipitated by the death of a spouse, I was overwhelmed by the unexpected complications. Benjamin's illness hit us like a lighting strike. At age 75, he seemed remarkably healthy with a slim, boyish body and a head of silver hair that friends envied. He was chairing a meeting of our condo board in suburban Maryland when he noticed that he was having trouble finding words, and his right hand was trembling. That night, the trembling continued. I thought he was having a stroke and called 911. Ten days later, Benjamin was diagnosed with one of the most deadly forms of brain cancer, glioblastoma multiforme. While during with treatment, he tried valiantly to get his papers in order. He even pulled together all of his passwords— a dozen different combinations of letters and numbers— and put them in an email in that joint account. But he never told me what the email was called.

After he died, I spent weeks combing through our online inbox looking for the mystery message. He didn't make it easy. Bad guys trolling would never have found it. I read message after message until I found the passwords in a file labeled "numbers.rev".

I never did find the answers to his secret questions. His first pet? His childhood best friends? The first street where he lived? And I've had to ask his brother. And I've had to remember to tell my children the answers to mine.

Looking back, I divide my ignorance into two categories: things I should have known and things I couldn't have known.

I should have known the whereabouts of the documents for what we owned. Like many couples, we thought we had lots of time to arrange our affairs. At a time when it was all I could do to get dressed in the morning, it was

hard to hunt for bank records, deeds, insurance policies and investment records, let alone the passwords and secret questions that are the "open sesame" to access assets.

One of my first tasks as a widow was to file Benjamins will at the county courthouse. Our will was so old that it contained provisions for guardianship of our children, who are now grownups and have children of their own.

As I expected, we had named each other as beneficiaries of our IRAs and shared ownership of our home.

Continued from Page 4

But I didn't realize that my husband had one small investment account without a beneficiary. Because his account totaled less than \$50,000 it was considered a small estate under Maryland law and probated quickly.

As part of the probate progress, the estate was advertised in the local paper. Within days, I received from a man claiming to be from a Delaware law firm representing Benjamins creditors. I told him to put his claim in writing, and I never heard from him again. I've since learned that some unscrupulous people check obituaries and immediately apply for credit cards in the name of the deceased. Luckily, my son had notified the three major credit agencies right after Benjamin died so nobody could claim his identity.

That was just the beginning of dealing with "death duties". The conventional wisdom to grieving spouses is to not make major decisions for a year. What they don't tell you is you'll be too busy dealing with minor ones.

Benjamin didn't have life insurance. But he did have an IRA, an investment portfolio, Social Security benefits, Medicare, a Medicare supplement insurance policy and that small secret investment account. Notifying each government agency and financial institution required a raft of phone calls, notarized forms and multiple meetings. No wonder I was advised to request at least a dozen original death certificates with raised seals!

I Benjamin and I had been better organized, I might have been spared some of the unpleasant surprises, But not all of them. When I called our insurance company to report my husbands death, they immediately raised my automobile insurance rate. Their agent explained that a single driver is a greater insurance risk that a couple sharing a car.

Soon after, I notified our primary credit card issuer. They immediately canceled my credit card. It turned out that Benjamin was the owner and I was merely a user. The bank representative explained that as a user I was not required to pay any balance owned, but they would take it up with the estate. I overpaid, I would not get a refund. Since I was the representative of the estate, I paid the bill- to the penny.

I've since discovered that I am not the only one who thought there was more time. One widow found herself with a huge and valuable gun collection. It took nearly a year to find the paperwork for each gun, sell it and deal with the proceeds as part of the estate.

Hopefully this will help you realize that when you pass all of you passwords and ID's go with you unless you have written them down. I know of some surviving spouse's that had to figure out passwords and secret questions to be able to access your accounts (banking, investment etc)



These six engines we have as non-op status with DMV, the 1940 GMC Small Watershed Truck which is housed at Vallecito Camp, the 1951 Dodge Crew Truck a old RRU engine which is housed at Baseline Camp, the 1952 Dodge Crew Truck which is housed at Prado Camp, the 1952 IHC which is housed at Vallecito Camp, the 1953 Ford Model 4 which is housed at Pacheco Station and the 1953 GMC Model 1 a old MVU Warner Springs engine is housed at outside vendor being restored.



Currently the 1953 GMC is at a restoration shop, if anyone wants to help fund its restoration contact the museum.



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To contribute to a display or another engine that is not listed here, please contact the museum.

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5 year letter from the Internal Revenue Service and the Franchise Tax Board

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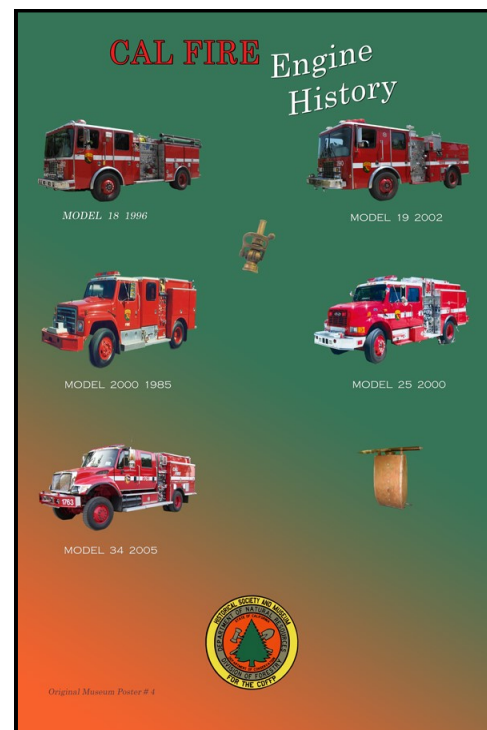
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Those of you who would like to contribute to our endowment fund may do so by making named contributions or you might consider making changes to your estate to provide funding to continue preserving the history of CDF

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