

East County Fire & Rescue

Standard Operating Guidelines

#208 Shift Trades

PURPOSE:

To establish a guideline for exchanging work time between employees.

SCOPE:

This policy applies to all career fire Suppression personnel.

LAW REFERENCE:

"Employees may agree to substitute, during scheduled hours, for another employee. Employees may substitute for one another where the substitution is voluntarily undertaken (each employee must be free to refuse to perform such work without sanction and without being required to explain or justify their decision) and agreed to solely by the employees, and approved by the employer. The hours worked by the substituting employee shall be excluded from any overtime calculation in accordance with 29 CFR 553.31 Section 207(p)(3)." - Fair Labor Standards Act. Trade-time is permitted as a contract between individuals of equal capabilities, because it is recognized by FLSA as providing no liability to Fire District and it incurs no impact on staffing levels.

REQUIRED PAYBACK:

To meet the requirements of FLSA standards, all trade cycles shall be repaid within 180 days.

PROCEDURES:

An employee requesting a trade shall submit a trade request via *Fire Manager*. Trades may be accepted by a member via *Fire Manager* and must be approved by the respective Shift Leader(s) based on the operational needs of the District.

LIMITATIONS:

The following limitations apply to this procedure:

- Trades shall be made between employees of similar capabilities (i.e. Shift Leader/Captain).
- When an employee is scheduled to work for trade or repayment and the employee fails to appear for work on the scheduled date, the employee failing to appear under the agreement shall be considered absent without leave and subject to possible disciplinary action.

- The person working the trade is responsible should he/she not show up and their PTO account would be charged accordingly.
- If the District has to make a call-back for overtime this employee will then be charged 1.5 times the trade hours from their PTO account.
- Trade requests – to include trade paybacks – will be denied if said trade would schedule an employee for more than 72 consecutive hours; or more than 96 hours in a 144-hour period.

PRIOR NOTIFICATION:

Employees requesting a trade or payback of a trade shall submit the request to his/her supervisor in a timely manner. 72 hours prior to the beginning of the trade period is considered to be a "timely" period. Exceptions may be made - at the Shift Leader's discretion for emergency trade requests.

MINIMUM TRADE TIME:

Any employee requesting a period of trade time shall request no less than one hour. When trade time is to occur during a period just prior to the beginning of an on-duty shift for the person agreeing to the trade, it shall be limited to the station in which both employees work.

RESPONSIBILITY:

East County Fire & Rescue is not responsible for tracking trades. It is the employee's responsibility to account for hours owed to him/her and to make sure that the 180 day payback requirement is met.