

117TH CONGRESS
1ST SESSION

H. R. 938

To require the Director of the Office of Personnel Management to create a classification that more accurately reflects the vital role of wildland firefighters.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2021

Mr. LAMALFA (for himself and Mr. DESAULNIER) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To require the Director of the Office of Personnel Management to create a classification that more accurately reflects the vital role of wildland firefighters.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wildland Firefighter
5 Recognition Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “Director” means the Director of
9 the Office of Personnel Management;

1 (2) the term “employee” has the meaning given
2 the term in section 2105 of title 5, United States
3 Code;

4 (3) the term “Federal land management agency” means—

6 (A) within the Department of the Interior—
7

8 (i) the Bureau of Land Management;

9 (ii) the Bureau of Indian Affairs;

10 (iii) the National Park Service; and

11 (iv) the United States Fish and Wildlife Service; and
12

13 (B) within the Department of Agriculture,
14 the Forest Service;

15 (4) the term “wildland fire”—

16 (A) means any non-structure fire that occurs in vegetation or natural fuels; and
17

18 (B) includes prescribed fire and wildfire;

19 and

20 (5) the term “wildland firefighter” means—

21 (A) an employee of a Federal land management agency, the duties of whose position
22 are primarily to perform work directly related
23 to the prevention, control, suppression, or management of wildland fires, including an em-
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1 employee of a Federal land management agency
2 who is assigned to support wildland fire activi-
3 ties; and

4 (B) an employee of a Federal land man-
5 agement agency who is transferred to a super-
6 visory or administrative position from a position
7 described in subparagraph (A).

8 **SEC. 3. CLASSIFICATION OF WILDLAND FIREFIGHTERS.**

9 (a) REQUIREMENTS.—

10 (1) IN GENERAL.—Not later than 30 days after
11 the date of enactment of this Act, the Director, in
12 cooperation with the Federal land management
13 agencies, shall commence development of a distinct
14 wildland firefighter occupational series that more ac-
15 curately reflects the variety of duties performed by
16 wildland firefighters.

17 (2) DESIGNATION.—The official title assigned
18 to any occupational series established under para-
19 graph (1) shall include the designation of “Wildland
20 Firefighter”.

21 (3) POSITIONS DESCRIBED.—Paragraph (1)
22 shall apply with respect to any class or other cat-
23 egory of positions that consists primarily or exclu-
24 sively of forestry technician positions, range techni-

1 cian positions, or any other positions the duties and
2 responsibilities of which include—

3 (A) significant prevention, preparedness,
4 control, suppression, or management activities
5 for wildland fires; or

6 (B) activities necessary to meet any other
7 emergency incident to which assigned.

8 (4) CONSULTATION.—It is the sense of Con-
9 gress that the Director should consult with employee
10 associations and any other groups that represent
11 wildland firefighters in carrying out this subsection.

12 (5) IMPLEMENTATION.—Not later than 2 years
13 after the date of enactment of this Act—

14 (A) the Director shall complete the devel-
15 opment of the wildland firefighter occupational
16 series required under paragraph (1); and

17 (B) the Secretary of the Interior and the
18 Secretary of Agriculture shall use the wildland
19 firefighter occupational series developed under
20 paragraph (1) in the advertising and hiring of
21 a wildland firefighter.

22 (b) HAZARDOUS DUTY DIFFERENTIAL NOT AF-
23 FECTED.—Section 5545(d)(1) of title 5, United States
24 Code, is amended by striking “except” and all that follows
25 and inserting the following: “except—

1 “(A) an employee in an occupational series
2 covering positions for which the primary duties
3 involve the prevention, control, suppression, or
4 management of wildland fires, as determined by
5 the Office; and

6 “(B) in such other circumstances as the
7 Office may by regulation prescribe; and”.

8 (c) CURRENT EMPLOYEES.—Any individual employed
9 as a wildland firefighter on the date on which the occupa-
10 tional series established under subsection (a) takes effect
11 may elect to—

12 (1) remain in the occupational series in which
13 the individual is working; or

14 (2) be included in the wildland firefighter occu-
15 pational series established under subsection (a).

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