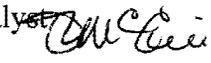


PS COMMITTEE #1
April 28, 2011
Worksession

MEMORANDUM

April 26, 2011

TO: Public Safety Committee

FROM: Essie McGuire, Legislative Analyst 

SUBJECT: **Worksession – FY12 Recommended Operating Budget, Montgomery County Fire and Rescue Service, *continued***

Today the Public Safety Committee will continue its review of the County Executive's FY12 Recommended Operating Budget for the Montgomery County Fire and Rescue Service (MCFRS). Those expected for this worksession include:

- Fire Chief Richard Bowers
- Division Chief Alan Hinde, Division of Volunteer Services, MCFRS
- Division Chief Steve Lohr, Division of Operations, MCFRS
- Division Chief David Steckel, Division of Risk Reduction and Training, MCFRS
- Division Chief Randy Wheeler, Division of Administrative Services, MCFRS
- Dominic Del Pozzo, Budget Manager, MCFRS
- Blaise DeFazio, Assistant Manager, OMB

Eric Bernard, Executive Director, and Marcine Goodloe, President, Montgomery County Volunteer Fire and Rescue Association (MCVRA), are also expected to attend the worksession.

The Executive's recommended FY12 operating budget for MCFRS totals \$179,384,200, a decrease of \$3,241,230 or 1.8 percent from the FY11 approved budget level. This is the second consecutive year that the MCFRS budget is reduced from the prior year.

The Committee began its review of the MCFRS FY12 operating budget on April 14, and requested additional follow-up information in several areas. The Committee did not make final recommendations on any of the budget elements. This packet presents the requested follow-up information on Code Compliance, staffing issues including Overtime and Recruiting, and LFRD operating funds. The packet also contains material from the April 14 worksession on the remaining budget areas for the Committee's review and recommendation.

I. FOLLOW-UP INFORMATION

1. Code Compliance

The Executive recommends a net savings reduction of \$573,000 and 6.2 workyears associated with an initiative to improve Fire Code Compliance. The recommendation lapses seven uniformed Code positions, initiates a contract to accomplish some of the Code Compliance work, and creates one administrative position to support the program. The proposal reassigns the seven uniformed positions to the field. Ultimately, the contractors are expected to cover their cost through generated revenue. The Executive assumes a total of \$3 million in revenue for Fire Code Compliance in FY12.

In FY10, the Council approved a civilianization effort in Fire Code Compliance that would have created five civilian inspector positions to replace five uniformed positions. The uniform positions were abolished and the personnel assigned to positions in the field. In the savings plans and budget reductions of FY10 and FY11, the civilian positions were never filled. In FY11, Code Compliance also abolished a lieutenant position, and several Fire Investigation positions were lapsed and abolished.

Public Safety Committee Discussion

The Committee expressed interest in discussing options to increase the contracted efforts in Code Compliance beyond the recommendation, and thus increase the savings that could be achieved in FY12. The Committee requested follow-up information on the scope of work, the proportion of revenue generating and non-revenue generating work, comparative information from other jurisdictions, and additional discussion of the most effective and cost-efficient balance of uniformed, civilian, and contractual staffing.

Follow-up information

MCFRS provided additional information on circles 15-17. Council staff highlights the following:

- MCFRS reports that the State and County **legal framework** surrounding fire code enforcement requires at least some full-time employees and precludes the use of contractors alone. This is because while contractors can assist with inspections, only employees can perform the enforcement function.
- MCFRS describes the **qualitative benefits of having uniformed employees** rather than civilian employees on circles 15-16. Primarily, MCFRS describes that uniformed employees with fire fighting experience have contextual operational knowledge that improves the application of the fire codes and facilitates problem solving rather than strict code enforcement. MCFRS also cites the benefits to both code compliance and operations of having uniformed employees with experience in both areas.
- As noted in the previous discussion, the proposal is to **focus contractors on inspections of new construction and new systems**. While the current staff complement also prioritizes this work, the contractual effort is intended to increase capacity and improve timeliness.
- The remaining **uniformed employees will focus on enforcement issues** including follow-up inspections where problems have been identified and re-inspection of existing buildings and systems. This work generates very little revenue. MCFRS reports a significant backlog of

work in these areas including over 28,000 permits that require re-inspection to ensure compliance and as many as 16,000 business occupancies that have been uninspected to date. **The Fire Chief states that this work backlog constitutes a significant liability for the County that must be addressed to ensure safety.**

- MCFRS reports that during CY09-10, approximately two-thirds of code compliance work was revenue generating and approximately one-third non-revenue generating. These proportions describe work actually accomplished, and do not take into account the non-revenue generating backlog detailed above.
- MCFRS' survey of **other jurisdictions** reflects a range of models that generally use a combination of civilians and uniformed inspectors. Regionally, Baltimore City and Fairfax County have much larger complements than the proposed MCFRS complement. Most of the jurisdictions listed here have uniformed supervisors with a mix of civilian and uniformed inspectors.

Council staff notes that given the recent reductions in this area, Code Compliance has been working from a reduced complement. MCFRS began to civilianize this effort, but due to lack of funding has not yet had experience with a mix of staff or a full complement. **This proposal seeks to implement at a reduced cost the civilian positions that were never filled, and even expands the number of lapsed uniformed positions from the original model.** The current backlog appears to be more than enough work alone than the proposed complement of 15 can resolve. **Council staff supports the approach to phase-in these changes** and agrees that some experience will be necessary to determine the balance of staff necessary to both complete timely new inspections and make reasonable progress through the inspection backlog.

If the Committee remains interested in additional savings, Council staff suggests that reductions be limited to a marginal decrease of further lapsed positions (estimated savings of \$90,000 per lapsed position). At any funding level, Council staff suggests the Committee receive a mid-year status report on the progress of the initiative, and continue to evaluate whether additional civilianization can be accomplished in this area in the future.

2. Structural Staffing Issues: Overtime and Recruit Classes

The Committee requested additional information in a number of areas related to staffing, including overtime and recruit classes. For context, the chart showing overtime by functional category is reproduced below. MCFRS has updated the chart to include information on how many employees received overtime in each functional category through the first half of the fiscal year.

Percent	Overtime Pay	Personnel	Category
22.4%	1,384,717	567	Firefighter Backfill
17.8%	1,101,525	192	Officer Backfill
11.7%	724,927	183	Paramedic Backfill
8.2%	508,087	144	PSTA Instructor
7.4%	455,741	133	Emergency Communication Center
6.1%	379,497	206	Primary Driver Backfill
5.5%	342,393	583	Other Field Operations (extended hours, held on incident, scheduling, etc)
5.2%	321,111	41	Chief Officer Backfill
4.6%	285,822	325	PSTA Student
2.7%	164,198	44	Code Enforcement
2.2%	138,551	70	Fire and Explosive Investigations
2.1%	131,078	97	Administrative Services
1.9%	118,742	51	Risk Reduction and Training Services
1.6%	97,893	176	Special Detail or Event
0.5%	31,262	33	Office of the Fire Chief/Community Outreach
100.0%	6,185,542	N/A	Total

Overtime:

- This chart shows the **primary functional areas** that require overtime to ensure adequate staffing. Over half (63.5%) of the overtime is attributable to backfilling field operations, with another 7.4% attributable to the Emergency Call Center.
- The chart also shows the **large numbers of employees** that are necessary to perform the work in each area. For example, a total of 144 employees have received overtime in FY11 for hours worked in the Public Safety Training Academy; only 9 employees are actually assigned as instructors in the PSTA. Similarly, a total of 133 employees were needed on overtime in the Emergency Call Center, which has a personnel complement of 55.
- The Committee requested information on how many employees earned 50% or more of their salary on overtime. MCFRS reports that through the first half of the fiscal year, **30 employees earned overtime equal to 50% or more of their regular salary**. CountyStat also tracks this information; the CountyStat chart on circle 20 has data only through the first quarter of FY11. It shows that the majority of overtime earners earn less than 25% of their salary on overtime, and that the numbers earning above 50% have declined in the last year.
- MCFRS notes that the employees earning a high percent of their salary have qualifications in a number of **specialized areas that are not otherwise easily filled**. MCFRS also notes that when employees volunteer for overtime, while they may earn a high level of income, they are helping to avoid forced overtime for other employees. Forced overtime has been a significant morale problem in certain functional areas in the past.
- The Committee expressed interest in understanding the **relative costs and benefits of overtime compared to hiring employees or expanding a recruit class**. As has been raised in previous Committee discussions, overtime can be less expensive than hiring an employee because it does not require funding benefits and other employee costs. In the recent years of fiscal constraints, the Executive and Council have made deliberate decisions to rely on overtime in some cases rather than increasing hiring. However, it is clearly not sustainable to rely too heavily on overtime as that can have a negative impact on employees over time and

does not contribute to the internal growth of the organization. The balance point is not easily defined.

Structural Staffing Issues:

- MCFRS references the 2007 Office of Legislative Oversight (OLO) Report that discussed the staffing assumption that for every one operational position, a **staffing factor of 4.5** is required to ensure that the 24/7 shifts are covered. MCFRS states that overall, its personnel complement is not fully staffed at this level, thus building in an assumption of some necessary operational overtime,
- MCFRS states that in scheduling each shift it experiences shortages in officers, drivers, and paramedics in addition to other positions.
- While a recruit class will alleviate overtime to some degree, there is not a one-to-one cost correlation between the two. In part, this is because some of the overtime required is for positions with more **experience, specific qualifications, or rank** than can be immediately generated with recruits. At the same time, one way to increase the internal capacity to fill these positions over time is to have recruit classes from which MCFRS can then promote internally and grow the requisite experience.
- MCFRS also faces fewer employees at these levels of rank and experience in part due to two factors. First, MCFRS has pursued a large number of administrative retirements in FY10-11. Second, MCFRS anticipates a significant loss of senior employees in FY13 due to the DROP program.
- In response to Council staff's request, MCFRS provided the chart on circle 19 that shows the **80 lapsed positions** according to function. Of the total 80 lapsed positions, 63 are uniformed positions that have been returned to field operations. (This 63 includes the 9 proposed for lapse in the FY12 budget submission.) The lapsed positions do not show as vacancies in the attrition chart, as it shows only funded positions. Thus, the net vacancies that show in the attached chart already reflect the effort to retain or return uniformed individuals in operations.

Recruit Class:

- **The Executive recommends \$695,000 and 6.1 workyears for an abbreviated recruit class.** MCFRS proposes to contain the cost of this recruit class by seeking recruits with some pre-existing certifications who can then complete an abbreviated, two-month recruit class. The recommendation is for 30 recruits. The 6.1 workyears are for instructor overtime to provide the class. The recruits are expected to be absorbed within existing vacancies and not to add to the overall staffing complement.
- The last fully funded recruit class was funded in FY09, which provided one 45 person recruit class at a total cost of \$3 million. (A 12 person recruit class associated with the 2009 SAFER grant was conducted in FY10.) Both the FY10 and FY11 budgets included funds for recruit classes which were reduced for savings and not implemented. MCFRS provided the most

recent attrition chart showing funded positions on circle 18. **It shows that even with the recommended FY12 30 person recruit class MCFRS will continue to operate below complement and begin to have growing staffing deficits headed into FY13.** The vacancies in FY13 are exacerbated by opening a new fire station and the anticipated DROP reduction.

Council staff recommendation:

There are many overlapping factors that contribute to overtime use in MCFRS. It does appear that MCFRS has taken a number of steps to manage overtime use and address some of the specific concerns that have been raised and monitored through the CountyStat and other reviews. Overtime use can always be adjusted with changes to service provision or staffing practices; however, within current structures, the attrition chart and MCFRS’ explanation of its primary overtime drivers indicate a standing need for overtime use. Achieving a more balanced complement at any level of funding is likely a multi-year effort at this point. Given the complexity of these issues, the Committee may want to return after budget to more fully discuss MCFRS staffing requirements.

For FY12, at a minimum, Council staff recommends approval of the requested \$695,000 for an abbreviated recruit class. This will clearly only begin to stave off staffing deficits due to attrition, and it appears that MCFRS will need another recruit class in the near future. MCFRS proposes this approach as a means to bring on recruits with reduced costs.

Given the projected attrition over FY12 and into FY13, the Committee may want to discuss whether it is possible to expand the proposed recruit class in FY12. MCFRS indicates that it could identify sufficient pre-qualified individuals to support a second abbreviated class in FY12, or to increase the number in this recommended class. Adding a second abbreviated class would require an additional \$695,000 on the reconciliation list; adding 15 recruits to make the proposed class total 45 would require an additional \$345,000. Council staff assumes both increases could be managed within the projected attrition through the rest of the year and would not require an increase to the complement.

II. OTHER EXPENDITURE ISSUES

1. Consent Items

This section summarizes the elements of the Executive’s recommendation that are same service adjustments or do not appear to require extensive discussion. **Council staff recommends approval as submitted of the recommended changes listed in the tables below.**

Personnel Adjustments	
Restore Furloughs	2,115,550
Retirement Adjustment	1,306,110
Annualize FY11 lapse	-10,400
Annualize FY11 Pers Costs	-18,850
Group Insurance Adj	-2,503,470
Subtotal Pers Adj	\$888,940

The recommended personnel adjustments increase the budget by a net of \$888,940. The largest increase reflects the restoration of the FY11 furloughs; a total of 25 workyears are associated with this change. The MCFRS budget is reduced by \$2,503,470 to reflect the Executive's proposed group insurance benefit changes. These benefit changes will not be addressed in this packet. This and other budgets may need to be adjusted to reflect final Council action on this issue.

Operating Adjustments	
Apparatus Replacement	255,340
Patient Care Software Maint.	192,000
Printing and Mail	52,970
Help Desk Support	8,090
Verizon Point to Point T1 Repl	-17,800
Verizon Frame Relay Repl	-26,480
Motor Pool Rate Adj	-28,390
Occupational Medical Adj	-215,720
Risk Management Adj	-252,800
Subtotal Op Adj	-\$32,790

The recommended operational adjustments decrease the budget by a net -\$32,790. The apparatus replacement increase represents the payment necessary to meet the current master lease payment schedule. The patient care reporting software payment also represents continuing costs. The Verizon reductions are the result of a centralized change for all departments.

Personnel Changes	
SAFER Grant Match	327,360
Volunteer Recruiter	-91,040
Lapse IT Manager	-176,000
Recruiting Captain	-180,840
Subtotal Pers Changes	-\$120,520

The SAFER grant match increase represents the required local match for two SAFER grants. With this recommendation, the County will be fully funding the required match for the 2007 grant and increasing its contribution toward the 2009 grant. The Volunteer Recruiter position was reduced in the FY11 savings plan. Council staff understands that the IT position is vacant, and that the Recruiting Captain position will be reassigned to the field. Under this recommendation, one filled position would remain in recruiting services.

Other Operating Changes

EMS Fee Implementation Costs	-\$1,216,220
Special Pay Differential, ALS	- \$199,670

The EMS implementation funds are not necessary as the EMS fee was disapproved by referendum; the Council disapproved the special pay differential on November 30, 2010. Both of these items were budgeted in FY11, neither was implemented, and both were taken as savings in the FY11 savings plan.

2. High School Cadet Program

The Executive recommends a reduction of \$205,670 and 1.4 workyears to eliminate the High School Cadet Program. This program is a partnership with the Montgomery County Public Schools (MCPS) that provides a one or two year program for high school juniors and seniors to train to become firefighters and/or emergency medical service providers in Montgomery County (program description attached on circles 27-28). Council staff understands that the program generally sees between 20-30 students. The reduction consists largely of a lapsed Master Fire Fighter position and overtime costs related to instructor time. MCPS has provided transportation and a \$17,000 contribution to the program; the Executive's revenue assumptions for FY12 include a reduction of this amount.

Council staff concurs with the Executive's recommended reduction of this program. This nationally recognized program has clearly been a benefit to County students, and it seems unfortunate that it should be eliminated. The Committee may want to consider whether this program can be restored in the future when financial conditions improve.

3. Fleet Services

The Executive recommends a net savings reduction of \$118,330 and an increase of 1.6 workyears associated with reorganizing Fleet Management Services. The recommendation shifts \$107,480 from operating to personnel costs to create two new mechanic positions, and reduces operating costs by a net \$118,330.

MCFRS details this proposed shift on circles 11-12. This shift appears to be one of several efficiencies Fleet Management is undertaking to increase capacity to manage the medium and heavy duty fleet vehicles with limited resources. MCFRS states that the additional positions will allow Fleet Management to:

- Reduce reliance on outside vendors;
- Reduce time spent on checking quality of outside vendors' work;
- Increase "road service" of vehicles on site, rather than requiring them to be brought to the Central Maintenance Facility; and
- Increase in-house maintenance and repair staffing.

The recommendation does include a reduction in operating expenses that may impact the ability to purchase and time spent waiting for parts and service repairs in some cases.

Council staff recommends approval of the proposed cost savings and new positions as recommended. Again, it appears that MCFRS is working to achieve significant efficiencies with this effort and the Committee will want to follow its progress.

4. MCVFRA and LFRD Funding Reductions

The Executive recommends several budget reductions associated with MCVFRA and LFRD funding. Many of these reductions carry over the reductions approved in the FY11 savings plan. MCVFRA submitted written information on these budget issues at circles 31-40.

Council staff will address the recommended reductions below in three areas: A) LFRD administrative personnel; B) MCVFRA funding; and C) LFRD operating expenses.

A. LFRD Administrative Personnel

In the FY11 savings plan, the Executive recommended and the Council approved the reduction of 19 LFRD administrative positions. The FY12 recommendation assumes the full year cost savings associated with this reduction, offset by the addition of five County administrative staff, for a total net reduction of \$1,143,520 and 13.4 workyears. This personnel cost represents a significant portion of the overall reduction in direct LFRD funding. MCVFRA does not request their restoration but requests that the new County administrative positions be placed with the LFRDs to work collectively with all the stations.

Council staff requested an update on the status and process of the mid-year position reduction; MCFRS' response is on circles 12-13. The response states that eight of the employees retired and 11 were subject to a reduction-in-force. All were paid by the County through February 12. MCFRS has not yet hired the five new County positions in anticipation of a possible RIF process in FY12. MCFRS states that the projected FY11 savings of \$592,000 were achieved in part due to the fact that the new positions were not filled. The Committee may want to discuss additional information on the service impact to date; however, the positions have only been vacant for two months.

Council staff concurs with the Executive's recommended reduction for LFRD administrative positions. The positions are now vacant, and Council staff does not recommend returning to the previous administrative structure. The Committee will want to continue to monitor this administrative function as the new employees are brought on and the restructuring continues.

B. MCVFRA Funding

The Executive recommends a reduction of \$235,000 to eliminate the County funding for the MCVFRA. This funding comprises nearly all of the MCVFRA budget; Council staff understands that in addition to the County funding, each LFRD contributes \$750 per year to support MCVFRA activities, totaling \$14,500 per year. MCVFRA applied for and received three Federal grants totaling \$950,000 (over three four-year periods) used exclusively to support volunteer recruiting and retention. The County has reduced its position for volunteer recruiting.

The County funding supports \$164,000 in personnel costs for the Executive Director, including benefits, and \$71,000 in operating costs. Operating expenses include rent and associated costs for the MCVFRA offices and recruiting center.

Background: The reorganization of 2003-04 introduced collective bargaining between the County and the volunteer firefighters. County Code §21-6 requires the Fire Chief to negotiate with an authorized representative of the LFRDs; the LFRDs elected MCVFRA as the authorized representative. While the funding amount has changed, Council staff understands that the County has typically provided some level of funding to the MCVFRA beginning in FY05.

While MCVFRA is not a labor union representing County employees, it is the certified exclusive bargaining representative of the LFRDs for the purpose of negotiating with the County Fire Chief. The County's collective bargaining agreements with its County employee unions provide for a level of County support of their respective union presidents or other designated union officials. Each agreement provides that a County employee serving as the union president, or designee, be provided a full year of administrative leave to perform union business while earning his or her normal County salary.

- IAFF: 1,248 hours of administrative leave from the County directly and 3 hours assessed from each union member. The County also provides an additional 200 hours of administrative leave for other union purposes such as workshops or meetings.
- FOP: 1,092 hours of administrative leave from the County and 3 hours assessed from each union member, with an additional 400 hours of administrative leave from the County for other union uses.
- MCGEO: Each bargaining unit member is assessed ½ hour of leave for a leave bank used to provide 80 hours of administrative leave each pay period for one County employee serving as a union official. For other union business, MCGEO receives 1700 hours for the SLT bargaining unit and 3000 hours for the OPT bargaining unit.

Council staff also notes that while MCVFRA is a tax-exempt non-profit organization, it is a 501(c)4 and donations to the organization are not tax-deductible. Unlike the LFRDs, MCVFRA does not collect or solicit donations.

Council staff does not support the Executive's recommendation to eliminate the full \$235,000 for MCVFRA funding. At a minimum, Council staff recommends restoring funding for the Executive Director position. The County Code clearly anticipates the existence of an organization to represent the LFRDs in bargaining and other matters and the County has funded it to date. At this juncture, MCVFRA not only serves as bargaining representative but manages Federal grants for recruiting, coordinates State 508 fund allocations with the LFRDs and the Fire Chief, and has primary responsibility for recruiting volunteers.

With regards to operating funds, one option is to consider whether MCVFRA could raise additional funds for its operations through the LFRDs, who currently provide a very small annual amount.

- If the LFRDs were to make up all of the \$235,000 reduction in County funding, it would require the annual contribution to increase from \$750 to \$13,200.
- If the County funds the personnel costs and the LFRDs were to contribute all of the operating funds, that would require the LFRD contribution to increase from \$750 to \$4,500.

The Committee may want to consider what combination of County and potentially LFRD funding should support the MCVFRA, and may want to consider placing its recommendation in increments on the reconciliation list for Council consideration.

C. LFRD Operating Expenses

This section largely reproduces Council staff’s original discussion of the operating expense reduction and recommendation to retain the operating funds in MCFRS rather than transfer them to the individual LFRDs. There is some additional information available since the last Committee discussion, presented first, with an adjusted Council staff recommendation.

Additional Follow-up Information:

- MCFRS provided a draft framework for how to transition operating funds into MCFRS (attached on circles 29-30). The draft plan identifies 5 key priority areas of funding, and outlines a process for how the functions would be accomplished going forward.

- Council and MCFRS staff agree on the following breakdown of funding amounts between the identified high priority areas and the secondary functional areas. In the top chart, the category “services and contracts” consists of facility maintenance funds; in the lower chart, the same category includes some legal and accounting funds, as well as other facility related contracts.

PROPOSED	
LFRD Operating Support	
MCFRS Administer in FY12	
	FY12 Rec Total
Services and Contracts	434,028
Office Supplies & Equip	62,870
Public Safety Equip	196,500
Uniforms	214,769
Other Supplies & Materials	147,504
Total	1,055,671

PROPOSED	
LFRD Operating Support	
LFRD Administer in FY12	
	FY12 Rec Total
Dues and Memberships	14,700
Education, Tuition, Training	30,400
Printing, postage, mail	18,000
Services and Contracts	102,880
Furniture	13,000
Rental/Leases	44,490
Misc operating expenses	100
Communications Services	188,869
Total	412,439

- Council staff outlines the following aspects of a possible transition:
 - The starting station allocation amounts would reflect the historic allocation patterns, adjusted per the Executive’s FY12 recommended reductions.
 - MCFRS will work with LFRDs and station managers to conduct an inventory of the current supplies and practices in the identified areas. This could take 6-9 months.
 - Once the inventory is established, the Fire Chief will need to determine station allocations going forward. At that point, Council staff recommends that the Fire

Chief work with the Division Chief for Volunteer Services and the MCVFRA to review the results of the inventory, the rationale underlying the proposed new allocations, and what implementation processes remain to complete the transition of these areas.

Council staff concurs with the proposed high priority areas. Council staff recommends using the funding breakdown and transition outline identified above as the basis for a two-year transition period for the station operation expenses. Council staff also recommends that the Committee receive regular reports (at a minimum quarterly) to monitor the transition process. If the Committee is interested in this approach, it would only require changes to the final operating budget resolution to clarify the Council’s intent.

Background

The Executive recommends a total reduction of \$778,500 in direct County support for LFRD operating expenses. The FY11 savings plan took a reduction of \$479,920 in these operating expenses; the FY12 recommendation largely annualizes this reduction, and makes some reallocations among the remaining operating categories. The table below shows the FY11 total allocation (before the savings plan) and the FY12 recommendation:

LFRD Operating Support			
	FY11 App Total	FY12 Rec Total	Diff
Dues and Memberships	0	14,700	14,700
Services and Contracts	144,918	536,908	391,990
Other non-professional	433,238	0	-433,238
Communications Services	196,195	188,869	-7,326
Travel	27,018	0	-27,018
Education, Tuition, Training	76,715	30,400	-46,315
Office Supplies & Equip	92,057	62,870	-29,187
Printing, postage, mail	0	18,000	18,000
Trophies and Awards	26,200	0	-26,200
Public Safety Equip	305,355	196,500	-108,855
Furniture	49,120	13,000	-36,120
Uniforms	222,769	214,769	-8,000
Other Supplies & Materials	155,999	147,504	-8,495
Rental/Leases	59,270	44,490	-14,780
Food/Standby Food	247,281	0	-247,281
Misc operating expenses	210,560	100	-210,460
Total	2,246,695	1,468,110	-778,585

Council staff notes the following:

- The categories that show increases (services and contracts, dues and memberships, and printing, postage, and mail) reflect reallocations and adjustments from other categories, such as other non-professional.
- The Fire Chief states that the reduction in public safety equipment reflects cost savings that are in part attributable to having new equipment already in place in most stations, having some equipment replacement or repair reimbursable under insurance, and having current stock for some replacement parts that potentially would not need to be purchased in FY12.

- MCFRS states that the County does not provide standby food to career personnel.
- This chart does not show certain costs that were previously budgeted with the LFRDs but reimbursed by the County: Fuel, Utilities, Vehicle Maintenance, and Medical/Health Supplies. Beginning in FY11 and recommended to continue in FY12, these payments are being handled centrally by MCFRS rather than paid with County funds through the LFRD budget process.

The MCFRS budget includes other funds that support LFRDs and volunteers directly:

- The recommended FY12 Division of Volunteer Services budget contains \$1.1 million for LOSAP payments and \$213,750 for the Nominal Fee paid to active volunteers.
- In response to Council staff's request, MCFRS reported that LFRDs received supplemental County funding for operating expenses totaling \$219,000 in FY09 and \$111,000 in FY10 above the budgeted amounts.
- MCFRS also reported that \$210,000 in County funds was used to support facility maintenance in both FY09 and FY10 above what was provided in the LFRD budgeted support. MCFRS anticipates providing at least \$110,000 of additional facility maintenance funds in FY11 as well.

The Council has heard requests from the MCVFRA and in testimony from LFRDs to restore some of the operational funding. Some LFRD testimony stated that LFRDs no longer have sufficient funds to support certain station needs.

Council staff does not support restoring funds to the Executive's budget for these operational purposes. Moreover, in Council staff's view, it is likely that many of these functions could be more efficiently and cost-effectively carried out centrally rather than by each individual LFRD. Many of these operating budget categories result in small contracts or arrangements for purchases or services created and administered through each of the 19 LFRDs. Certain administrative functions, like trash removal or office supplies, seem well suited to a central contract. Other key functions, such as public safety gear and equipment, are more appropriately handled by the Fire Chief who is responsible to ensure that all fire and rescue personnel have sufficient supply of these critical items.

Council staff recommends that the County continue to be fiscally responsible for the LFRD operating expenses covered in these budget items but that the administration of the operating expenses be carried out centrally at MCFRS rather than transferred through the individual LFRDs. This recommendation is consistent with the recent consolidation of the fuel, utilities, vehicle maintenance, and medical supplies into MCFRS. **In Council staff's view, this consolidation is necessary to ensure that infrastructure costs are minimized by not being either duplicated or fragmented.** Council staff does not see that these administrative efficiencies need to infringe on the core public safety functions of the volunteers that benefit the fire and rescue service and the County as a whole.

Audit Committee: Management issues related to the County's operational support for LFRDs were raised in the Audit Committee's March 31 meeting to review the FY10 LFRD audits. The Committee discussed the annual cost of the audit (\$95,000 in the current contract),

the fact that the amount of County funds to each LFRD is relatively small, and that it appears to be difficult for some LFRDs to manage County funds to the auditor's specifications. Some Audit Committee members suggested that both audit contract cost savings and administrative efficiencies could be realized if County funds were not transferred to the LFRDs. Council staff notes that the FY12 audit contract will audit funds already transferred to the LFRDs in FY11, so audit savings can likely not be realized until FY13.

In Council staff's view, one positive outcome that could come of consolidating these functions is a better mechanism to establish a baseline inventory, develop standardized allocations, and the ability to identify, prioritize, and address remaining gaps in station operating support. Again, Council staff does not recommend additional funding at this time to support these operations. Indeed MCFRS has already been allocating additional funds in past years to cover operational needs. Council staff suggests that the Fire Chief is ultimately responsible to ensure adequate station operations, and can be held accountable to achieve this outcome if he retains the funding in addition to the responsibility.

If the Council ultimately agrees with the recommendation to consolidate these operating functions in MCFRS, it would only require changes to the final operating budget appropriation resolution to clarify the Council's intent. On a practical level, MCFRS will need to conduct an inventory of the current supplies and practices, and the Council will need to be satisfied that the operating allocations are adequate and fair among stations and LFRDs. Council staff suggests the following options to implement this recommendation:

1. Retain all County LFRD support funding in the MCFRS budget in FY12.

The advantage of making the transition in one year is that any cost savings or efficiencies can be achieved quickly and that transitional issues are addressed all at once. Under this scenario, one approach could be to maintain the proposed LFRD/station allocations as a baseline for the amount of support the LFRDs would receive until MCFRS carries out an inventory and can propose amounts and allocations across the system going forward.

2. Transition key funding areas in FY12, continue some LFRD based expenses during the transition, with all funds retained centrally in FY13.

The advantage to a two year transition is that it allows time to work out any unforeseen logistical obstacles, accomplish the inventory, and develop allocations. Council staff's primary concern is with key functions such as public safety gear and equipment, training, and facility maintenance. Funding in such categories should be consolidated first in FY12, while the remaining funds could be consolidated in FY13 following completion of the inventory and allocation process.

Council staff recommends option 2. Under either scenario, the Council will need to understand the process that will be used to develop allocation formulas and standards for all categories of support. Under either scenario, the Council will need to closely monitor the transition process, receiving regular reports (at a minimum quarterly). If the Committee is interested in pursuing this recommendation, Council staff will work with Council legal staff, the Fire Chief, and MCVFRA to develop a preliminary transition plan and to draft budget language for review.

Additional issue: Collective Bargaining Agreement

The current structure of the Montgomery County Fire and Rescue Service was established by Bill 36-03, which took effect on January 1, 2005. Bill 36-03 established a process for LFRDs to select an authorized representative to represent their interests, and a requirement for the Fire Chief to negotiate in good faith with the authorized representative on certain issues affecting LFRDs and their volunteers. The rules for the selection of the representative and the direct negotiation process are included in County Code §21-6. The process was intended to be similar to collective bargaining with career employees.

The LFRDs selected the Montgomery Volunteer Fire and Rescue Association (MCVFRA) as their representative. On January 30, 2007, the Council approved the first agreement between the County Government and MCVFRA. Code §21-6(p) requires the Executive to submit to the Council any element of an agreement that requires an appropriation of funds, may have a future fiscal impact, is inconsistent with any County law or regulation, or requires the enactment or adoption of any County law or regulation. Section 21-6(q) directs the Council to notify the parties within 60 days if it disapproves an agreement in whole or in part. The Council may by resolution extend the time for action.

On April 1, 2011, the Executive submitted an agreement between the Executive and the MCVFRA, effective July 1, 2011 through June 30, 2014, for Council review and action. A copy of the Executive's transmittal memorandum, a summary of the proposed Agreement, and the proposed Agreement is attached beginning at circle 41. This agreement is the product of negotiations and an award in favor of the MCVFRA issued by arbitrator Jerome H. Ross. A copy of the arbitrator's award is attached beginning at circle 54. The arbitrator was required to select the entire last best offer that he judged to be more reasonable. The Executive argued that funding for the MCVFRA administrative expenses was non-negotiable. However, the arbitrator concluded that due to past practice of negotiating this item, it was a mandatory topic of bargaining.

The MCVFRA material on circles 31-37 raises the issue that the Executive did not fund the arbitrator's ruling in the FY12 budget. The arbitrator's ruling would have:

- Funded the MCVFRA at a 5% reduced level of \$223,250 (CE Rec: \$0);
- Not funded boots, gear bags, and VBOC training (CE Rec: \$122,100); and
- Funded the nominal fee at \$342,000 (CE Rec: \$213,750).

With regard to these economic provisions, Council staff notes the following:

- Council staff's recommendation on the MCVFRA funding is outlined in Issue B above.
- The arbitrator and the MCVFRA indicated that they could manage without the \$122,100 for boots (\$71,140), gear bags (\$34,960), and training (\$16,000). If the Committee reduced these funds to offset other priorities, such as possible MCVFRA support, that would more closely reflect the arbitrator's ruling.
- The nominal fee is an annual amount given to volunteers at two levels of active participation. For FY12, the Executive projects 605 volunteers at the lower fee level and 492 volunteers at the higher fee level. Recent data from MCVFRA (circle 71) shows that 930 total volunteers received the nominal fee in 2009. The nominal fee was due to increase from \$300/\$500 to \$400/\$600; the arbitrator's amount represents \$240/\$400 and

the Executive's recommendation represents \$150/\$250. While the nominal fee proposed by the Executive is a significant reduction per person, Council staff would not prioritize additional funds for this purpose for the reconciliation list.

The arbitrator's award also included \$26,000 to pay for a vehicle for MCVFRA use in the third year of the agreement. Since this does not require an appropriation in FY12, the Council can postpone a decision on funding the vehicle until the deliberations on the FY14 operating budget.

The Public Safety Committee's recommendations on the collective bargaining agreement with the MCVFRA will be introduced as a proposed resolution indicating the Council's intent to approve or reject this agreement next month. Under Code §21-6(q), the Council must notify the Executive and the MCVFRA of its decision on or before June 1, 2011.

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Fire and Rescue Service

MISSION STATEMENT

The mission of the Montgomery County Fire and Rescue Service (MCFRS) is to protect lives, property, and the environment with comprehensive risk reduction programs and safe, efficient and effective emergency response provided by skilled, motivated, and compassionate career and volunteer service providers representing Montgomery County's diverse population.

MCFRS consists of the Office of the Fire Chief; Division of Administrative and Support Services; Division of Operations; Division of Risk Reduction and Training Services; Division of Volunteer Services; the Fire and Emergency Services Commission; and 19 Local Fire and Rescue Departments (LFRD).

BUDGET OVERVIEW

The total recommended FY12 Operating Budget for the Montgomery County Fire and Rescue Service is \$179,384,200, a decrease of \$3,241,230 or 1.8 percent from the FY11 Approved Budget of \$182,625,430. Personnel Costs comprise 83.8 percent of the budget for 1264 full-time positions and three part-time positions for 1239.9 workyears. Operating Expenses and Capital Outlay account for the remaining 16.2 percent of the FY12 budget.

The Debt Service for the Fire Tax District Fund is appropriated in the Debt Service Fund and is, therefore, not displayed in this section. To pay for the Debt Service, a transfer of funds from the Fire Tax District Fund to the Debt Service Fund of \$6,943,680 for general obligation debt and \$4,770,680 for other debt is required.

In addition, this department's Capital Improvements Program (CIP) requires Current Revenue funding.

LINKAGE TO COUNTY RESULT AREAS

While this program area supports all eight of the County Result Areas, the following are emphasized:

- ❖ ***A Responsive, Accountable County Government***
- ❖ ***Safe Streets and Secure Neighborhoods***

DEPARTMENT PERFORMANCE MEASURES

Performance measures for this department are included below, with multi-program measures displayed at the front of this section and program-specific measures shown with the relevant program. The FY11 estimates incorporate the effect of the FY11 savings plan. FY12 and FY13 targets assume the recommended FY12 budget and FY13 funding for comparable service levels.

ACCOMPLISHMENTS AND INITIATIVES

- ❖ ***Opened the Germantown-Milestone station at the corner of Frederick Road and Boland Farm Road.***
- ❖ ***Implemented an on-line registration system (OTRS) for Fire & Rescue Training Academy courses. OTRS has streamlined the registrar function making it easier for employees to register for class and reducing the amount of paper used in the process of registration and application for promotions.***
- ❖ ***Instituted Neuroprotective Hypothermia Protocol for EMS patients, which will help to increase survivability rates for cardiac arrest patients.***
- ❖ ***Staffing for Adequate Fire and Emergency Response (SAFER) grant funding allowed for continued implementation of four-person engine Advanced Life Support First Responder Apparatus (AFRA) company staffing, specifically at two stations in Potomac, Station 30 (Cabin John) and Station 33 (Rockville). The enhanced staffing also allowed for a tanker driver at Station 30. These changes will reduce response times in the area.***
- ❖ ***In coordination with the Department of General Services, began implementation of a countywide fuel management system in which fire station fuel management is the first phase.***

❖ Productivity Improvements

- Implementation of on-line EMS re-certification in FY11 will allow required re-certification coursework to be completed by personnel while working regular hours instead of overtime, saving approximately \$200,000 per year.
- Civilianized several call taker positions at the Emergency Communications Center, creating substantial savings in wages and benefits.
- Used the Montgomery County Emergency Network (MCEN) network to relay dispatch information to individuals' cellular phones and blackberries. This allowed the department to discontinue service of alpha/numeric pagers, saving tens of thousands of dollars and increasing efficiency. The MCEN network provides this critical data faster than the pagers.
- Chiefs assigned to full time administrative functions began covering occasional shifts in the field resulting in overtime savings of thousands of dollars
- From July 1, 2010 through February 28, 2011 volunteer personnel have provided 268,837 hours of standby staffing. The average monthly total is 33,605 hours. Prorating the remaining FY11 months the estimated grand total of volunteer standby staffing hours for FY11 is 403,256.

PROGRAM CONTACTS

Contact Dominic Del Pozzo of the Montgomery County Fire and Rescue Service at 240.777.2236 or Blaise DeFazio of the Office of Management and Budget at 240.777.2763 for more information regarding this department's operating budget.

PROGRAM DESCRIPTIONS

Office of the Fire Chief

The Fire Chief has the ultimate responsibility for the overall management, direction, planning and coordination of all MCFRS programs and operations. The Office of the Fire Chief manages the overall service needs and delivery requirements of MCFRS including fire and rescue master planning, resource deployment plans, and the overall strategic direction for MCFRS; develops and recommends capital improvement projects; coordinates community outreach and public affairs; manages and integrates information technology into the MCFRS' business processes; and recommends policy initiatives and programs to the County Executive. Included in this program is the Office of Internal Affairs, which investigates complaints and serious violations of the personnel regulations and department policy and conducts procedural background investigations of applicants for firefighters/rescuer positions.

The Fire Chief's office also includes the budget office, which is responsible for the overall management of the MCFRS operating budget; and the management and administration of State and Federal funding. The budget office is comprised of four staff members who provide professional advice and guidance on budget preparation, financial analysis, grant administration, and auditing issues and act as a liaison between Federal, State and Local government agencies as well as the 19 Local Fire and Rescue Departments.

FY12 Recommended Changes	Expenditures	WYs
FY11 Approved	5,802,210	16.5
Decrease Cost: Emergency Medical Fee Implementation Costs	-1,216,220	-2.2
Miscellaneous adjustments, including restoration of employee furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	70,380	0.9
FY12 CE Recommended	4,656,370	15.2

Operations

The Operations Division is the organizational component of the MCFRS that is responsible for the day-to-day delivery of critical EMS, Fire Suppression, and Technical Rescue mitigation to the citizens and visitors of Montgomery County. The Division's personnel also assist the Division of Risk Reduction and Training Services by performing a wide variety of non-emergency services that are focused on public education and community risk reduction.

The overall responsibility for Fire and Rescue Service operations lies directly with the Fire Chief. The Division Chief of Operations is assigned by the Fire Chief to manage the Division. The career and volunteer components of the combined service work in an "Integrated Emergency Command Structure" that defines the authority and responsibility for all members of the service. MCFRS responds to approximately 120,000 emergency incidents annually. Requests for emergency medical assistance comprise the majority of those incidents, approximately 75,000 calls annually. There are 25,000 fire incidents, technical rescue, and hazardous materials incidents annually.

The Operations Division is organized into five major sections, including Field Operations Emergency Communications Center (ECC), Special Operations, Emergency Medical Service, and Fleet Management.

MCFRS personnel operate from 35 Fire and Rescue stations. Thirty three engines, 15 aerial units, six heavy rescue squads, 18 ALS medic units, and 23 Basic Life Support (BLS) ambulances make up the primary fleet of first response apparatus. There are additional units that can be placed in service with available volunteer or recalled career personnel to increase the MCFRS capability.

Program Performance Measures	Actual FY09	Actual FY10	Estimated FY11	Target FY12	Target FY13
Percent of residential structure fires confined to the room of origin	72	80	79	79	79
Percent of Advance Life Support (ALS) responses within 8 minutes: Rural	19	12	13	12	12
Percent of Advance Life Support (ALS) responses within 8 minutes: Suburban	37	35	38	35	35
Percent of Advance Life Support (ALS) responses within 8 minutes: Urban	47	55	50	48	48
Percent of structure fire responses within 6 minutes: Rural	4	9	9	9	9
Percent of structure fire responses within 6 minutes: Suburban	26	27	28	28	28
Percent of structure fire responses within 6 minutes: Urban	43	48	50	50	50

FY12 Recommended Changes	Expenditures	WYs
FY11 Approved	136,441,870	1070.2
Increase Cost: SAFER Grant Match	327,360	2.7
Increase Cost: Apparatus Replacement Based on Schedule	255,340	0.0
Increase Cost: Electronic Patient Care Reporting Software Maintenance and Lease	192,000	0.0
Decrease Cost: Fleet Services' Operating Expenses (-\$225,810); Create Two Mechanic Positions (\$107,480)	-118,330	1.6
Decrease Cost: SAFER Grant	-233,510	-2.7
Miscellaneous adjustments, including restoration of employee furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	2,600,830	22.9
FY12 CE Recommended	139,465,560	1094.7

Risk Reduction and Training Services

The Division of Risk Reduction and Training Services is responsible for the assessment and mitigation of fire related risks to the community as well as firefighter health, safety and training. The Division is comprised of the following organizational components:

Fire and Explosives Investigation

The Fire and Explosives Investigation section investigates all fires involving loss of life, serious injury, substantial property damage, and all suspicious fires, to determine the cause, origin, and circumstances. The Section is responsible for the enforcement of all State and County laws concerning fire, arson, and explosives. This program involves four major elements: (1) fire and explosive origin and cause investigation; (2) investigation of incendiary or explosive devices or materials; (3) hazardous device mitigation (bomb squad); and (4) training and education to businesses, law enforcement agencies, and the general public regarding fire and explosive materials.

Fire Code Compliance

The Fire Code Compliance section provides inspections of commercial, industrial, and residential structures for compliance with applicable County and State fire and life safety codes. Engineering staff provide technical evaluation of complex fire protection needs and recommend systems or processes for appropriate fire protection in all occupancy types within the County. Yearly inspections are conducted at health care, day care, and educational facilities, as well as residential boarding and home-based health care facilities. Fire Code Compliance Inspectors respond to structure fires to determine compliance with the fire and life safety code.

Wellness – Fitness Initiative

The Wellness - Fitness Initiative was adopted by Montgomery County Fire and Rescue on July 1, 2001. The program includes medical, behavioral health, and rehabilitation components.

Medical

Fire Rescue Occupational Medical Section (FROMS) – was implemented in 2001. The intent is to provide a fire-specific focus on MCFRS health needs. Services provided by FROMS include entry level physicals, annual physicals, injury care, return to work exams, fitness for duty exams, vaccinations, and follow-up evaluations as necessary. FROMS also monitors employees injured on the job to ensure appropriate care and timely return to work.

Behavioral Health

This program addresses the behavioral and mental health of MCFRS fire and rescue personnel and their families. A staff psychologist provides direct clinical services to MCFRS personnel and trains and assists with the Critical Incident Stress Management Team (CISM). The staff psychologist also trains and educates fire and rescue personnel on matters relating to behavioral health.

Health and Safety

The Health and Safety section ensures the occupational health and safety of personnel through management, accountability, and enforcement of safety policies and procedures in all aspects of fire and rescue activities. The program develops and promotes proactive prevention initiatives to reduce injuries to personnel and damage to property by engaging in root cause analysis and monitoring performance. The section is responsible for the annual Respiratory Protection Program, personal injury investigations, apparatus/vehicle collision investigations, and near miss and line of duty death investigations. Safety Officers manage apparatus safety, Personal Protection Envelope (PPE)/Self Contained Breathing Apparatus fit testing, station safety inspections, live fire training, special projects, and safety-related training programs.

Fire and Rescue Training Academy

The Fire and Rescue Training Academy is responsible for the development and delivery of all fire, rescue, and emergency medical training for MCFRS personnel. The Training Academy is an accredited institution that provides entry-level and advanced levels of training, education, and certification to MCFRS personnel. All training programs comply with applicable Federal, State, and County requirements. The training is conducted to ensure that each Firefighter/Rescuer has the necessary skills, competencies, and practical experiences required to effectively perform the duties of his/her position within the organization.

Program Performance Measures	Actual FY09	Actual FY10	Estimated FY11	Target FY12	Target FY13
Percent of Commission on Fire Accreditation International (CFAI) Strategic Recommendations Addressed ¹	35	45	70	100	N/A
Number of residential fire injuries ²	N/A	8.0	6.0	5.5	5.5
Number of residential fire deaths ³	0.1	0.1	0.3	0.4	0.4
Number of MCFRS Vehicle Collisions	233	276	225	225	225
Firefighter Injuries	606	612	610	610	610

¹ Evaluations for re-accreditation are scheduled every five years. MCFRS's next evaluation is scheduled for FY12.

² Rate of injuries per 100,000 residents. Projections for residential fire injuries and deaths assume a decrease in the numbers because of continued success of fire prevention and fire safety programs as well as positive impacts of increased presence of functioning smoke alarms and sprinkler systems in residences. The actual figures were not available in FY0

³ Rate of fire deaths per 100,000 residents.

FY12 Recommended Changes	Expenditures	WYs
FY11 Approved	27,700,170	91.7
Decrease Cost: Occupational Medical Services Adjustment	22,650	0.6
Eliminate: High School Cadet Program	-205,670	-1.4
Decrease Cost: Lapse Seven Code Enforcement Positions; Initiate a Contract in Place of the Positions; Create an Administrative Specialist	-573,000	-6.2
Miscellaneous adjustments, including restoration of employee furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	692,650	14.0
FY12 CE Recommended	27,636,800	98.7

Volunteer Services

The Division of Volunteer Services provides support and volunteer advocacy, oversight, mediation, and enforcement of MCFRS policies, coordination and technical assistance, incentives, and administrative services to support the Local Fire and Rescue Departments (LFRD) within MCFRS. This program promotes consistent and balanced integration of the activities of volunteer and career firefighters and rescuers; promotes recruitment and retention of volunteers, assists LFRD's in training, risk management, the formulation and standardization of LFRD/MCFRS business plans, use and maintenance of fire and rescue apparatus, budget preparation, and formulating department-wide policy. The program makes recommendations to the Fire Chief, monitors legislative and regulatory actions involving volunteer activities, and informs the affected groups. The program provides additional opportunities for people to volunteer, including the creation of a Mobile Volunteer Personnel Corps as introduced into Chapter 21 by Bill 36-03.

FY12 Recommended Changes	Expenditures	WYs
FY11 Approved	6,409,820	22.3
Increase Cost: MCVFRA Labor Agreement: Turn-out Boots, Gear Bags, and Volunteer Basic Orientation Course Operations Costs	122,100	0.0
Decrease Cost: Nominal Fee for Local Fire and Rescue Departments (LFRD)	-90,540	0.0
Decrease Cost: Montgomery County Volunteer Fire and Rescue Association (MCVFA) Payment	-235,000	0.0

	Expenditures	WYs
Decrease Cost: LFRD Operating Expenses	-778,500	0.0
Miscellaneous adjustments, including restoration of employee furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-2,162,990	-18.3
FY12 CE Recommended	3,264,890	4.0

Administrative and Support Services

The Division of Administrative and Support Services provides central administrative and management service and direction for all administrative functions across the Department. Core services include human resources management, logistics, facilities management, procurement development and administration, planning management, and information technology and management.

Employee Services/Human Resources

The Employee Services/Human Resources section is responsible for all personnel and labor related issues in MCFRS. Responsibilities of the section include conducting promotional exams, hiring and discipline; advising the Chief and Division Chiefs on personnel and labor matters; participating in the collective bargaining process; and representing the MCFRS in mediation, arbitration, alternative dispute resolution, and at the Merit System Protection Board. Staff in the Employee Services Section also act as a department liaison between the County Office of Human Resources and County Attorney's Office.

Workforce Recruiting

The Fire and Rescue Workforce Recruiting component provides all levels of marketing, advertising, and community interaction for the purpose of attracting qualified candidates to staff the Fire and Rescue Service as compensated employees and volunteers. Recruiting staff develop public service announcements and attend job fairs, community functions, and events under the banner of the Montgomery County Fire and Rescue Service.

Logistics

The Logistics Section handles the uniform and protective clothing requirements for career personnel in the fire/rescue occupational series. This includes the procurement, order placement, receipt, storage, inventory, and distribution of a wide array of items, as well as related contract and budget administration and invoice processing. The Logistics section coordinates special services such as uniform tailoring and alterations, shoe repair, and protective clothing inspection, cleaning, and repair. The Logistics Section handles daily courier service to fire and rescue worksites.

Capital Projects and Facilities

The Capital Projects and Facilities section is responsible for providing fire and rescue facilities that are properly constructed and maintained to enable all elements of the MCFRS to meet their mission. This includes construction of new stations, renovation of existing facilities, and overall monitoring of the department's infrastructure.

Procurement

The Procurement section provides ongoing support to all MCFRS work units in the identification, acquisition, and acceptance into service of all material resources necessary for the direct delivery of public safety services to the residents and visitors of Montgomery County. This includes initiation and monitoring of all contracts, the County P-Card program, and compliance with all procurement rules and regulations.

Planning Office

The Planning Office analyzes risk and historical emergency incident activity and considers it along with development and growth to project strategic resource needs, facility placement, special operational requirements, and future workforce levels. The Planning Office develops planning documents such as the Fire, Rescue, Emergency Medical Services, and Community Risk Reduction Master Plan and the Montgomery County Fire and Rescue Service's Annual Strategic Plan. In addition, considerable mapping and geographic incident data analysis is provided by the Planning Office.

Information Technology

The Information Technology (IT) section is responsible for development, implementation, and ongoing support of all IT needs for the department. This section ensures compliance with all Department of Technology Services requirements, assists with Computer Aided Dispatch, directs the Data Warehouse, and maintains desktops, and Firehouse reporting and inventory control software.

FY12 Recommended Changes	Expenditures	WYs
FY11 Approved	6,271,360	34.3
Decrease Cost: Volunteer Recruiter	-91,040	-1.0
Decrease Cost: Lapse Information Technology Manager Position	-176,000	-1.0
Decrease Cost: Recruiting Captain	-180,840	-1.0

	Expenditures	WYs
Miscellaneous adjustments, including restoration of employee furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-1,462,900	-4.0
FY12 CE Recommended	4,360,580	27.3

BUDGET SUMMARY

	Actual FY10	Budget FY11	Estimated FY11	Recommended FY12	% Chg Bud/Rec
FIRE					
EXPENDITURES					
Salaries and Wages	112,139,513	99,726,030	106,258,960	101,565,920	1.8%
Employee Benefits	52,155,756	51,729,830	50,756,330	48,472,800	-6.3%
Fire Personnel Costs	164,295,269	151,455,860	157,015,290	150,038,720	-0.9%
Operating Expenses	28,545,442	30,666,370	28,881,450	29,075,790	-5.2%
Capital Outlay	15,716	26,100	0	26,100	—
Fire Expenditures	192,856,427	182,148,330	185,896,740	179,140,610	-1.7%
PERSONNEL					
Full-Time	1,285	1,271	1,271	1,261	-0.8%
Part-Time	7	6	6	3	-50.0%
Workyears	1,340.9	1,229.5	1,229.5	1,237.1	0.6%
REVENUES					
EMS/Ambulance Fee	0	14,143,140	0	0	—
Charge for FM Reports	0	5,000	5,000	5,000	—
Property Tax	187,608,748	173,655,030	171,388,330	208,203,350	19.9%
Miscellaneous & Insurance Reimbursement	528,622	0	0	0	—
Fire Code Enforcement	700,686	1,872,200	1,500,000	1,500,000	-19.9%
Fire Code Enforcement Permits	2,392,650	1,901,460	1,500,000	1,500,000	-21.1%
Miscellaneous Fees	614,380	0	0	0	—
State Grant: 508 Funds	1,289,356	0	0	0	—
Emergency 911: Fire	2,395,067	1,283,000	1,283,000	1,306,000	1.8%
High School Cadet Program	17,411	17,410	17,410	0	—
Investment Income	79,453	310,000	0	0	—
Miscellaneous Reimbursement	0	10,000	10,000	10,000	—
Fire Revenues	195,626,373	193,197,240	175,703,740	212,524,350	10.0%
GRANT FUND MCG					
EXPENDITURES					
Salaries and Wages	1,470,874	291,600	901,620	158,970	-45.5%
Employee Benefits	520,626	185,500	228,830	84,620	-54.4%
Grant Fund MCG Personnel Costs	1,991,500	477,100	1,130,450	243,590	-48.9%
Operating Expenses	1,776,640	0	470,350	0	—
Capital Outlay	566,130	0	0	0	—
Grant Fund MCG Expenditures	4,334,270	477,100	1,600,800	243,590	-48.9%
PERSONNEL					
Full-Time	13	6	6	3	-50.0%
Part-Time	0	0	0	0	—
Workyears	10.3	5.5	5.5	2.8	-49.1%
REVENUES					
Training Grants	18,703	0	0	0	—
USAR and WMD Training & Supplies	0	0	1,098,700	0	—
Federal Grants	3,341,106	477,100	502,100	243,590	-48.9%
Safer Grants	3,594	0	0	0	—
UASI MD 5% Share	407,486	0	0	0	—
Misc Non Gov Grants	866	0	0	0	—
Grant Fund MCG Revenues	3,771,755	477,100	1,600,800	243,590	-48.9%
DEPARTMENT TOTALS					
Total Expenditures	197,190,697	182,625,430	187,497,540	179,384,200	-1.8%
Total Full-Time Positions	1,298	1,277	1,277	1,264	-1.0%
Total Part-Time Positions	7	6	6	3	-50.0%
Total Workyears	1,351.2	1,235.0	1,235.0	1,239.9	0.4%
Total Revenues	199,398,128	193,674,340	177,304,540	212,767,940	9.9%

FY12 RECOMMENDED CHANGES

	Expenditures	WYs
FIRE		
FY11 ORIGINAL APPROPRIATION	182,148,330	1229.5
Changes (with service impacts)		
Eliminate: High School Cadet Program [Risk Reduction and Training Services]	-205,670	-1.4
Other Adjustments (with no service impacts)		
Increase Cost: Restore Personnel Costs - Furloughs	2,115,550	25.0
Increase Cost: Retirement Adjustment	1,306,110	0.0
Increase Cost: November 2011 Two-Month, Thirty-Person Recruit Class	695,000	6.1
Increase Cost: SAFER Grant Match [Operations]	327,360	2.7
Increase Cost: Apparatus Replacement Based on Schedule [Operations]	255,340	0.0
Increase Cost: Electronic Patient Care Reporting Software Maintenance and Lease [Operations]	192,000	0.0
Increase Cost: MCVFRA Labor Agreement: Turn-out Boots, Gear Bags, and Volunteer Basic Orientation Course Operations Costs [Volunteer Services]	122,100	0.0
Increase Cost: Printing and Mail Adjustment	52,970	0.0
Decrease Cost: Occupational Medical Services Adjustment [Risk Reduction and Training Services]	22,650	0.6
Increase Cost: Help Desk - Desk Side Support	8,090	0.0
Decrease Cost: Annualization of FY11 Lapsed Positions	-10,400	-0.1
Decrease Cost: Verizon Point to Point T1 Replacement	-17,800	0.0
Decrease Cost: Annualization of FY11 Personnel Costs	-18,850	0.0
Decrease Cost: Verizon Frame Relay Replacement	-26,480	0.0
Decrease Cost: Motor Pool Rate Adjustment	-28,390	0.0
Decrease Cost: Nominal Fee for Local Fire and Rescue Departments (LFRD) [Volunteer Services]	-90,540	0.0
Decrease Cost: Volunteer Recruiter [Administrative and Support Services]	-91,040	-1.0
Decrease Cost: Fleet Services' Operating Expenses (-\$225,810); Create Two Mechanic Positions (\$107,480) [Operations]	-118,330	1.6
Decrease Cost: Lapse Information Technology Manager Position [Administrative and Support Services]	-176,000	-1.0
Decrease Cost: Recruiting Captain [Administrative and Support Services]	-180,840	-1.0
Decrease Cost: Paramedic Differential Pay	-199,670	0.0
Decrease Cost: Montgomery County Volunteer Fire and Rescue Association (MCVFRA) Payment [Volunteer Services]	-235,000	0.0
Decrease Cost: Occupational Medical Services Adjustment	-238,370	-2.1
Decrease Cost: Risk Management Adjustment	-252,800	0.0
Decrease Cost: Lapse Seven Code Enforcement Positions; Initiate a Contract in Place of the Positions; Create an Administrative Specialist [Risk Reduction and Training Services]	-573,000	-6.2
Decrease Cost: LFRD Operating Expenses [Volunteer Services]	-778,500	0.0
Decrease Cost: Twenty LFRD Administrative Staff; Create Five County Administrative Staff	-1,143,520	-13.4
Decrease Cost: Emergency Medical Fee Implementation Costs [Office of the Fire Chief]	-1,216,220	-2.2
Decrease Cost: Group Insurance Adjustment	-2,503,470	0.0
FY12 RECOMMENDED:	179,140,610	1237.1
GRANT FUND MCG		
FY11 ORIGINAL APPROPRIATION	477,100	5.5
Other Adjustments (with no service impacts)		
Decrease Cost: SAFER Grant [Operations]	-233,510	-2.7
FY12 RECOMMENDED:	243,590	2.8

PROGRAM SUMMARY

Program Name	FY11 Approved		FY12 Recommended	
	Expenditures	WYs	Expenditures	WYs
Office of the Fire Chief	5,802,210	16.5	4,656,370	15.2
Operations	136,441,870	1070.2	139,465,560	1094.7
Risk Reduction and Training Services	27,700,170	91.7	27,636,800	98.7
Volunteer Services	6,409,820	22.3	3,264,890	4.0
Administrative and Support Services	6,271,360	34.3	4,360,580	27.3
Total	182,625,430	1235.0	179,384,200	1239.9

FUTURE FISCAL IMPACTS

Title	CE REC.					
	FY12	FY13	FY14	(\$000's)		
	FY15	FY16	FY17			
This table is intended to present significant future fiscal impacts of the department's programs.						
FIRE						
Expenditures						
FY12 Recommended	179,141	179,141	179,141	179,141	179,141	179,141
No inflation or compensation change is included in outyear projections.						
Labor Contracts - Other	0	-35	-106	-106	-106	-106
These figures represent other negotiated items included in the labor agreements.						
Apparatus Master Leases	0	0	0	-8	-472	-472
Funding provided in prior year for the purchase of replacement emergency vehicles, and lease costs for duration of the leasing term.						
Cabin John Fire Station #30 Addition/Renovation	0	0	0	-5	-5	-5
These figures represent the impacts on the Operating Budget (maintenance and utilities) of projects included in the FY11-16 Recommended Capital Improvements Program.						
Electronic Patient Care Reporting	0	88	118	118	118	118
Continued funding for the implementation of Electronic Patient Care Reporting.						
Glenmont FS 18 Replacement	0	0	0	285	342	342
These figures represent the impacts on the Operating Budget (maintenance and utilities) of projects included in the FY11-16 Recommended Capital Improvements Program.						
Motor Pool Rate Adjustment	0	404	404	404	404	404
SAFER Grant Match	0	256	512	512	512	512
Required County match for the 2007 and 2009 SAFER grants.						
Travilah Fire Station	0	1,870	2,897	2,926	2,929	2,929
These figures represent the impacts on the Operating Budget (maintenance, utilities, staff) of projects included in the FY11-16 Recommended Capital Improvements Program.						
Wheaton Rescue Squad Relocation	0	40	40	40	40	40
These figures represent the impacts on the Operating Budget (maintenance and utilities) of projects included in the FY11-16 Recommended Capital Improvements Program.						
Subtotal Expenditures	179,141	181,764	183,005	183,307	182,903	182,903

FIRE AND RESCUE STATIONS

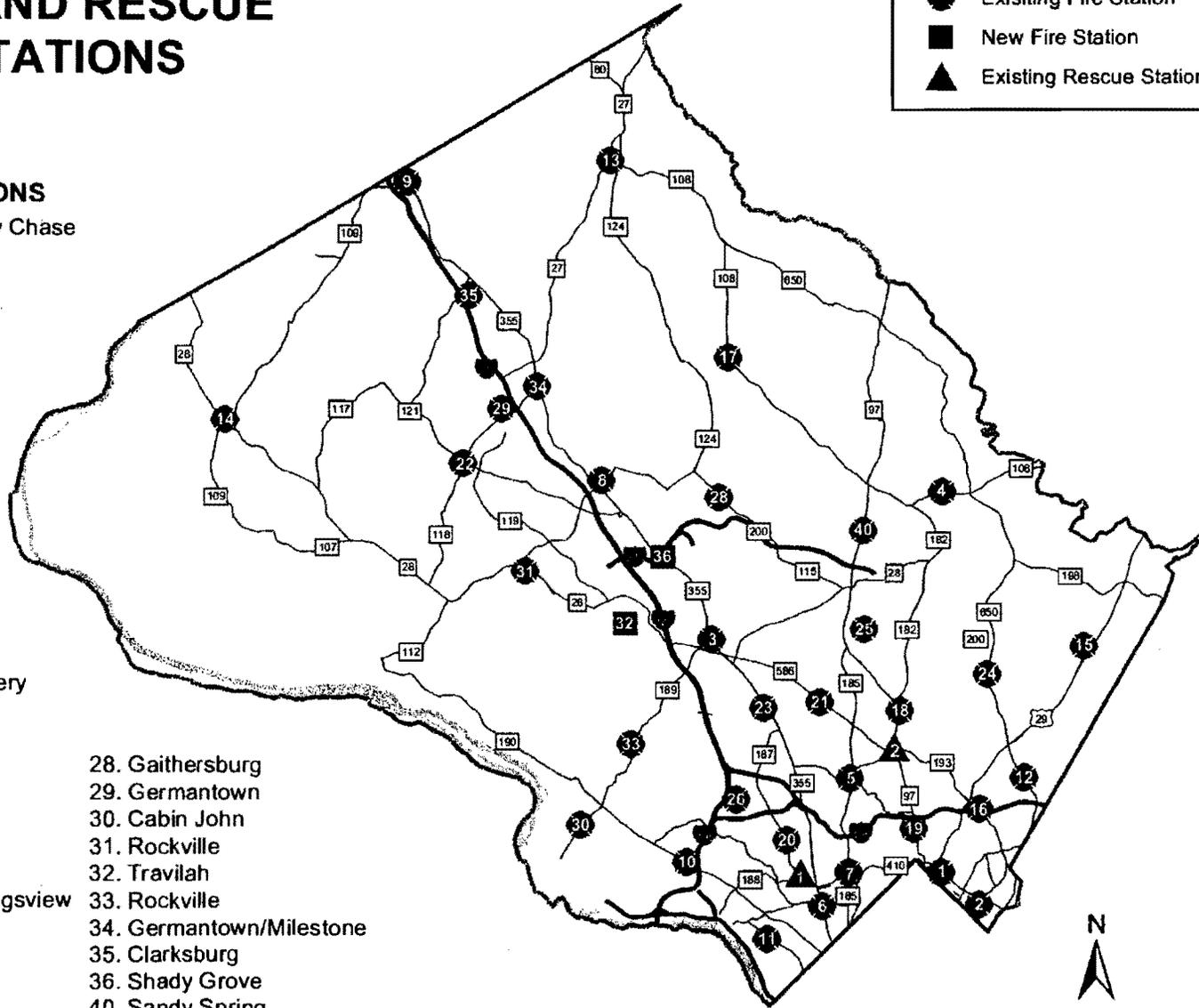
●	Existing Fire Station
■	New Fire Station
▲	Existing Rescue Station

RESCUE STATIONS

1. Bethesda- Chevy Chase
2. Wheaton

FIRE STATIONS

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Silver Spring 2. Takoma Park 3. Rockville 4. Sandy Spring 5. Kensington 6. Bethesda 7. Chevy Chase 8. Gaithersburg 9. Hyattstown 10. Cabin John 11. Glen Echo 12. Hillandale 13. Damascus 14. Upper Montgomery 15. Burtonsville 16. Silver Spring 17. Laytonsville 18. Kensington 19. Silver Spring 20. Bethesda 21. Kensington 22. Germantown/Kingsview 23. Rockville 24. Hillandale 25. Kensington 26. Bethesda | <ol style="list-style-type: none"> 28. Gaithersburg 29. Germantown 30. Cabin John 31. Rockville 32. Travilah 33. Rockville 34. Germantown/Milestone 35. Clarksburg 36. Shady Grove 40. Sandy Spring |
|---|---|



Council Staff Questions
MCFRS FY12 Operating Budget

Overtime

- **What is the projected overtime expenditure for FY11?**
\$13.2 million

- **Please discuss the overtime drivers, and detail the episodic and structural issues that create overtime costs.**

MCFRS's overtime costs are mainly the result of not having sufficient personnel to cover minimum staffing, answer emergency 911 calls, and required training standards. More specifically, MCFRS's overtime challenges include: shortages of officers, drivers, and paramedics; certification training that relies heavily on overtime spending; backfill for nearly 30 positions that are vacant due to administrative retirements; no previously scheduled recruit classes to impact the attrition rate; occasional increased costs due to significant unplanned incidents (firestorm), blizzards, and special events; and extended overtime hours at rescue 1, rescue 2, and station 5.

- **How did MCFRS meet its target reduction of \$1.3 million in overtime in FY11?**

We discontinued staffing an EMS duty officer position (one captain 24/7); we reduced our flex unit hours (flex units are supplementary EMS units that are staffed with personnel on overtime); we cut EMT-B recertification training overtime by more than half by putting substantial portions of the course online; we directed chiefs and officers in administrative roles to periodically cover open shifts in the field; and we stopped covering overtime for advanced paramedic training.

Code Compliance

- **Please provide a brief overview of the Code Compliance initiative represented by the personnel savings and initiating contract services.**

The code compliance initiative proposes to use independent contractors as inspectors to provide service for revenue generating inspections. In exchange seven (7) uniformed Firefighter/Rescuer positions will be transferred to the Operations Division. Qualified contractors will be licensed and placed on a rotating list by the Office of the Fire Marshal. Contractors will be paid a pre-determined hourly rate for inspection time, data entry time, and travel time. Contractors will only be assigned to revenue producing activities. Fire code compliance will continue the practice of billing businesses inspected and, in turn, pay the contractors. The budget includes the cost of hiring an administrative specialist to cover the increased administrative burden that working with contractors will entail.

- **Please indicate how many uniformed positions will be redeployed to the field under this recommendation, and where they are likely to be redeployed.**

A total of seven inspector (3 Master Firefighter and 2 Firefighter III) and supervisor (two lieutenants) positions have already been or will be re-assigned to the Operations Division. Where they are reassigned depends entirely on which positions happen to be vacant at the time of reassignment.

- **Please detail the scope of work expected from the remaining uniformed staff and the contract staff.**

The new staffing arrangement will provide the same scope of work that is currently required by the Montgomery County Fire Safety Code (Chapter 22). The proposed staffing complement of fifteen inspectors allows for flexibility in work assignment, particularly in response to changes in new construction. Inspections will continue to be provided for new fire protection systems, licensing required by other agencies, life safety conditions, and other systems in existing buildings. Uniformed staff will continue to provide the same type of service as in the past; however, an additional quality assurance role will be assigned to certain staff to ensure that service provided by the Fire Code Compliance Section, including the independent contractors, meets the needs of the County. The remaining uniformed staff will ensure that the non-revenue activities continue to be addressed (MCPS) school inspections.

- **Please detail the current backlog of code compliance work, the schedule of current or ongoing work that needs to be completed, and the extent to which the new arrangement is expected to reduce backlog and/or improve timeliness.**

The primary backlog of compliance inspections resides with Fire Marshal permits; follow-up inspections, and the need to evaluate fire and life safety system maintenance records. Fire Marshal permits require inspections prior to being issued or re-issued. 13,245 fire protection systems in Montgomery County are currently of unknown status have not received follow-up. Further, an unknown number of commercial occupancies remain in the County that have not received an initial site visit. The proposed arrangement improves timeliness with Fire Marshal permit inspections and other revenue generating work. It is anticipated that the backlog will be affected at a rate between 100 and 200 inspections per week.

Fleet Management

- **Please detail the cost savings associated with the fleet management operating services reduction and creation of 2 new employees. How much additional work are the new employees expected to accomplish?**

With ever increasing fiscal challenges in FY12, limited number of units covered under warranties and needing to evaluate ways to manage the MCFRS Fleet, we requested a shift of operating funds to personnel funds. This request will allow us to add two additional MCFRS Mechanic Technicians to provide increased maintenance and repair capabilities.

Currently, the MCFRS Fleet Section is able to meet the needs of 80% of our medium and heavy duty fleet vehicles. We are still reliant on outside vendors to meet the needs for the other 20%. It is expected that by bringing additional work in house, away from vendors, that our productivity capacity and in-service time will be enhanced.

Increased productivity also includes the ability to provide "road service", whereby the Fleet Section assigns mechanic technicians to service trucks and the service truck goes to a fire station to make minor repairs. (This is in lieu of the current practice of a unit with 2-4 uniformed personnel moving from all areas of the County to the Central Maintenance Facility for minor repairs, thereby decreasing wear on vehicles and allowing in-service personnel to be more productive.)

Additional Mechanic Technicians will not only allow for a reduction in the use of vendors, but also permit mechanic personnel to remain at the Central Maintenance Facility maintaining and repairing vehicles or staffing service repair vehicles.

Vendors work to different business standards. Because of this, the MCFRS Fleet Section staff must "check in" (quality control) maintenance and repairs by vendors before the placing the vehicle ready for service. This is an additional burden when using vendors and takes up to 2-4 hours per day for a Mechanic Technician or management staff to perform this task. This is another example of greater in-house maintenance and repair efforts where productivity and in-service time will be enhanced with the two additional MCFRS mechanics.

The MCFRS Fleet Section, is considering staggering shifts to extend working hours at the Central Maintenance Facility from 0700-1530 hours to possibly a range of 0700-1900 hours with the increased mechanic staffing. This would further enhance service to the stations. (Emergency vehicles are in-service 24/7.)

This proposal also includes a reduction in operating funds for the MCFRS Fleet Section. Reductions to the operating budget of the MCFRS Fleet Section will impact out of service time for repairs or parts, decreased ability to purchase parts and service repairs as needed.

LFRD Administrative Positions

- **Please provide an update on the status of these positions and the previous employees. How many retired? Were any hired by an LFRD? Have the 5 new County positions been created and filled? Did any of these positions go to the previous employees? How long were the employees paid by the County during the RIF process? Please provide the total amount of actual FY11 savings achieved or expected.**

How many retired?

Eight personnel retired; eleven were subject to a reduction-in-force.

Were any hired by an LFRD?

We have not been informed by the LFRD employer of their status. But some appear to have been rehired by the LFRDs at their expense.

Have the 5 new County positions been created and filled?

They have been created, but not filled. Due to pending RIF process, it was determined to wait so we did not have an employee start and then be bumped out of a position by someone with County employee RIF rights.

Did any of these positions go to the previous employees?

Not at this time.

How long were the employees paid by the County during the RIF process?

The LFRD employees were be paid through February 12, 2011.

Please provide the total amount of actual FY11 savings achieved or expected.

The LFRD Administrative personnel were paid through February 12, 2011, which was 43 days longer than anticipated in the FY11 Savings Plan. The five positions authorized for MCFRS in the FY11 savings plan will not be hired until July 2011 (FY12), resulting in savings which will roughly offset the additional, unanticipated costs. The savings anticipated is approximately \$592,000, as indicated in the savings plan.

Other updates

- **The budget shows a performance measurement projecting a fairly consistent 610 firefighter injuries each fiscal year. Please provide some context for this number of injuries. What is the definition of injury that would be included in this figure? How many resulted in Worker's Compensation? How are the injuries categorized by severity? How do these injuries occur?**

MCFRS policy requires all career/volunteer injuries, regardless of severity, be reported. Because of this many minor injuries and illnesses are for documentation purposes and are included in the totals for each year. However, it is important to note that only 249 of the 600 reported injuries in FY10 resulted in lost time.

Injuries are defined using the following classifications: sprain/strain; bruise/contusion; cut/scratch/laceration/puncture; cardiac related; contagious/infectious disease; foreign substance; hernia/rupture; irritation; fracture; thermal burn; concussion; chemical burn; inflammation; abrasion; separation/avulsion; blunt/penetrating trauma, bite (animal and human); dislocation; and other. Strains and sprains account for the majority of injuries.

Injuries result from a multitude of different circumstances, including: firefighting incidents, EMS incidents; physical fitness activity; maintenance of buildings and equipment; moving to/from on foot; training activity; service activity (other); and response to incidents.

- **Please provide a written update on and assessment of the effect of the service reductions taken in the FY11 budget for Hyattstown A709 and Hillandale T712.**

The response time for a BLS transport unit in Fire Station 9's first due area has increased slightly but does not present a significant impact. There were only 72 BLS events dispatched in Fire Station 9's first due area in CY2010.

The reduction of T712 in Hillandale has had some impact on operational response. In Battalion 1, the aerial service response time to structure fires has increased and the reduction of aerial service in Hillandale leaves Battalion 1 with only three aerals. Therefore, the Battalion 1 aerial assets are depleted each time there is a structure fire response in a high rise or when a working structure fire occurs in the area. The net impact is that aerial resources

must be assembled from other areas of the County that are similarly stressed for aerial service and or, mutual aid assistance from neighboring Prince Georges County.

- **Has there been any effect on or change in the GEC transport policy and reimbursement agreement?**

In August 2009, a new MOU was signed with the GEC. Adventist Health Care agreed to pay a yearly sum for the three years of the MOU to cover the cost of the EMS unit that provides the service.

MCFRS Public Safety Committee FY12 Budget Follow Up Responses

Background on MCFRS Overtime

- A 2007 OLO report calculated the number of personnel needed to cover one MCFRS shift position 24 hours per day and seven days per week. The report concluded that 4.53 personnel were needed for a non-ALS (advanced life support) shift position and 4.79 personnel were needed for an ALS shift position.
- While stations that have recently opened have been staffed using the 4.5 factor, historically, MCFRS has not been staffed at that level. Some positions are staffed as low as three personnel for one shift position. This results in high overtime spending.
- Specifically, MCFRS has substantial shortages in officers, paramedics, and drivers.
- In addition to overtime required to fill shift positions in the field, the training academy relies heavily on overtime for instructors. The training academy is understaffed and instructors are hired on overtime to conduct required training.

Code Compliance

MCFRS has strategically implemented re-structuring in Fire Code Compliance during recent budget years. This has resulted in uniformed positions being returned to field operations and civilian positions lapsed.

1. Why do we need (the remaining) 15 uniformed inspectors? Why can't we change them out for contractors? What if we leave only 7 uniformed staff?

Uniformed staff will remain in place to perform non-revenue producing work (35% of the FCC workload) as contractors will only perform revenue producing work. 15 uniformed positions are necessary to ensure this work is completed. In addition, contractors lack the authority to engage in enforcement of the code(s) which is an exercise of the State's police power. Such activity must be performed by government employees.

The County has never used contractors for the purpose proposed in the FY12 budget. Although MCFRS has attempted to use foresight in suggesting the model, we need to evaluate the outcome over the next year. Therefore, an incremental approach is recommended and described by MCFRS.

2. What do uniformed inspectors provide that civilians can't provide (distinguish between uniformed and non-uniformed, i.e. how is uniformed better)?

Fire code enforcement is an integral part of the County's delivery of fire and rescue service. Addressing the fire problem in the County requires firefighting, rescue, fire cause determination, code compliance, and code development. These activities are linked together and provide a comprehensive approach based on years of experience, and unfortunately, years of death and destruction. Uniformed personnel have special and personal experience with the fire problem and fire behavior. Not only do they deal with the tragic results, but they also have first-hand experience in controlling fires, searching, and rescuing occupants from burning buildings. With that experience comes an understanding that one cannot gain from a book or academic exercise. Uniformed firefighters bring this understanding and perspective to each inspection. This unique perspective is needed when enforcing the fire code(s). Non-uniformed inspectors do not have this perspective or experience.

In addition, it is imperative that MCFRS supervisors and managers understand the fire problem in the County as well as the methodology used to address the problem. This includes ensuring compliance of the fire code(s). As personnel progress in their careers, experience is gained in different fire and rescue disciplines. The more exposure one has to the various fire and rescue disciplines, the more rounded their understanding of the profession will become. This lends to developing more effective supervisors and managers, as well as more effective employees. Removing uniformed personnel from Fire Code Compliance will substantially alter one's ability to understand the code enforcement aspect of the fire problem, which, in turn, has the potential to negatively affect the County's ability to address the fire problem.

3. Provide a comparison to other jurisdictions. Start with COG and then do national numbers. How many use uniformed and how many use civilian? What is the breakdown? It is probably best to compare us with jurisdictions of similar populations (1 million).

Comparison of Fire Code Agencies

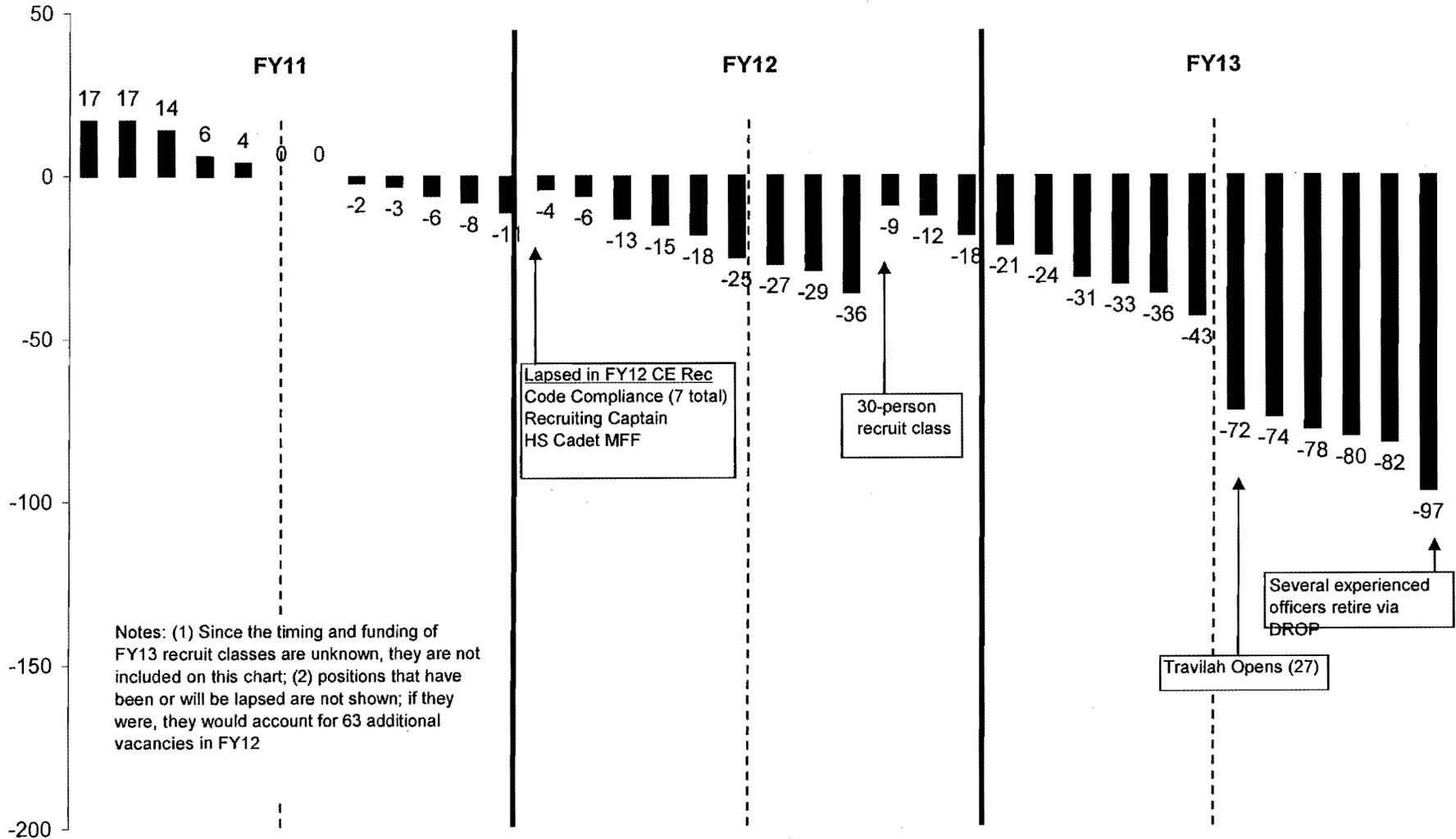
Jurisdiction	Jurisdiction population	Building Stock	No. of Inspectors	Inspectors Uniformed or Civilian	No. of Supers.	Supervisors Uniformed or Civilian	Existing Buildings	New Construction
Baltimore Co.			12 FT	Uniformed		Uniformed	Y	Y
Baltimore City			25 FT	Uniformed	5 FT	Uniformed	Y	Y
Fairfax Co, VA	~1mil	~2500-3000	45 FT	Mix (10/35)	5 FT	Uniformed	Y	Y
Anne Arundel Co, MD	~600,000		9 FT	Mix (6/3)	5 FT	Uniformed	Y	Y
Alexandria City, VA	~133,000	~2500		Mix (see below)		Mix (see below)		
			8 FT	Uniformed (sort of)	3 FT	Uniformed		
			6 FT	Civilian	1 FT	Civilian	Y	N
Prince George's Co, MD			6 FT	Civilian	1 FT	Civilian	Y	N

4. How much of the FCC workload is revenue generating and how much of the workload is non-revenue generating?

Data from the last two years indicates that two-thirds of the work is revenue generating and the remaining third is non-revenue generating.

MCFRS Attrition Chart

Number of Uniform Personnel Minus Number of Funded Uniform Positions



9/18

MCFRS Lapsed Positions

Uniform	# Section
Quality Assurance/Training LT	1 ECC
Training Academy EMS lieutenant	1 PSTA
Truck 712 (Hillandale) - 3 LTs, 3 MFFs, and 7 FFs	13 Field Ops
Ambulance 709 (Hyattstown) -- all FFs	9 Field Ops
Float Pool - Lieutenant	1 Field Ops
Administrative retirements	29 Dept Wide
Recruit Captain	1 Recruiting
High School Cadet Program MFF	1 Training
Code Compliance - 2 LTs, 3 MFFs, 2 FFs	7 Code
TOTAL	63

Non-Uniform	# Section
Manager III (Public Information Officer)	1 Fire Chief's Office
Manager III	1 Volunteer Services
Manager III	1 Fleet
Fiscal Assistant	1 Budget and Grants
Program Manager I	1 Insurance, CIP and Facilities
Program Manager I - Senior Citizens' Fire Safety Task Force	1 Community Outreach
Permit Svcs Inspector III	5 Code Enforcement
Sr. Planning Specialist	1 Organizational Planning
Messenger-Clerk (Courier)	1 Logistics
Sr. Executive Admin Aide	1 Fire Chief's Office
Office Services Coordinator	1 Volunteer Services
Administrative Services Specialist III	1 Employee Services
Manager II	1 Information Technology
TOTAL	17

Overtime Update: MCFRS

Overtime Pay as a Percent of Total County Salary

Number of Employees in Each Range*

Range	Pro-rated Total County Salary**				Total County Salary (FY11-Q1)
	FY10-Q1	FY10-Q2	FY10-Q3	FY11-Q1	
0-25%	1,036 83%	1029 81%	1,027 82%	992 81%	1,070 87%
26-50%	175 14%	187 15%	185 15%	204 17%	149 12%
51-75%	38 3.00%	48 3.80%	42 3.30%	30 2.44%	8 0.65%
76%+	5 0.40%	5 0.40%	3 0.20%	2 0.16%	1 0.08%
Average %	12.70%	13.60%	13.20%	13.32%	10.76%
Total employees	1,254	1,269	1,257	1,228	1,228

So far in calendar year 2010, the average MCFRS employee earned overtime worth 10.76% of the value of their total county salary.

*Regular, full-time employees who were actively employed on 1/4/2010

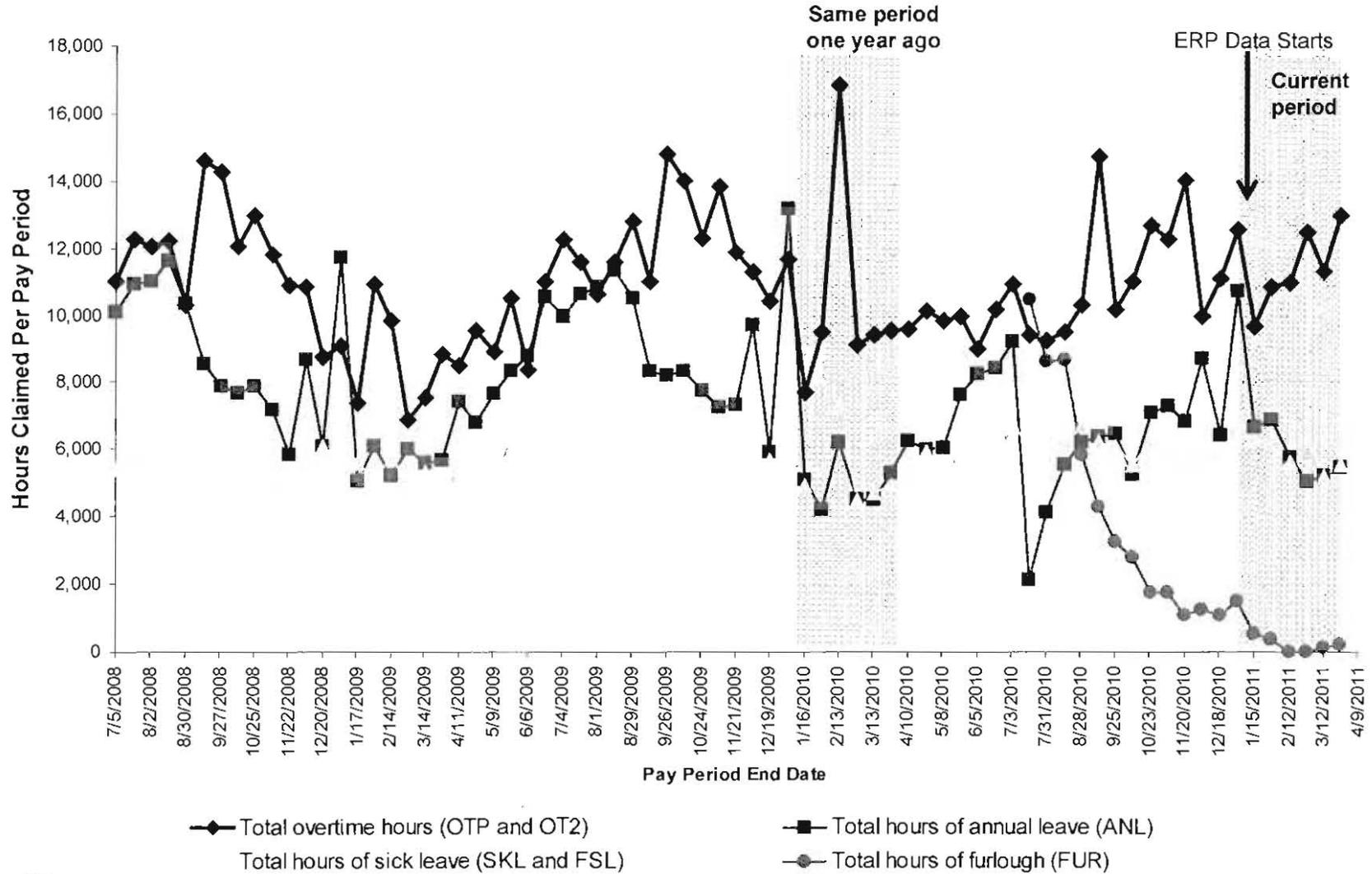
** Overtime earnings as a percent of total county salary earned so far



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Overtime Update: MCFRS

Total Overtime, Annual Leave, and Sick Leave Hours

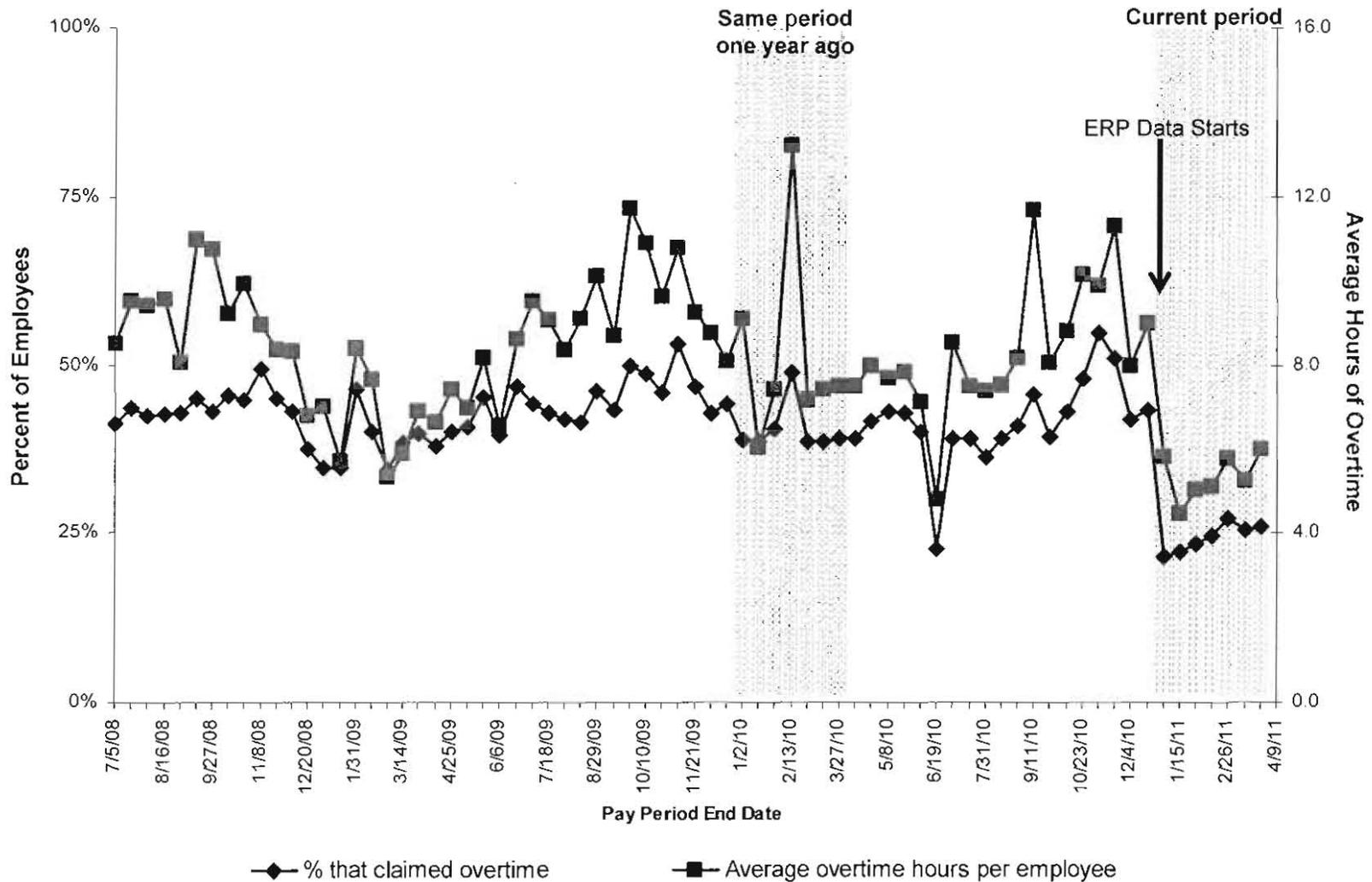


CountyStat

****FY11 Q3 data (starting 12-19-2011) is being extracted from a new system. At present, it is not a 100% apples to apples comparison to previous quarters.**

Overtime Update: MCFRS

Percent of Employees with Overtime and Average Hours

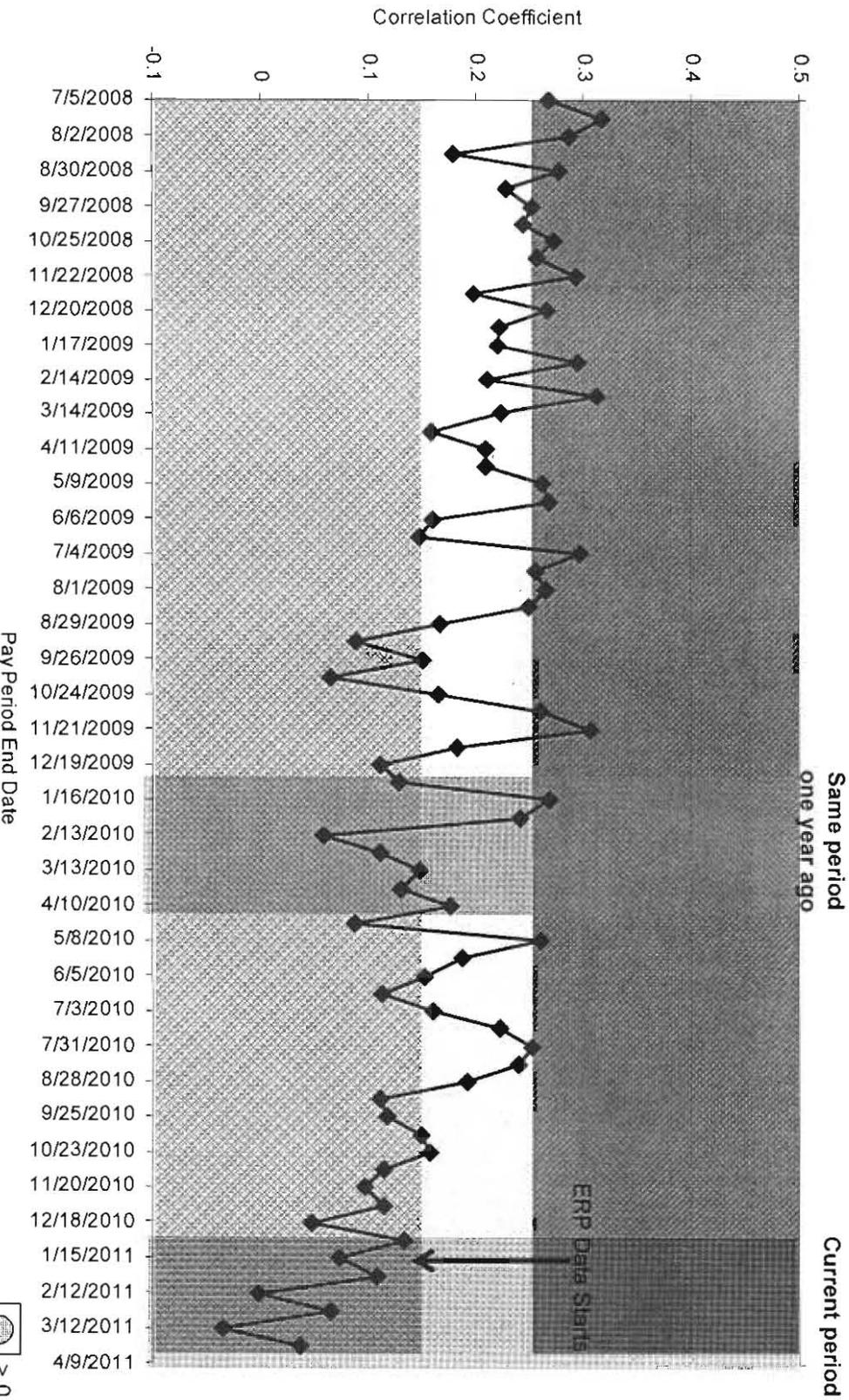


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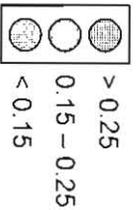
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Overtime Update: MCFRS Correlation Between Hourly Wage and Number of OT Hours

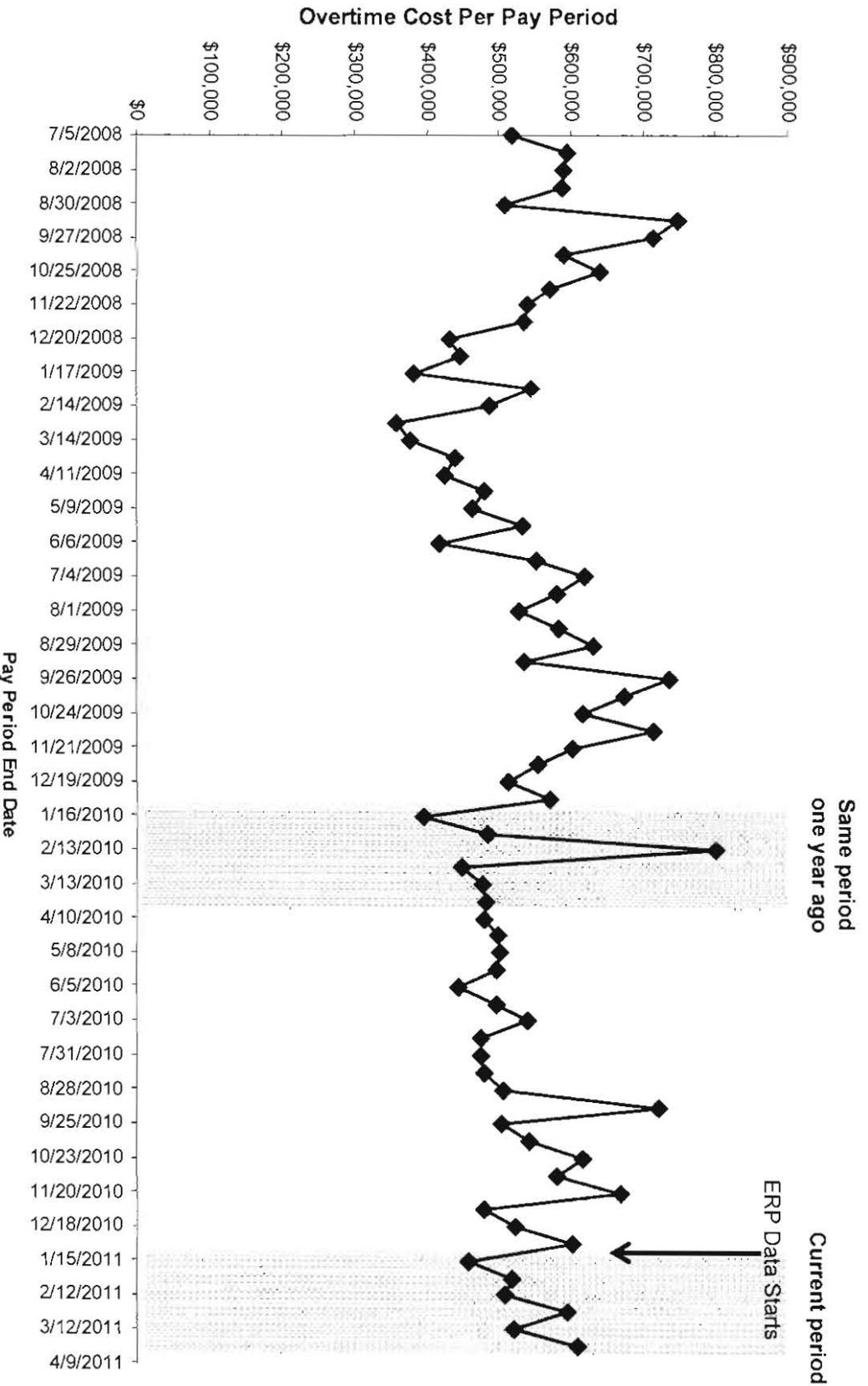


The correlation coefficient shows how likely it is that personnel with high hourly wages also earn high amounts of overtime compared to lower-paid personnel. The goal is to keep this number low.

**FY11 Q3 data (starting 12-19-2011) is being extracted from a new system. At present, it is not a 100% applies to previous quarters.



Overtime Update: MCFRS Total Overtime Cost



**FY11 Q3 data (starting 12-19-2011) is being extracted from a new system. At present, it is not a 100% apples to apples comparison to previous quarters.

CountyStat

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Overtime Update: MCFRS

Quarter-by-Quarter Summary of Overtime Use

Fiscal Quarter	Hours			% Change in Hours		
	FY08-Q4 to FY09-Q3 (A)	FY09-Q4 to FY10-Q3 (B)	FY10-Q4 to FY11-Q3 (C)	(A) to (B)	(B) to (C)	(A) to (C)
Quarter 4 4/1 to 6/30	65,481	63,947	64,734	-2.3%	1.2%	-1.1%
Quarter 1 7/1 to 9/30	82,327	80,050	69,804	-2.8%	-12.8%	-15.2%
Quarter 2 10/1 to 12/31	71,980	79,920	79,016	11.0%	-1.1%	9.8%
Quarter 3 1/1 to 3/31	55,355	66,767	69,216	20.6%	3.7%	25.0%
Total	275,142	290,684	282,770	5.6%	-2.7%	2.8%

****FY11 Q3 data (starting 12-19-2011) is being extracted from a new system. At present, it is not a 100% apples to apples comparison to previous quarters.**

*Earning codes OTP, OT2, OTL, and OTH. Includes all funds (General Fund, grants, etc.)
Pay periods that cross quarters have been prorated between the two quarters.*



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Overtime Update: MCFRS Quarter-by-Quarter Summary of Overtime Use

Fiscal Quarter	Cost			% Change in Cost		
	FY08-Q4 to FY09-Q3 (A)	FY09-Q4 to FY10-Q3 (B)	FY10-Q4 to FY11-Q3 (C)	(A) to (B)	(B) to (C)	(A) to (C)
Quarter 4 4/1 to 6/30	\$3,149,642	\$3,225,968	\$3,210,389	2.4%	-0.5%	1.9%
Quarter 1 7/1 to 9/30	\$4,059,819	\$3,963,623	\$3,476,033	-2.4%	-12.3%	-14.4%
Quarter 2 10/1 to 12/31	\$3,538,729	\$3,975,449	\$3,784,644	12.3%	-4.8%	6.9%
Quarter 3 1/1 to 3/31	\$2,777,947	\$3,314,025	\$3,255,337	19.3%	-1.8%	17.2%
Total	\$13,526,137	\$14,479,065	\$13,726,403	7.0%	-5.2%	1.5%

**FY11 Q3 data (starting 12-19-2011) is being extracted from a new system. At present, it is not a 100% apples to apples comparison to previous quarters.

*Earning codes OTP, OT2, OTL, and OTH. Includes all funds (General Fund, grants, etc.)
Pay periods that cross quarters have been prorated between the two quarters.*



CountyStat

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MCFRS Online

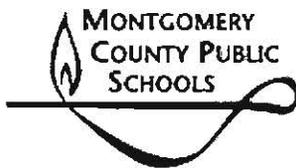
*Serving with Dedication,
Courage, and Compassion*

Montgomery County Fire & Rescue Service - Montgomery County, Maryland

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Montgomery County High School Fire Science Program

Partners Since 1973



The Montgomery County, Maryland High School Fire Science program is a national award winning one or two year program for high school juniors and seniors to educate and train students to become firefighters and/or emergency medical service (EMS) providers in Montgomery County.

The Fire Fighting pathway and the EMS pathway are separate one-year programs, allowing students to choose either or both courses of study.

[Click here for the 2008-2009 program video.](#)



All classes are held from **11:00AM to 1:30PM** at the **Montgomery County Fire & Rescue Training Academy**
9710 Great Seneca Highway
Rockville, MD 20850

Montgomery County Public Schools will provide bus transportation from and back to each student's home school, or students may drive to class in their personal vehicles.

27 8

EMS Pathway

Firefighter Pathway

Application

[Download the Application in PDF Format Here.](#) (2011-2012 School Year) NEW

Entrance Requirements

Each applicant must:

- Be 16 years of age on the day classes begin.
- Have a minimum 2.5 GPA for the previous year.
- Pass a National Fire Protection Association (NFPA) 1001 physical examination provided by Montgomery County Fire Rescue Occupational Medical Service (FROMS) prior to the start of the school year.
- Possess good physical fitness and strength for lifting and moving activities related to this career field.

Benefits, Credits & Certifications

- Students meet graduation requirements by completing the career pathway program.
- Students may receive up to eleven (11) college credits at the discretion of Montgomery College.
- College tuition costs are reimbursed by the Maryland Commission on Higher Education, State Scholarship Administration.
- Students have the opportunity to earn and submit Student Service Learning (SSL) hours.
- Students earn 0.5 science credit per semester in the EMS Pathway.
- EMS cadets can earn certification as a Maryland Emergency Medical Technician-Basic (EMT-B) from the Maryland Institute for Emergency Medical Services Systems (MIEMSS).
- Firefighter cadets earn certification through the Maryland Fire and Rescue Institute (MFRI).

Contact Us



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MCFRS Cadet Training Officer
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MCFRS Operating Funds Framework

Purpose of operating funds transition into MCFRS:

- Responsibility and duty of the Fire Chief
- Reduction of risk to the county and LFRDs (auditing)
- Efficiency (one way in lieu of 18 different ways)
- Reduction in duplication of administrative process (discontinue the transfer of funds, auditing, etc)
- Centralized purchasing
- Focus of MCFRS personnel

Priority Items

1. PPE
2. Facility maintenance and repairs
3. Portable fire, rescue and EMS equipment
4. Station supplies
5. Office supplies

DRAFT Plan

1. Identify POC(s) at station level for priority items
2. Develop and evaluate plan – transitional for 6 to 12 months
3. Obtain contract(s), set up account(s), order item(s), deliver(drop or on wheels), receive item, verify receipt, pay invoice
4. Inventory stock items, establish a PAR inventory where applicable
5. Establish ordering process and or electronic ordering process where applicable

Process for Critical Infrastructure Items

1. **PPE** - operating funds placed in MCFRS Logistics section and baseline budget established for FY12 for each LFRD. LFRD POC requests PPE items within established approved funding level. Item is ordered by MCFRS and the LFRD volunteer picks up items at Logistics.
2. **Facility Maintenance/Repair** - Initial station assessment need to be completed by both career and volunteer primary points of contact. These items need to be verified and then acted on accordingly through the year and or CIP process. The Assistant Facilities Manager is contacted via either a facility maintenance ticket or electronic phone or

email message of defect or repair etc needed. A work order established and communication with LFRD and MCFRS facility POCs on closing ticket. Major repair or work project items such as concrete, parking area repairs, washer dryers, boilers and overhead door as such will be coordinated with the Assistant Facilities Manager, the Facilities Manager, MCFRS Station Commander and LFRD POC.

3. **Portable Equipment** - Operating funds are transferred to the Fleet Section to manage, order, purchase and replace/repair as necessary portable equipment items. Repair/replacement order is placed by station and LFRD POCs and MCFRS Fleet Section handles accordingly with LFRD and MCFRS personnel. Invoice and delivery items are validated and payment made.
4. **Station Supplies** - Station/LFRD POC requests items from PAR inventory list and requests are electronically completed and filled by MCPS (tentative), items are dropped ship via MCPS logistics section to stations on a regulated schedule. Invoice and delivery items are validated and payment made.
5. **Office Supplies** - Station/LFRD POC requests items from PAR inventory list and requests are electronically completed and filled by MCFRS Headquarters POC from Office Depot and dropped shipped to requesting station. Invoice and delivery items are validated and payment made.



**MONTGOMERY CO
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**MARCINE D. GOODLOE, PRESIDENT
ERIC N. BERNARD, EXECUTIVE DIRECTOR**

**Response of the MCVFRA to the
FY12 Budget Recommendation of the County Executive
April 9, 2011**

The Montgomery County Volunteer Fire Rescue Association (MCVFRA), representing the County's 19 volunteer fire and rescue departments along with the over 2,000 men and women who provide volunteer fire, rescue, emergency medical services, administrative, auxiliary and other support services to the residents and visitors to our County, submit these comments and concerns about the County Executive's FY12 budget submission. We thank you for the opportunity to respond and participate in the process of finding fair and equitable savings and efficiencies in the fire and rescue service.

The volunteer fire and rescue service is recognized in Chapter 21 in no less than 11 places, as the private component of the public-private partnership that comprises the Montgomery County Fire and Rescue Service (MCFRS). Chapter 21 also requires the County government to maintain, support and expand volunteer fire and rescue service. Bill 36-03, which became law in January 2004, expanded this partnership by creating, funding and requiring cooperation with the volunteer representative organization to accomplish the work of the combined MCFRS. The law also created a unified Fire Chief with significant authority. It further created a collective bargaining process, the first in the nation, by which the County and the volunteers negotiate for benefits, rights, and the Length of Service Award Program (LOSAP) for the volunteers in the County. In each year since, the County and volunteers both met their contractual obligations under the law. The system has been working well until the Executive introduced a proposed ambulance fee almost 3 years ago. Since then, he has repeatedly made significant and non-proportional cuts to the volunteers and the MCVFRA.

The volunteers, represented by the MCVFRA, have not been permitted to participate with the Fire Chief or the County Executive in the budget process. We have not been given any opportunities to suggest savings or efficiencies at any point during budget development. The Local Fire/Rescue Departments (LFRDs) have also been excluded from submitting budgets to be considered by the Fire Chief or County Executive, exclusion that we believe is contrary to Chapter 21.

We are pleased to have the opportunity to now comment on the proposed FY12 budget. Although we have many concerns (outlined below) we are able to support and endorse several components of the Executive's budget submission. These include: no cuts to career staffing positions, no career layoffs, no career furloughs, no career staffing reductions, no reduction of front line emergency services which includes no cuts in

ambulance service, no cuts in fire responses, no reductions in hours served by career members, and no reductions in career salary levels.

During the most round of collective bargaining between the County and the MCVFRA, the Executive refused to bargain in good faith and we were forced to go to arbitration for the first time ever. In our proposal, the MCVFRA offered significant cuts that amounted to over 41% of current level funding. The arbitrator found in favor of the MCVFRA's "last, best, final" offer, however the Executive has refused to sign the award or any of the side letters in the award.

In this package, we are submitting the arbitrator's award, along with a list of the significant cuts to the MCVFRA, the LFRDs and our volunteers. Additionally, we are commenting on the cuts outside of the agreement being proposed by the Executive.

In the Executive's recommended FY12 budget he proposes the following cuts to the volunteer service:

Budget Item	Percentage Cut	\$ Amount Cut
LFRD Funding	-56 %	-\$778,500
LFRD Administrative Employees	-100%	-\$1,143,520
MCVFRA Funding	-100%	-\$235,000
Volunteer Nominal Fee	-50%	-\$90,540
Overall Cuts to Volunteer Departments*	-60%	-\$2,362,585

*Does not include the funds that are being removed from the LFRDs for EMS supplies and being placed into the reimbursement service wide accounts.

LFRD Funding – all departments, except the Bethesda-Chevy Chase Rescue Squad, receive minimal tax support from the County to assist in operational needs within the departments. These funds, along with funds raised by the volunteers through fundraising, Christmas tree sales, other sales, donations, and cell phone tower rentals, pay for such essential and service-wide needs (NOT specific to volunteers but required regardless of the presence of volunteers) as: communications – station phone lines, office supplies – paper, printing, postage, station furniture, rental supplies and materials, and other miscellaneous operating expenses. These expenses will occur, and are necessary for the fire and rescue service to operate, regardless of whether there are volunteers or not. They are not volunteer specific or related expenses, however, they are included in the LFRD budgets. The Executive incorrectly considers them expenses for the volunteer service even though they benefit the entire system. The Executive recommended cuts to these areas are \$2,783,241 between the FY11 savings plan and the FY12 recommendations. Excluding EMS supplies (\$420,656) that was part of prior LFRD budgets and will now be part of the MCFRS reimbursement accounts and no longer managed through the LFRD budgets, the cuts proposed by the Executive are over 56% of the previous volunteer budgets.

Reviewing those budget line items that are specific and exclusive to volunteers and volunteer support, the cuts are even more drastic. Volunteer support categories include professional dues and membership, travel, education, tuition, training, trophies, awards, uniforms, and stand-by food expenses; proposed cuts to these areas total almost

60%. Although there has been an overall volunteer participation increase in each of the past 6 years of almost 40%, the Executive is proposing to cut those areas directly related to volunteers – specifically the needed dollars to train them, award and recognize their service and put them in uniforms. These cuts are even more pronounced if you view these numbers in relationship to the LFRD budgets over the past 10 years. While the overall MCFRS budget has almost doubled in those 10 years, the LFRD budgets have actually been reduced by over 56%. The MCFRS budget increased almost 100% in the FY01-FY10 period while volunteer specific budgets remained at 1993 funding levels.

LFRD Administrative Staffing - The FY11 budget savings plan approved in December 2010 cut the volunteer departments' lost paid administrative employees while at the same time creating 5 new positions within MCFRS to do the work of these 19 LFRD employees. The Executive's FY12 submission did not restore the administrative employees. Since the cuts in the savings plan, the LFRDs, and indeed MCFRS, have been struggling to complete the necessary work. The stations are without these essential personnel and we would respectfully request that control of the 5 new personnel return to the LFRDs where they would work collectively through the LFRDs to complete the administrative tasks, as has been the practice for over 30 years.

It should be noted that the Fire Chief was able to eliminate the County volunteer recruiter position – a function that has for the most part been done and remains being done - within the MCVFRA and the LFRDs. He was also able to return a captain to the field from recruiting; the duties previously performed by the captain related to volunteer recruiting have also been assumed by the MCVFRA, at no additional cost to the County or the LFRDs.

MCVFRA Funding – the funding for the MCVFRA is proposed to be cut by 100%. The MCVFRA has been funded each year since the change in Chapter 21 following the passage of Bill 36-03. During the debates in 2003, the County and volunteers worked tirelessly to negotiate a change in MCFRS to benefit the residents and create a more effective and efficient fire service. From these negotiations came the representative organization and the collective bargaining process for the volunteers. The legislative history, the news coverage during the debate and past practices all show that the intent of Bill 36-03 was to fund the representative organization. The MCVFRA has been a staunch advocate for the citizens, the LFRDs and the volunteers with full time assistance of our Executive Director. Perhaps the excellent work and effectiveness of the Executive Director and the MCVFRA is the reason we are seeing such Draconian cuts to the MCVFRA by the County Executive.

The MCVFRA operates almost exclusively using a grant from the County as provided in our collectively bargained agreement. For the past 3 years we have been funded at \$235,000. The grant pays for our Executive Director's salary, benefits, payroll taxes, expenses and other related costs. Additionally, the grant funds our modest office space, the first in the nation fire and rescue recruiting station, all supplies, phones, web site maintenance and operations, computers and accounting services for our other grants and funds. It also pays for the Volunteer Basic Orientation Course (VBOC), our own developed and run program for new volunteers. This 12-week program has been instrumental in our ability to increase the number of new, trained volunteers for all of our LFRDs. The funds cover the books, CPR cards, T-shirts, equipment and supplies to run this program. To date we have graduated over 500 new volunteers in this almost exclusively volunteer run, managed and directed program.

The MCVFRA was the fortunate recipient of 3 Federal grants (1 regionally with the Rockville Volunteer Fire Department) for recruiting new volunteers. These grants exceed \$1M and have strict reporting and record keeping requirements. Under the first grant we hired a volunteer recruiter who works out of the MCVFRA offices in Rockville. He helps staff our recruiting station and coordinates other volunteers to staff the station. He recruits new volunteers for all of our LFRDs and manages the VBOC classes. He and the Executive Director report to the President of the MCVFRA.

We respectfully request to maintain the funding for the MCVFRA so that we may continue to run these valuable programs, manage the recruiter and grant funds, and keep the Executive Director.

Budget Item	CE Percentage Cut	\$ Amount CE Cut	MCVFRA Recommendation
MCVFRA Funding	100%	-\$235,000	Add \$235,000

High School Cadet Program - the Executive also recommends cutting \$205,670 for the high school cadet program. While this is a valuable program and adds volunteers to the service, many of whom go on to become career firefighters, the MCVFRA reluctantly supports these cuts and will work with the Fire Chief to incorporate this program into the individual departments and work through the MCVFRA volunteer recruiter.

Budget Item	CE Percentage Cut	\$ Amount CE Cut	MCVFRA Recommendation
High School Cadet Program	100%	-\$205,670	Agree

Nominal Fee – this fee was established in 2007 as a result of the collective bargaining process. This very modest amount (\$300 and \$500 depending on IECS participation) reimburses volunteers for the expenses associated with being a volunteer. While the amount in no way covers the volunteer's costs or expenses, it is a way the County has shown its appreciation for volunteers and helps to maintain the vibrant and diverse membership in the fire and rescue service. In FY11, the collectively bargained contract agreed upon by the County, required the fee be increased to \$500 and \$600. Due to the budgetary issues, the Council did not fund this increase. During the recent contract negotiations, the MCVFRA offered a 20% reduction from previous years' funding (an actual 45% reduction from the previously agreed upon level). The proposed amount was approved by the arbitrator as part of the MCVFRA's package. We would respectfully request funding at the arbitrator's ruling level.

Budget Item	CE Percentage Cut	\$ Amount CE Cut	MCVFRA Recommendation
Nominal Fee	50%	-\$90,540	\$240 and \$400

In the recommended budget the Executive calls for increases in the MCVFRA contract funding in FY12 of \$122,100 for turn-out boots, gear bags and the Volunteer Basic Orientation Course operating costs. The boots and gear bags were agreed upon during our current (July 1, 2008 – June 30, 2011) contract agreement but not funded by

Council this year (FY11) saving \$349,910 in FY11. However, during negotiations for the agreement to take effect in FY12, the volunteers agreed to fund the boots in years 2 and 3 of the agreement only, a 50% reduction from the current agreement. Our proposal included no boots in FY12, 220 pairs in FY13 and 220 pairs in FY14. We also agreed to eliminate the gear bags from the contract with a savings of \$39,330. We are not certain why the Executive would add these items to the budget when we have an award by an arbitrator to the contrary.

Item	LFRD	% Cut in FY11	\$ Savings in FY11
Cut – volunteer fire boots	All volunteers	100%	-\$233,350
Cut – volunteer gear bags	All volunteers	100%	-\$39,330
Cut – nominal fee increase	All volunteers	100%	-\$77,230
Total Cut:			-\$389,910

County Executive's FY12 submission:

Budget Item	\$ Amount CE Increase	MCVERA Recommendation
Boots, Gear Bags, VBOC Expenses	+\$122,100	0

Other LFRD Cuts Proposed by County Executive

Budget Item	FY11	FY12 CE Proposed	Cuts	% Cuts
Non-Professional Services	433,238	0	-\$433,238	100%
Communications	\$196,195	188,869	-\$7,326	1%
Travel	\$27,018	0	-\$27,018	100%
Education, Tuition and Training	76,715	\$30,400	-\$46,315	40%
Office Supply and Equipment	\$92,057	\$62,870	-\$46,315	68%
Trophies and Awards	\$26,200	0	-\$26,200	100%
Public Safety Equipment	305,355	\$196,500	-\$108,855	64%
Furniture	\$49,120	\$13,000	-\$36,120	26%
Uniforms	222,769	\$214,769	-\$8,000	4%
Other Supplies & Materials	155,999	\$147,504	-\$8,495	5%
Rentals/Leases	\$59,270	44,490	-\$14,780	25%
Direct Service – Food/Meal Stand-by Food	\$247,281	0	-\$247,281	100%
Miscellaneous Operating Expenses	\$210,000	\$100	-\$210,460	100%
Totals	\$2,101,217	\$898,502	-\$1,202,715	57%

The volunteer budgets from the County have not increased since 1992. In fact, in 1993 they were cut over 5%; in 1998 they were cut; in 2003 they were reduced, even though in each year volunteer contributions increased, the number of active volunteers increased, the amount of training required increased, the types and amount of equipment needed increased, the number of calls increased and overall costs increased. Despite all these increases, the LFRDs operated with a budget at 1992 levels (see attached chart).

Understanding the current budgetary issues, the MCVFRA proposes a 5% cut in operating expenses to the LFRDs, in the above categories, similar to other cuts in County public safety budgets.

MCVFRA Collectively Bargained Agreement and Arbitrator's Ruling - the MCVFRA respectfully requests the Council support and fund the collectively bargained agreement as awarded by the arbitrator for FY12 which would include:

Item	Current Agreement Signed with County	FY11 Actual Council Funding	FY12 Request
Uniforms & Equipment (Boots)	874 pairs Total- \$233,350	0 -\$233,350	0 pairs 1 st year (220 pairs 2 nd year) (220 pairs 3 rd year) 100% Reduction FY12 42% Reduction Overall
Uniforms & Equipment (Gear Bags)	874 Gear Bags Total- \$39,330	0 -\$39,330	0 100% Reduction
Nominal Fee	\$400 to LOSAP active \$600 to LOSAP + Total- \$381,520	\$300 to LOSAP active \$500 to LOSAP + Total- \$304,290 -\$77,230	\$240 to LOSAP active \$400 to LOSAP + 20% Reduction
VBOC Training Course	0	0	+\$5,000
MCVFRA Funding (Operations)	\$235,000	\$235,000	\$223,250 5% Reduction
MCVFRA Funding (Vehicle)	\$40,000	0 -\$40,000	0
Annual Awards Ceremony	\$5,000 per year	\$5,000	0 100% Reduction each year
	Total Cuts to Volunteer Contract	FY11 Council Approved Cuts -\$389,910	FY12 MCVFRA Proposed Cuts -\$462,518

It appears that the LFRD fire and rescue budget cuts submitted by County Executive Leggett, the private partners of our combined fire and rescue service have demonstrated, misplaced priorities. We cannot help but believe that they also reflect reprisal from the Executive due to the position the volunteers took regarding the ambulance transport fee and which the citizens of the County voted to reject.

Volunteer Contributions and Savings - for almost 100 years, highly trained and skilled volunteer firefighters, EMTs and paramedics have been providing outstanding fire and rescue services to the citizens of Montgomery County.

- Today **865** highly trained, certified, qualified and riding volunteers working hand-in-hand in a unique partnership with 1,038 County career firefighters, risk serious injury and death on a daily basis to help save lives and serve the public safety interests of the County. These volunteers are the riding members who have completed their fire, rescue, EMS training and staff the fire engines, trucks, rescue squads, ambulances and medic units filling minimum riding positions that would otherwise require paid personnel to fill. An additional 626 volunteers are trainees/candidates in the process of completing their fire/rescue classes and are riding apparatus but as additional staffing positions.

The value of these highly qualified volunteers should not just be measured by their selfless role in increasing public safety. Volunteers should also be valued for their part in providing **cost effective public safety** -- saving the County's taxpayers tens of millions of dollars **every year** through their tireless sacrifices for the benefit of the community. Annual savings to County taxpayers include the following specific items:

- More than **\$23.2** million in salary and benefit costs;
- At least **\$2.4** million by providing firefighter gear, apparatus, equipment, and maintenance of facilities through community fundraising efforts. Replacement value for LFRD provided firefighter equipment and apparatus is over \$25 million; and,
- Millions of dollars annually in rent free use of LFRD facilities (buildings and land). The volunteers own 26 of the 36 fire and rescue stations in Montgomery County.

Thank you for the opportunity to submit our comments on the budget savings plan.



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**MARCINE D. GOODLOE, PRESIDENT
ERIC N. BERNARD, EXECUTIVE DIRECTOR**

**Testimony of Marcine D. Goodloe, President
MCVFRA
County Council Public Hearing on the FY12 Budget
Tuesday, April 5, 2011**

Good evening. I am Marcine D. Goodloe, President of the Montgomery County Volunteer Fire Rescue Association. Thank you for the opportunity to speak to you today.

As you are aware Bill 36-97 created a single Fire Chief. There were many hearings and revisions of the bill due to the need to insure the protection, promotion, and inclusion of the volunteers in our public / private combination service. The one deciding factor for volunteers not to again take the issue of the single Fire Chief to the public, as they did with Question E (that they won) was that they would be able to have a representative body that would insure their protection and support. That body was given the authority and support to speak for volunteers with one voice on a daily and productive basis. Chapter 21 provided the representative's many rights such as being able to help develop policies and procedures with the Fire Chief. As well as to routinely meet with the Fire Chief and represent the Local Fire and Rescue Departments (LFRD).

In following thru with the agreement to go along with a Fire Chief and the support of Association's representation many meetings were held between the Association's officials, representatives from the County Personnel. County Attorney's and others. Funding was approve as was the class specification and pay for the MCVFRA Executive

The Montgomery County Volunteer Fire and Rescue Association were unanimously elected by the LFRDs to be that representative. The Fire Chief has an extensive staff that he can call on as well as other agencies while the Association has one employee. The many policies, requirements, general orders and other stipulation that are being heap upon volunteers required the need for volunteers to be heard, protected, recognized, and promoted and those needs are being handled by the Association and their one employee.

The County has honored and upheld the stated agreement until the present action by County Executive Leggett. By his denying funding to the Association he apparently wishes to eliminate the Association's ability to function or exist as the Representative Body for volunteers. We cannot help but believe that drastic and unfair action is reprisal for the Association's leadership in allowing the people to be given the right to vote on the ambulance fee.

Even during our recent negotiations, the Mediator noted that the action of taking away all funding for the Association appeared to be reprisal. The Association, unlike the Fire Chief, agreed to take a 40% cut in their total volunteer funding during negotiations. The Mediator stated, several times, that while he expected the Association to take a cut (which we did) that he would not approve anything close to the other end of funding. The County Executive's negotiation representatives ignored that statement and once again gave nothing to the Association. That along with other unreasonable cuts to volunteers was the reason that the Arbitrator chose to approve the MCVFRA package over the County's. The County Executive has chosen to ignore that decision and has refused to give the volunteers funds to be able to effectively function or operate. It is more than likely that we will have to file an unfair labor practice for ignoring the arbitrator's decision.

In addition, we have been informed that the Executive has refused to sign the side letters required for the MCVFRA funding awarded under arbitration. Those unfair actions and refusal to recognize the needs of volunteers, who save this county millions upon millions of dollars and who have faithfully served the County in an outstanding and courageous manner for over 100 years should not be tolerated.

Our Executive Director works over a 70 hour work week, every week. In addition to all of his responsibilities, he has obtained and manages 2 Federal SAFER grants for our Recruitment Coordinator. Jason Goldberg holds that position and has done such an outstanding job in recruiting that the Fire Chief was able to eliminate his volunteer recruiter. But, unlike our having a 100% cut of our Administrative Personnel, he was able to place that employee into another of his staff position.

Our Executive Director developed the outstanding VBOC program that to-date has trained over 500 LFRD volunteers. While the Association's Executive Director and President oversees that program. It is managed and run by volunteers and the majority of training and all of the administrative functions are done by volunteers. By the MCVFRA being funded, it allows us to have an Executive Director who is responsible for compiling information, preparing various documents, maintaining records (which for the first time are in a single location), and meeting the needs of our diverse volunteers. That position provides volunteers with the ability to have strong representation before Montgomery County government officials, the State, and Federal Government. The ability in having our Executive Director make in-depth presentations to those bodies and others not only assists and protects volunteers it has benefitted the entire fire and rescue service.

The MCVFRA is the first association in the country to have a collectively bargained contract with a governmental body. We are the first association that has opened, staffed, and funded a recruitment station that is also the first of its kind in the nation. This has been noted throughout the US Fire Service and the Association is

constantly called upon to provide information to other volunteer organizations. We have made presentations at the International Association of Fire Chiefs conferences that are attended by fire service leaders from throughout the US as well as international fire/rescue service representatives. This work has not only benefited volunteers, it has brought praise and recognition to Montgomery County.

The Association's President and the Executive Director meet weekly with the Fire Chief to discuss issues that need attention or clarification. By providing recommendations, facts, and concerns there have been countless potential major problems averted. This also is in compliance with Chapter 21 that states we are to be involved in the development of training, policy formation and volunteer support. The Association has provided educational information not only to the volunteers but to the public as well. It adheres to the direction of the membership and provides them with guidance and recommendations. The Association has acted as a mediator and spokesperson for volunteers with the one voice approach. That one voice has provided far more effective and efficient workings with the County Council, the Fire Chief, and the County Executive.

The MCVFRA office's has been used as a meeting place not only by the Association but other volunteer groups and even private groups. As President, I have put in countless hours but rely fully on the Executive Director to put forth completed documents, presentations, do research, and meet the overwhelming responsibilities that are thrown at us on a daily basis.

There is no way the President or Board Members can take on the overwhelming responsibilities handled by the Executive Director. The strength of the Association, and our ability to properly function and exist would be eliminated should we lose our Executive Director or entire county funding. The proposed lack of funding would also remove the previously agreed upon arrangement and the support of the Representative Body for the volunteer service. Nor can the daily work being done by the Executive Director and the Association officials be done by other volunteers as they are already committed to running their LFRD, running calls, taking all required and significant levels of training, as well as having full time jobs and families.

It appears that the County Executive is fully aware of these facts and that he has chosen not to support the Association or volunteers so they can never again go against his wishes. If he succeeds in denying funding for the MCVFRA and cutting the LFRD's 50% of their funding as well as 100% of their administrative positions, then the losers will be the people of Montgomery County, the taxpayers of Montgomery County and the loss of millions of dollars volunteers provided as well. It will also deny the people the right to volunteer in a meaningful and productive way. It will be the end of the private/public combination service of Montgomery County as intend and required in Chapter 21.

It should be noted that the LFRD budgets have not been increased for over 15 years so they were already meager. It should also be noted that many of the funds attributed to volunteers are being used to help run the service and are being used by both volunteers and career personnel. We hopefully look to the Council to correct the bias and destructive action of the County Executive and respectfully urge you to restore the critically needed funding to the LFRD's and the Association. Thank you.

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OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

April 1, 2011

TO: Valerie Ervin, President
Montgomery County Council

FROM: Isiah Leggett, County Executive *Isiah Leggett*

SUBJECT: Memorandum of Agreement between the County and MCVFRA

I have attached for the Council's review the agreement resulting from the recent collective bargaining negotiations between the Montgomery County Government and the Montgomery County Volunteer Fire and Rescue Association (MCVFRA). The agreement is the product of an Interest Arbitration Decision by arbitrator Jerome H. Ross in favor of the MCVFRA. A copy of the Opinion and Award is attached. The agreement reflects the changes that will be made to the existing Collective Bargaining Agreement effective July 1, 2011 through June 30, 2014. I have also attached a summary of the changes which denotes if a contract item is funded in my proposed budget. The fiscal impact statement has been transmitted to Council as a separate document by the Office of Management and Budget.

cc: Joseph Adler, Director, Office of Human Resources
Joseph Beach, Director, Office of Management and Budget
Richard Bowers, Fire Chief, Fire and Rescue Services
Marc Hansen, County Attorney, Office of the County Attorney

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Summary of Proposed Labor Agreement with MCVFRA Effective FY 2012

No	Article/ Subject	Summary of change	Requires appropriation of funds	Present or future fiscal impact	Requires legislative change	Requires regulation change	Notes
1.	5/Organizational Security	<p>50 copies of the agreement will be provided by the County</p> <p>An electronic copy of the agreement will be maintained on the OHR website</p> <p>Delete language for data terminal</p> <p>Delete language for awards ceremony</p>	No	No	No	No	
2.	7/Fire Chief's discipline	<p>Fire Chief must consider the nature of the offense warranting discipline; the relation to duties; the job level of the volunteer; past disciplinary record; volunteer work/length of service; effect on performance; consistency with other MCFRS members; clarity of rules; rehab options; other circumstances; and effectiveness of discipline</p> <p>Volunteer may request an extension to respond to the statement of charges</p> <p>Volunteers can appeal through the MSPB</p> <p>Representatives of volunteers must be notified that a disciplinary exam is going to occur. They will be given opportunity to speak with volunteer and ask questions for clarity during the examination</p> <p>Investigator may not enter volunteer worksite without consent of volunteer</p> <p>Volunteer may request the assistance of IAD</p>	No	No	No	No	

Summary of Proposed Labor Agreement with MCVFRA for FY 2012, FY 2013 and FY 2014

Page 2

No	Article/ Subject	Summary of change	Requires appropriation of funds	Present or future fiscal impact	Requires legislative change	Requires regulation change	Notes
3.	9/Internal Affairs Files	<p>LFRD only Internal Affairs investigative files will be maintained according to LFRD policy</p> <p>Access to IAD files is limited to: the volunteer; Fire Chief/designee; & County Attorney/designee</p> <p>Copies of documents used with adverse affect on a volunteer will be provided to the volunteer and representative</p> <p>Cases involving complaints where the charges were deemed unsustainable or unfounded by IAD, the files shall be expunged within three (3) years after the date the findings were made</p> <p>Files involving complaints where a charge was sustained shall be expunged within 5 years of conclusion</p> <p>Volunteer will be noticed when documents are expunged from file</p> <p>Files to be shredded & removed from all databases</p>	No	No	No	No	
4.	11/Uniforms and Equipment	<p>Effective FY 13, the County will purchase 220 pairs of turnout boots</p> <p>Effective FY 14, the County will purchase 220 pairs of turnout boots</p> <p>No gear bags will be purchased during the duration of the contract</p>	Yes	Yes	No	No	<p>CE's proposed budget recommends 300 pairs of turnout boots for the 1st and 2nd year of contract with an estimated cost of \$34,280</p> <p>CE's proposed budget recommends supplying 874 gear bags in FY 12 with an estimated cost of \$34,960</p>

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Summary of Proposed Labor Agreement with MCVFRA for FY 2012, FY 2013 and FY 2014

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No	Article/ Subject	Summary of change	Requires appropriation of funds	Present or future fiscal impact	Requires legislative change	Requires regulation change	Notes
5.	12/Nominal Fee	Option 1 nominal fee for each year of the contract will be \$240 Option 2 nominal fee for each year of the contract will be \$400	Yes	Yes	No	No	CE's proposed budget recommends a nominal fee of \$150 for Option 1 and \$250 for Option 2
6.	14/Duration of Agreement	Three year agreement; July 1, 2011 through June 30, 2014	No	No	No	No	
7.	15/Drug Testing	Random drug testing of volunteers will not begin until June 30, 2012 20% IECS LFRD personnel will be tested yearly	No	No	No	No	
8.	16/Training	PSTA will grant training equivalencies as provided in this Article Volunteers can only be removed from IECS if consistent with the Code If a volunteer transfers to another LFRD, he will remaining on the IECS; paperwork will not need to be resubmitted County will issue an ID and PASS tag when a new volunteer joins and clears background	No	No	No	No	
9.	21/ Communication	The County will create a #FRS bargaining unit email group for MCVFRA correspondence which the MCVFRA president or designee will have access to	No	No	No	No	
10.	22/Orientation Course	County will fund \$5,000 to a Volunteer Basic Orientation Course each year of agreement	Yes	Yes	No	No	CE's proposed budget includes funding up to \$16,000 for FY 12 and FY 13

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Summary of Proposed Labor Agreement with MCVFRA for FY 2012, FY 2013 and FY 2014

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No	Article/ Subject	Summary of change	Requires appropriation of funds	Present or future fiscal impact	Requires legislative change	Requires regulation change	Notes
11.	Sideletter/ MCVFRA Operating Funds	County will provide \$223,250 each year of the contract for MCVFRA operating expenses	Yes	Yes	No	No	CE's proposed budget did not include funding
12.	Sideletter/ MCVFRA Vehicle	The County will provide \$26,000 during the third year of the agreement towards the purchase of a vehicle for MCVFRA duties	Yes	Yes	No	No	CE's proposed budget did not include funding

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**MEMORANDUM OF AGREEMENT
BETWEEN
THE MONTGOMERY COUNTY GOVERNMENT AND THE MONTGOMERY
COUNTY VOLUNTEER FIRE RESCUE ASSOCIATION**

The Montgomery County Government (County) and the Montgomery County Volunteer Fire Rescue Association (MCVFRA) agree that their existing directly negotiated agreement will be amended effective July 1, 2011, through June 30, 2014 with the following agreed upon items.

Please use the key below when reading this document:

<u>Underlining</u>	<i>Added to existing agreement</i>
[Single boldface brackets]	<i>Deleted from existing agreement</i>
* * *	<i>Existing language unchanged by parties</i>

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Article 5 – Organization Security

Section One. The County agrees to provide [1000] 50 copies of the contract in booklet form to be provided to the Association within ninety days of the effective date of this Agreement for each LFRD and the MCVFRA office. An electronic copy shall also be maintained on the MCFRS and OHR websites. The cover page of the Agreement shall be designed by mutual agreement between the parties.

[Section Two. By July 1, 2009 the County will provide the Association with a “FIREHOUSE” data terminal with the necessary software, communications line, monitor and printer to be located at the MCVFRA office. Security access will be limited to the battalion chief level.]

[Section Three. The County will provide \$5000 in each year of the contract for an annual awards ceremony for the volunteers each April of the contract. The Association and fire chief will agree on a venue, forum and list of recognitions.]

Section [~~Four~~]Two. The County and the MCVFRA will determine the size and location of an “orange style” MCVFRA decal which will be displayed on each side of County owned apparatus used in providing fire, rescue and emergency medical services that are staffed by bargaining unit members. The decals will be provided by the Association.

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Article 7 – Disciplinary Action Procedures for LFRD Volunteers

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Section Four. Fire Chief's Discipline.

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- d. Once the Fire Chief has determined there is cause to discipline a volunteer, the Fire Chief agrees to give due consideration to the relevance of any mitigating and/or aggravating factors, in deciding the nature and level of disciplinary action appropriate, including, but not limited to:
1. the nature and seriousness of the offense, and its relation to the volunteer's duties, position, and responsibilities, including whether the offense was intentional or technical and inadvertent, or was committed maliciously or for gain, or was frequently repeated;
 2. the volunteer's job level and type of employment, including his or her supervisory or fiduciary role, the frequency and level of his or her contact with the public, and the prominence of his or her position;
 3. the volunteer's past MCFRS disciplinary record;
 4. the volunteer's past work record, including his or her length of service to the Department and LFRDs, his or her performance, his or her demonstrated ability to get along with fellow MCFRS members, and his or her dependability;
 5. the effect of the offense upon the volunteer's ability to perform at a satisfactory level;
 6. the consistency of the penalty with those imposed upon other MCFRS members with similar personnel history for the same or similar offense(s);
 7. the notoriety of the offense or its impact upon the reputation of MCFRS;
 8. the clarity with which the volunteer was actually on notice of any rules, regulations, directives, policies, orders, instructions or the like that were violated in committing the offense, or had been warned about the conduct in question;
 9. the potential for rehabilitation;
 10. mitigating circumstances surrounding the offense, such as unusual job tensions, personality conflicts, mental impairment, harassment.

bad faith, or malice or provocation on the part of others involved in the matter; and,

11. the potential adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the volunteer or others.

Section Five. Disciplinary Process.

- a. Statement of Charges.

* * *

2. The Fire Chief must allow the individual at least 15 County business days after receiving the Statement of Charges to respond. The volunteer has the right to request an extension of time on behalf of the volunteer to respond to the Statement of Charges. Such requests shall not be unreasonably denied.

* * *

- b. Notice of Disciplinary Action. If the Fire Chief determines to proceed with discipline, and after following section 5 (a) (1) – (4), the Chief must issue a Notice of Disciplinary Action. A Notice of Disciplinary Action must include:

* * *

5. notice of the right to appeal the disciplinary action to the [Fire and Rescue Commission (FRC)] Merit System Protection Board (MSPB); and
6. the deadline for filing [a FRC] an MSPB appeal.

* * *

Section Eight. Appeals of certain disciplinary actions. Per Chapter 21-7 of the Montgomery County Code, a volunteer firefighter or rescuer aggrieved by an adverse final action of the Fire Chief involving the removal, demotion, or suspension of, or other disciplinary action applied specifically to, that individual may appeal the action within 30 days after the action unless another law or regulation requires that an appeal be filed sooner, to the [Fire and Rescue Commission] Merit System Protection Board. An appeal must not stay the disputed action. [A volunteer at a local fire and rescue department may appeal a decision of the Fire and Rescue Commission concerning a specific personnel action, or the failure to take any such action, to the Merit System Protection Board as if the appellant were a County merit system employee.] Any aggrieved party may appeal the decision of the Board to any court with jurisdiction under the rules governing appeals

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from administrative agencies, and may appeal any adverse decision of that court to the Court of Special Appeals. Further, all provisions of Chapter 21-7 are hereby retained in full force and effect.

Section Nine. Disciplinary Examinations

* * *

C. Prior to an examination, the County agrees to inform the volunteer's representative of the subject of the examination. The representative must also be allowed to speak privately with the volunteer before the examination. The volunteer's representative must be allowed to speak during the interview. However, the volunteer's representative does not have the right to bargain over the purpose of the interview. The volunteer's representative can, however, request that the County representative clarify a question so that the volunteer can understand what is being asked. When the questioning ends, the volunteer's representative can provide additional information to the County representative. Before providing such information, the volunteer's representative and the volunteer may briefly meet privately for purposes of discussion.

[C] D. The County is free to terminate any examination of a member in connection with an investigation at any time for any reason.

[D] E. The Association shall have no right to represent a member who is examined as a witness or third party in any investigation. However, if the member learns during the course of the witness/third-party investigation that he or she may be subject to discipline, he or she may request Association representation pursuant to Section 9.A. above.

Section Ten. Time, Place and Manner of Interviews/Examinations Conducted by the Internal Affairs Section of a Member. Any interview or examination conducted by the Internal Affairs Section pursuant to Section 9 of this Article may take place at the Internal Affairs Section office, the MCVFRA Office, or at any other place to which the parties mutually agree. The investigator must not go to any fire station or volunteer worksite in an attempt to locate the volunteer to interview without prior agreement by the volunteer.

Section Eleven. MCFRS/ Internal Affairs Division Investigations

A. The LFRD may request the assistance of IAD through the Fire Chief in conducting an investigation. The IAD shall work with the LFRDs as requested.

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Article 9 – Volunteer Records

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Section Seven. Internal Affairs Files.

1. If an LFRD-only Internal Affairs investigation is conducted, all records generated from that investigation shall be kept, handled, and maintained according to that LFRD's policies and procedures. If a joint IAD/LFRD investigation is conducted, all records generated from that investigation shall be kept by each entity according to their policies and procedures.

2. Access to the IAD files shall be limited to:
 - a) The volunteer, but only to the extent allowed by item 3 below

 - b) Fire Chief, LFRD Department head or designees

 - c) County Attorney or designee (need to know basis; i.e., when the volunteer is involved in litigation)

3. The Department will provide the volunteer and their representative any written statements (e.g., citizen complaints, department observations, etc.) in the possession of the MCFRS and used in connection with an adverse action taken against a bargaining unit member. These statements will be sanitized (i.e., address, phone number deleted) to protect privacy rights in accordance with the law.

4. In cases involving complaints where the charges were deemed unsustainable or unfounded by IAD, the files shall be expunged at the latter of three (3) years after the date the findings were made or any applicable statute of limitations or at the conclusion of any pending litigation.
 - a. Files involving complaints where a charge was sustained shall be eligible for expungement at the latter of five (5) years or any applicable statute of limitations or at the conclusion of any pending litigation. When documents are expunged from a volunteer's file, in accordance with the criteria above, a notice shall be sent to the volunteer's last known address.

 - b. The expungement method shall be the shredding of the physical file. In cases where more than one bargaining unit

member is involved and one or more bargaining unit members is not entitled to expungement, the name of the bargaining unit member who is eligible for expungement will be redacted from those documents that refer to multiple bargaining unit members. Those documents that refer only to the bargaining unit member who is eligible for expungement shall be destroyed.

- c. The expungement of information from the electronic database shall consist of the electronic obliteration of the bargaining unit member's name, identification number and LFRD affiliation.

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Article 11 – Uniforms and Equipment

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Section Two. Effective July 1, [2010] 2012, the County shall purchase [874] 220 pairs of leather turnout boots. Effective July 1, 2013, the County shall purchase 220 pairs of leather turnout boots. The Association shall distribute the boots to active volunteers as defined in Montgomery County Code Section 21-21(a) on the IECS who belong to an LFRD with an approved Stand-by program;

[Section Three. Effective July 1, 2010, the County will supply 874 gear bags for turn out equipment to the MCVFRA. The Association shall distribute the gear bags to active volunteers as defined in Montgomery County Code Section 21-21(a) on the IECS who belong to an LFRD with an approved Stand-by program;]

Article 12 – Nominal Fee

An active volunteer as defined in Section 21-21 (a) of the Montgomery County Code shall receive either:

- (1) a nominal fee of: [three hundred (\$300.00) dollars July 1, 2009; four hundred (\$400.00) dollars July 1, 2010] two hundred forty (\$240) dollars July 1 each year of this agreement;

OR

- (2) a nominal fee of: [five hundred (\$500.00) dollars July 1, 2009; six hundred (\$600.00) dollars July 1, 2010] four hundred (\$400) dollars July 1 each year of this agreement; if the active volunteer:

* * *

Article 14 – Duration of Agreement

The term of the agreement will be three (3) years from July 1, [2008] 2011 through June 30, [2011] 2014.

Article 15 – Drug and Alcohol Testing

Section One. [The County and MCVFRA shall work collaboratively to develop a drug and alcohol testing policy for all volunteers. Such policy must include: post-collision, for cause, and random drug and alcohol testing. The Drug and Alcohol testing policy must be completed by the parties no later than May 1, 2008. The parties agree that mediator/arbitrator Jerome Ross retains jurisdiction to issue a final decision in accordance with the impasse procedures as stated in Montgomery County Code Section 21-6. Should the parties not reach agreement on a drug and alcohol testing policy including the above listed criteria before May 1, 2008, the parties shall submit last best offers to mediator/arbitrator Jerome Ross no later than 5:00 pm on May 7, 2008. Arbitrator Ross will render a decision no later than 5:00 pm on May 30, 2008. Such policy will be effective July 1, 2008. [See Appendix I]]

The Association and County recognize the importance of insuring the public's safety and maintaining a fire and rescue service free from alcohol abuse and drug abuse by its dedicated public servants. The Association members will continue to follow the Drug Testing Policy and Procedures agreed upon in the collectively bargained agreement effective for the years July 1, 2008 through June 30, 2011 with the following amendments:

Amendment One: The random drug testing portion of the program will not commence for the volunteer personnel the policy until June 30, 2012.

Amendment Two: Under Background, the percentage of IECS certified LFRD personnel to be tested in a year will be changed from 25% to 20% per year.

Article 16 - Training

Section One. The PSTA shall [consider] grant equivalencies for all National Professional Qualification Board (Pro-Board), International Fire Service Accreditation Congress, and Maryland Fire Rescue Institute (MFRI) training certifications. The PSTA [shall make every effort to] issue a course recognition and equivalency within 14 days of a volunteer request.

* * *

[Section Four. The PSTA shall develop an on-line registration system for all PSTA courses by December 1, 2008. Where possible, all registration will be done electronically

after that date. The MCVFRA shall be consulted with regard to the program's design and implementation.]

Section [Five] Four. Where feasible, the PSTA shall develop on-line courses for PSTA courses that can be taught through distance learning by December 1, 2009. The MCVFRA shall be consulted with regard to the courses' design and implementation.

Section Five. Volunteers will only be removed from the IECS in a manner consistent with Chapter 21-8 of the Montgomery County Code.

Section Six. If an LFRD volunteer transfers from one LFRD to another LFRD the County shall maintain that volunteer on the IECS continuously and use all certifications that were previously submitted as the required documentation. The LFRD or volunteer shall not be required to resubmit paperwork and/or certifications for simply transferring to another LFRD.

Section Seven. The County will issue a County ID card and PASS tag when a new volunteer joins an LFRD upon completion of their background check and acceptance into an LFRD in a timely manner.

* * *

Article 21 – Communications

Electronic Correspondence: The County agrees to create a #FRS.Volunteer Bargaining Unit email group for official MCVFRA correspondence sent to bargaining unit members. The County agrees to provide the MCVFRA President, or designee, access to the distribution group. Access to send correspondence to this group will be limited to authorized officers of the MCVFRA as defined by the MCVFRA.

Article 22 – Volunteer Basic Orientation Course

Section One. The County agrees to fund the Volunteer Basic Orientation Course each year of the agreement not to exceed \$5,000 per year. The funding requests will be submitted to the fire chief for reimbursement each quarter.

In the Matter of the Arbitration)
)
 Between)
)
 FIRE CHIEF, MONTGOMERY COUNTY,)
 MARYLAND FIRE AND RESCUE SERVICE)
) 2011 Interest Arbitration
 and)
)
 MONTGOMERY COUNTY VOLUNTEER FIRE)
 AND RESCUE ASSOCIATION)

Before: Jerome H. Ross, Impasse Neutral

Dates of Mediation and Arbitration: January 8 and 9, 2011

DECISION OF THE IMPASSE NEUTRAL

I. Background

The Montgomery County Code, Sec. 21-6 (the Code) requires direct negotiations between the Fire Chief of the Montgomery County Fire and Rescue Service (MCFRS) and the Local Fire and Rescue Departments' (LFRDs) representative. The Montgomery County Volunteer Fire and Rescue Association (MCVFRA or Association) is the elected representative and includes all ranks from basic firefighter, rescuer and EMT/paramedic to volunteer fire chiefs, deputy chiefs, presidents and directors. The Code authorizes the impasse neutral, upon finding a bona fide impasse, "to require the parties to jointly submit all items previously agreed upon and each party to submit a final offer consisting of proposals not agreed upon....[T]he impasse neutral must select the final offer¹ that, as a whole, the impasse neutral judges to be the reasonable." The Code further provides:

¹The parties refer to the "final offer" as the Last Best Final Offer or LBFO.

In selecting a final offer under this Section, the impasse neutral must consider only the following factors:

- (1) previous negotiated agreements between the parties, including the past bargaining history that led to the agreements;
- (2) the affordability of all items that will have a significant cost to the Service;
- (3) effectiveness and efficiency of operations;
- (4) safety of the public; and
- (5) the interest and welfare of the public.

II. Impasse Procedure

The impasse procedure consisted of mediation and arbitration. During mediation the parties resolved all non-economic issues under several existing Agreement provisions including²: Article 7, Disciplinary Action Procedures for LFRD Volunteers; Article 8, Contract Grievance Procedure; Article 9, Volunteer Records; Article 15, Drug and Alcohol Testing; and Article 16, Training. The unresolved economic issues were submitted to arbitration for resolution.

III. Unresolved Economic Issues

The Association's LBFO

Article 11, Uniforms and Equipment - Zero increase in the number of pairs of boots the County will purchase in year one of the Agreement; and 220 pairs of boots in the second and third years of the Agreement -- which is a 54 percent reduction from the 874 pairs provided in the third year of the current Agreement. Eliminate all gear bags -- which is a 100 percent reduction from the 874 gear bags provided under the current Agreement.

Article 12, Nominal Fee - \$240 for LOSAP active and \$400 for most active per year of the Agreement -- which is an almost 40 percent reduction from the

²The parties had agreed to other non-economic issues prior to invoking impasse resolution procedures.

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current Agreement (\$400 and \$600 respectively) and a 20 percent reduction (\$300 and \$500 respectively) of what was actually funded in FY 2011 (\$240 and \$400 respectively).

Article 14, Duration of Agreement - Three years.

New Article, Volunteer Basic Orientation Course (VBOC) - \$5,000 per year in each year of the Agreement -- which is a 70 percent reduction from its last proposal for settlement to the County.

Side Letter, MCVFRA Operating Funds - \$223,250 per year in each year of the Agreement, in a side letter -- which is a five percent reduction from the previously negotiated and funded agreement.

MCVFRA Vehicle - \$26,000 in year three of the Agreement -- which is an almost 40 percent reduction from the \$40,000 provided in the third year of the current Agreement and which was not funded due to the state of the economy.

The Fire Chief's LBFO

Article 11, Uniforms and Equipment - If a volunteer transfers to a new LFRD, the volunteer may transfer their coat with them. Effective July 1, 2011 and July 1, 2012, the County shall purchase 300 pairs of boots. Effective July 1, 2011, the County will supply 874 gear bags.

Article 12, Nominal Fee - Effective July 1, 2011, nominal fees will be reduced by 50 percent for the duration of the Agreement.

Article 14, Duration of Agreement - Two years.

New Article, VBOC -- Not to exceed \$16,000 each year of the Agreement.

Side Letter - "Effective July 1, 2011, the County will no longer be providing funding to the MCVFRA for expenses related to the Association's fulfillment

of its functions as the LFRD authorized representative. Additionally, the previously designated \$40,000 for a new Association vehicle, which [sic] not appropriated by Council, will not be paid in this or any future fiscal year.”

IV. The Parties' Contentions

The Association points out that its LBFO economic proposals are lower than the funding called for in the final year of the current Agreement by an estimated \$409,008 -- a 41 percent reduction. The concessions in its LBFO are more than six times the percentage reductions for public safety agencies. It submits that the draconian and excessive cuts contained in the County's final proposal prior to the LBFO are more consistent with political retribution for the Association's position and legally protected advocacy against the County Executive's ambulance fee legislation.

The Association maintains that it has negotiated in good faith, and its LBFO makes substantial concessions that are more than sufficient to address the County's legitimate budget concerns for which the Executive is asking heads of public safety and non-public safety agencies to reduce their FY 2012 budgets by five and 15 percent respectively. It points to the Code which describes “the delivery of fire, rescue and emergency services through the [MCFRS], including the [LFRDs]” as a “partnership”. It contends that adequate funding for equipment, training and operational support under the Agreement is critical to ensuring the strength and effectiveness of the partnership -- a relationship which is specific and unique to Montgomery County and unlike any other fire and rescue service in the United States.

The Association contends that it differs significantly from a traditional labor organization. Its membership includes all ranks from firefighters to fire chiefs, deputy

chiefs, presidents and directors -- not simply a labor-management relationship. Representation is not optional as with labor organizations. Its significant and varied responsibilities under the law, policies and procedures are far more reaching than any labor organization. It is a nonprofit corporation. It creates, manages and maintains fire and rescue training courses to supply operational volunteers. It qualifies as a fire and rescue management resource group and can apply for federal firefighting grants for recruitment, training new volunteers and retaining those members. It operates the first and only Fire Rescue and Recruiting Station in the nation and was awarded a prestigious national award by the International Association of Fire Chiefs in recognition of outstanding innovation, development and implementation in recruiting new volunteers. The rent and expenses for this station are paid from the money received for MCVFRA operations in the Agreement. The MCVFRA membership pays no individual dues, nor are they assessed any fee. Nor do they receive pay, leave, retirement, COLA or raises from the County. The MCVFRA has been required to appear quarterly with the Fire Chief before the County Council's Public Safety Committee to report on and discuss the progress of fire and rescue service reforms.

The Association points to the absence of any evidence that prior funding for MCVFRA operations was temporary or seed money. To the contrary, the legislative history establishes the right of the LFRDs, through a designated representative, to directly negotiate with the Fire Chief on certain volunteer-related issues, and the County would pay the salary of the LFRD representative's top staff member, who would be similar to an employee union president. Moreover, the Association notes, during arbitration Chief Bowers described his relationship with the MCVFRA as very positive and productive

with at times almost hourly conversations, daily interactions and multiple meetings on a variety of issues throughout the organization. Additionally, the Chief said it was important to have the Association; it helps him do his job; it helps support the entire service; and it provides active service both administratively and operationally.

The Association observes that since the law changed in 2004, not once has the County challenged the legality of bargaining for the funding of the MCVFRA. The parties have bargained two previous Agreements over more than five years, and funds to operate were negotiated for every year. It points out that only during the last conference call with the impasse neutral did the County even suggest that the funding for the MCVFRA is non-negotiable. Indeed, it asserts, the bargaining history clearly establishes the ability to bargain for funding is not only permissible, it is required under the law.

The Association does not dispute the County's assertion that the economic climate is challenging, and local governments are requiring savings from their agencies. However, it cites a report issued by the Council's Office of Legislative Oversight (OLO) -- and independent agency which does not report to the County Executive. The report finds that County government spending on personnel costs increased 64 percent while the total number of work years increased by only ten percent between FY 2002 and FY 2011; and the primary driver behind higher personnel costs was not an increase in the size of the workforce but rather the increase in average cost per employee. Furthermore, the Association notes, nothing in the report concerning potential savings includes reductions in: the number of volunteer firefighters, equipment and training for volunteers, or funding for the MCVFRA.

With regard to the application of factor (1) to its proposal for boots, the Association points out that the County agreed to provide 874 pairs in the current Agreement, thus recognizing the importance of all personnel having the proper equipment. Under factor (2), affordability, it has reduced the cost of boots by almost one-half, which equips only one-third of the total active volunteers -- but it's a start. The availability of properly equipped firefighters, under factor (3), increases the effectiveness and efficiency of operations in all emergency situations as well as the safety of the public under factor (4) and the interest and welfare of the public under factor (5). The Association notes its further offers to forego gear bags for the duration of the Agreement.

In applying factor (1) to the nominal fee, the Association observes that both the first and second Agreements included funding to offset the out-of-pocket expenses volunteer fire/rescue personnel incur for gasoline, vehicle wear-and-tear traveling to and from the station, supplemental uniform and equipment purchased, meals while performing standby duties, and supplement training courses. It notes that the nominal fee was increased by 20 percent in the final year of the current Agreement but was not funded by the County Council. Nonetheless, in recognition of the budget situation under factor (2), its LBFO proposes a 20 percent reduction in funding -- which provides more cost savings than the County Executive has proposed for the operating expenses of either public safety or non-public safety agencies. Regarding factors (3) and (4), it asserts, increases in the number of trained firefighters and EMTs increase the efficiency of operations by having more personnel on each fire truck as well as the safety of the public and firefighters. Finally, under factor (5), the Association observes, since implementing

the first nominal fee, the number of volunteers has increased by over 40 percent which in turn contributes to the interest and welfare of the public.

The Association points out that, with regard to factor (1), the duration of the current Agreement is for three years, and its LBFO proposal is consistent with the IAFF (career firefighters) agreements for the past 20-plus years. Concerning factor (2), its proposal "backloads" certain benefits and reduces the cost to the County more than would be realized through a shorter-term contract. The longer-term also contributes to effectiveness and efficiency, factor (3), by not requiring participation in collective bargaining for a longer period. As a result, the MCVFRA and the MCFRS can concentrate their efforts in areas which will increase overall safety to the public, factor (4). The Association maintains that the interest and welfare of the public are served where the parties can improve their working relationship, as opposed to bargaining, during longer-term contract.

The Association observes that, concerning factor (1), while the current Agreement does not address the VBOC, the Fire Chief has funded the course for the past two years. It submits that the yearly investment of \$5,000 for training hundreds of volunteers each year is sound and affordable, factor (2), and will increase the effectiveness and efficiency of operations, factor (3), and safety and interest and welfare of the public, factors (4) and (5).

The Association argues that MCVFRA operating funds is the biggest issue because individual members do not receive a paycheck and do not directly contribute to the operating costs of the MCVFRA. Rather, the MCVFRA is dependent on the County for funding, as recognized by the enabling legislation and press articles following

passage. It argues that past Agreements, factor (1), is the strongest factor as to why the MCVFRA must be funded adequately to carry out its legal requirement. It explains that the County funding began immediately after the enabling legislation for a half-year period at \$75,000 in 2004; in the first Agreement (April 1, 2007 – June 30, 2008) the funding increased to \$185,000; and in the second Agreement (July 1, 2008 – June 30, 2011) the funding increased to \$235,000 per year for each of the three years – and the County Council fully funded the MCVFRA even in the current year's economic downturn. Moreover, it observes, only during the last conference call with the impasse neutral did the County even suggest that MCVFRA funding is non-negotiable. The Association argues that bargaining history clearly establishes the negotiability of MCVFRA funding as not only permissible but required under the law. As a bargaining concession, the Association's LBFO proposes the funding remain in a side letter as has been the practice in the two previously negotiated Agreements.

In addressing factor (2), affordability, the Association asserts that the funding is one of the most economical uses of tax dollars to manage volunteer issues and events, assist in training, run training courses, recruit new volunteers, apply for and manage federal grants, do public education and outreach, negotiate for benefits, respond to policy issues, work with the Fire Chief, report to the County Council, and assist in local, state and national fire and rescue policy discussions and formulation. Additionally, the MCVFRA manages and represents over 2,000 volunteers in 19 LFRDs with limited resources – one employee paid for under this grant and a recruiter funded under a federal grant that is managed by the executive director and the volunteer president. It also runs the only volunteer recruiting station in the nation on all volunteer labor, with donated

supplies and equipment, but relies completely on the funding in this Agreement to pay the reduced rent negotiated with the building owner under a three-year lease for which it would be liable even if the Agreement is not funded. In sum, the Association notes, the funding represents less than one-tenth of one percent of the overall fire rescue budget of \$192 million but significantly affects over one-half of the entire fire and rescue service and results in a significant savings to the MCFRS.

Concerning factor (3), the Association explains, with the increase in volunteer participation resulting from MCVFRA's recruiting and retention programs and the operating funds under the side letter, the LFRDs were able to add volunteer staffing to supplement career staff that were on overtime in order to cover two critical hours during the day where traditionally it has been difficult to attract volunteers. This was done at the Fire Chief's request and required by the Council in connection with cuts in overtime funding over a year ago. The total savings to the County per year is \$8,103,500.

The Association maintains that under factor (4), the significant and rapid increase in volunteers, from 765 in October 2008 to 1,583 in November 2010, has increased the safety of the public.

By funding the MCVFRA, the Association claims, under factor (5), the public maintains its community advocate who is part of the LFRD's hierarchy. The interest and welfare of the public are well served by having an independent public safety organization able to speak on behalf of the citizenry in forums with governmental and quasi-governmental agencies.

With regard to the MCVFRA vehicle, the Association points out that although the current Agreement, under factor (1), provides for the vehicle in the third year, it was not

funded by the Council due to the economy. It observes that, under factor (2), placing the vehicle in the third year of the Agreement and reducing the amount of funding by 40 percent saves significant money. Moreover, the vehicle will support operations in innumerable way, factor (3), such as transporting training equipment and the recruiting booth to events and transporting board members and other volunteers to meetings, Council sessions, conventions, training classes and parades. It will be a marked vehicle advertising the volunteers and include a large recruiting message on the body. The Association submits that public safety, factor (4), is improved by having volunteers out in the public doing community training, education, recruiting and other public events in a marked volunteer fire and rescue vehicle. The interest and welfare of the public, factor (5), is served by volunteers being able to conduct business efficiently, effectively and with the support of the MCFRS.

The Fire Chief maintains that he should not be forced to make further cuts to fire and rescue services in order to fund the MCVFRA's executive director position and the purchase of the vehicle for use by the Association – neither of which will have any impact on the delivery of fire suppression and emergency rescue services performed by volunteer fire fighters and paramedics. The Fire Chief further submits that his LBFO is in the public interest, especially where he has had to pare his budget for the past three fiscal years by \$25 million to \$30 million and once again has been asked to cut his budget by five percent. Further demonstrating his commitment to maintaining services is his proposal to fund the purchase of 300 pairs of boots annually for the term of the Agreement. Finally, he points out, the MCVFRA's funding proposal is not listed in the Code among the issues subject to negotiations; and, as further stated in the Code, budgets

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and expenditures and "any other issues not specified as subject to negotiation" are not subject to bargaining.

With regard to the relevant factors to be considered under the Code, the Fire Chief observes that, under factor (1), the parties have never agreed to MCVFRA funding as a provision of their contract; rather, it has been memorialized in a memorandum of agreement. He asserts that while parties may discuss non-negotiable subjects, no party can take a non-negotiable subject to impasse as the MCVFRA has done here. Therefore, the MCVFRA's proposal is both unlawful and unreasonable, and the Association's LBFO has to be rejected as a whole. The Fire Chief further states that, "[a]ssuming the impasse neutral finds that MCVFRA funding is subject to bargaining," other factors must be considered.

Concerning factor (2), the Fire Chief points out, when the County, through the MCFRS, agreed in the past to fund the MCVFRA, the County's fiscal situation was much different, and it has a structural budget problem due to the increasing costs of its fixed spending commitments. The latest revenue forecast shows overall revenue estimates for FY 2011 down \$85.7 million below what has been budgeted; and December updated revenue estimates for FY 2012 are approximately \$73.8 million below previous estimates. As a result, the Fire Chief emphasizes, the County now has a projected FY 2012 budget gap of \$300 million that it has to close. MCFRS has had to cut approximately 50 uniform positions and 18 non-uniform civilian positions and take apparatus out of service over the last three fiscal years. Accordingly, the Fire Chief would have to make additional service cuts to personnel if he is forced to fund MCVFRA's compensation for its executive director.

(65) (64)

The Fire Chief disputes the MCVFRA's assertion that it is being asked to bear too great a portion of MCVFRS's proposed budget reduction because the FLRDs challenged the County's ambulance fee. He recognizes that the loss of \$14 million is going to impact the County's and MCVFRA's budgets; however, MCFRS would have to reduce its budget by five percent regardless of whether the ambulance fee remained on the books. The elimination of the fee only served to make budget cuts that have the least impact on services more difficult.

The Fire Chief notes that the MCVFRA can tap the 19 LFRDs it represents for funding, just as the labor organizations representing County employees are funded by their members. Many of the LFRDs have assets in the millions of dollars, and they funded the MCVFRA since 1922 prior to receiving County funding in 2005 in order to meet the Association's obligations under the bargaining law.

The Fire Chief asserts that under factor (3) an award requiring the funding of the MCVFRA will negatively affect the effectiveness and efficiency of the MCFRS, particularly in the delivery of fire suppression and emergency medical services; whereas eliminating such funding to the MCVFRA will have no impact on MCFRS or LFRD operations. The loss of funding for the MCVFRA's and its executive director's sole responsibility to negotiate on behalf of the 19 LFRDs will not negatively impact the delivery of services by those entities.

With regard to the safety of the public, factor (4), the Fire Chief emphasizes the across-the-board reductions in the level of service due to increased response times at certain times of the day in certain areas of the County. If forced to fund the MCVFRA, additional service cuts to personnel would be required. Furthermore, the reasonableness

(66) (65)

of the Fire Chief's LBFO is supported by the provisions for boots, gear bags and the nominal fee -- all related to volunteers who perform public safety services.

The Fire Chief claims that its LBFO under factor (5), interest and welfare of the public, weighs heavily in favor of its reasonableness. The County can no longer afford the luxury of funding the executive director position when it would come at the expense of the delivery of public safety services to the community.

V. Findings and Conclusions

Five of the seven unresolved issues may be viewed in the following context. The Fire Chief's LBFO provides greater equipment gains (boots and gear bags) directly to volunteers who are performing fire and rescue services. The parties' LBFOs are similar with regard to the nominal fees. The Association's LBFO for a three-year Agreement would appear to benefit the Fire Chief by providing greater stability and certainty in the parties' relationship for an additional year.³ The Fire Chief's LBFO contains significantly more funding for the VBOC.

The parties' LBFOs in connection with MCVFRA and vehicle funding reflect widely divergent views of the MCVFRA's role and responsibilities. The Association sees its role as a partnership which is authorized by law and provides for direct negotiation with the Fire Chief-- a role which never has been challenged until this round of negotiations when the Fire Chief's representative, in a teleconference on January 21, 2011, suggested non-negotiability with regard to MCVFRA funding. The Association essentially contends that its funding is a mandatory subject of bargaining. The Fire Chief asserts that the funding of the Association's operations is not authorized in the Code and,

³The Fire Chief did not specifically address this issue during the proceedings or in its post-hearing brief.

(67) (86)

as a budget and expenditure, is a prohibited subject of bargaining which cannot be taken to impasse. He also notes that the parties never have agreed to Association funding as a contract provision.

I find the subject of Association funding to be negotiable. I hasten to add, however, that neither party has provided substantial argument supporting its procedural and substantive positions on negotiability. The Code does not address the impasse neutral's role and authority when assertions of non-negotiability are raised, especially for the first time after -- not during -- discussions of a subject in mediation or at arbitration and raised only obliquely during post-hearing discussions.⁴ Furthermore, I find a distinction without a difference in the Fire Chief's contention that the placement of the parties' agreement to fund the MCVFRA in side letters and not the Agreements is a basis for finding the subject non-negotiable where both documents reflect the negotiated agreement of the parties to provide the funding. In the same vein, a question arises as to why the Fire Chief would negotiate over a subject he maintains he is prohibited from bargaining with the Association.

I find that no useful purpose would be served by rendering findings based upon the OLO report or the Association's assertions regarding the effect of its advocacy against the ambulance tax on the Fire Chief's positions in negotiations and his LBFO.

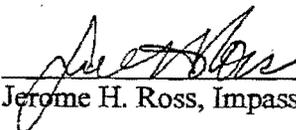
After considering the seven issues at impasse, I find that the Association's LBFO is the more reasonable. Its proposals constitute a 41 percent reduction from the final year's items contained in the current Agreement. I also am persuaded that the

⁴My notes of the January 21 conference call reflect that the sole reference to non-negotiability was a comment by Jeremy Milewski, a County human resources specialist, that the Fire Chief did not want the Association funding mentioned in the Agreement because the Code excludes budgets and expenditures as negotiable items. Moreover, I note that negotiability issues were clearly raised in connection with other subjects of bargaining during mediation.

Association's role and responsibilities far exceed the Fire Chief's description that funding MCVFRA essentially funds the executive director's salary and a vehicle and have no impact on the delivery of fire and rescue services. At a minimum, the organization has almost doubled the number of volunteers and has engaged in a wide variety of functions which ultimately benefit the MCFRS and the public and easily offset what the Fire Chief has described as what would be a loss of effectiveness and efficiency in the delivery of fire suppression and emergency medical services as a result of the funding. No reasonable basis has been shown for obliterating all of the funding for the institution which serves a useful purpose and has been created in law. In sum, I find that that the underlying concept of the Fire Chief's proposal that reductions in MCVFRA funding do not affect the delivery of fire and rescue services (as does the provision of 600 pairs of boots over the term of the Agreement) misses the mark in not considering the importance of the institution to the partnership of the MCVFRA and the MCFRS.

AWARD

The Association's final offer, as a whole, is more reasonable.


Jerome H. Ross, Impasse Neutral

January 31, 2011
McLean, Virginia

(69) (68)

**Montgomery County Volunteer Fire Rescue Association
Cost of 2011 Interest Arbitration Award**

<u>Article</u>	<u>Item</u>	<u>Description</u>	<u>Estimated Total Impact: FY12</u>	<u>Estimated Total Impact: FY13</u>	<u>Estimated Total Impact: FY14</u>	<u>Estimated Total Impact: FY15</u>	<u>Estimated Total Impact: FY16</u>	<u>Estimated Total Impact: FY17</u>
11	Turn-out Boots	220 leather turn-out boots purchased in FY13 and FY14	\$0	\$52,170	\$52,170	\$0	\$0	\$0
12	Nominal Fee	Nominal fee of \$240 or \$400	\$342,000	\$342,000	\$342,000	\$0	\$0	\$0
New	Volunteer Basic Orientation Course	\$5,000 each year of the agreement	\$5,000	\$5,000	\$5,000	\$0	\$0	\$0
Side Letter	Association Operating Funds	\$223,250 in funding each year of the agreement	\$223,250	\$223,250	\$223,250	\$0	\$0	\$0
	Vehicle	New vehicle for Association business	\$0	\$0	\$26,000	\$0	\$0	\$0
	Total		\$570,250	\$622,420	\$648,420	\$0	\$0	\$0

County Executive's Recommended Funding for MCVFRA Contract Award

<u>Article</u>	<u>Item</u>	<u>Description</u>	<u>Estimated Total Impact: FY12</u>	<u>Estimated Total Impact: FY13</u>	<u>Estimated Total Impact: FY14</u>	<u>Estimated Total Impact: FY15</u>	<u>Estimated Total Impact: FY16</u>	<u>Estimated Total Impact: FY17</u>
11	Turn-out Boots	300 leather turn-out boots purchased in FY12 and FY13	\$71,140	\$71,140	\$0	\$0	\$0	\$0
11	Gear Bags	County to supply 874 gear bags	\$34,960	\$0	\$0	\$0	\$0	\$0
12	Nominal Fee	Nominal fee of \$150 or \$250	\$213,750	\$213,750	\$0	\$0	\$0	\$0
New	Volunteer Basic Orientation Course	Training not to exceed \$16,000 each year of the agreement	\$16,000	\$16,000	\$0	\$0	\$0	\$0
Side Letter	Association Operating Funds and Vehicle	Eliminate Association funding effective July 1, 2011 and cancel purchase of Association vehicle	\$0	\$0	\$0	\$0	\$0	\$0
	Total		\$335,850	\$300,890	\$0	\$0	\$0	\$0
	Additional Cost to Fund Arbitration Award		\$234,400	\$321,530	\$648,420	\$0	\$0	\$0

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VOLUNTEER LOSAP PARTICIPATION HISTORY 2000 - 2009

LFRD	CY00	CY01	CY02	CY03	CY04	CY05	CY 06	CY 07	CY 08	CY09
BCCRS	144	168	170	169	149	159	188	191	179	190
BFD	6	6	6	6	4	6	7	8	8	10
BVFD	36	49	56	70	49	49	50	58	68	85
CJPVFD	39	35	50	44	43	47	42	29	41	50
DVFD	40	34	37	30	34	30	31	30	26	30
GWGVFD	48	52	59	55	49	46	43	40	47	52
GVFD	36	44	40	42	43	34	35	41	40	46
GEFD	8	8	10	9	4	7	16	20	17	19
HILL	16	18	23	19	18	19	15	17	16	12
HVFD	18	21	27	24	23	18	22	20	15	22
KVFD	77	95	85	79	80	81	73	78	91	107
LVFD	31	40	44	44	48	42	42	47	44	48
RVFD	112	129	87	101	132	114	141	153	156	177
SSVFD	44	64	61	68	76	66	62	58	62	58
SIL SPG	16	20	26	24	24	24	23	30	32	36
TPVFD	19	20	23	18	26	20	24	24	21	24
UMCVFD	17	31	34	32	33	27	29	26	33	33
WRS	67	77	78	75	74	85	105	91	97	98
TOTAL ACTIVE	774	911	916	909	909	874	948	961	993	1098
Participating 1-49 points	660	577	596	594	612	654	602	601	633	666
All Vols.	1434	1488	1512	1503	1521	1528	1550	1562	1626	1764

AWARDS HISTORY

# LOSAP Recipients	CY00	CY01	CY02	CY03	CY04	CY05	CY 06	CY 07	CY 08	CY09
	315	321	322	425	429	446	456	462	467	484

DEATH BENEFITS PAID		From FY02-05 - benefit was \$2,500					From 2005 - Present benefit is \$5,000			
	CY00	CY01	CY02	CY03	CY04	CY05	CY 06	CY 07	CY08	CY09
	21000	14500	12500	32500	30000	40000	10,141.92	35,467.66	40,885.66	72,014.96
Vol. Deaths	14	9	5	13	12	11	14	11	11	13
Survivor Deaths	5	1	5	5	8	2	2	6	4	3

Nominal Fee	CY00	CY01	CY02	CY03	CY04	CY05	CY 06	CY 07	CY08	CY09
\$200 pmt							448	447	466 @ \$300	510 @ \$300
\$300 pmt							365	385	382 @ \$500	420 @ \$500
Total No.							813	832	852	930
Total \$							\$199,100	\$204,900	\$331,200	\$363,000

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