

PS COMMITTEE #1
November 21, 2013
Update

MEMORANDUM

November 19, 2013

TO: Public Safety Committee

FROM: Essie McGuire, Senior Legislative Analyst *EWG*

SUBJECT: **Update – Code Compliance Civilianization**

Today the Public Safety Committee will receive an update from the Montgomery County Fire and Rescue Service (MCFRS) about the transition to civilian personnel in the Code Compliance unit. The following individuals are expected to participate in this discussion:

- Fire Chief Steve Lohr
- Division Chief David Steckel, Division of Risk Reduction and Training, MCFRS
- Assistant Chief Adam Jones, MCFRS
- Dominic Del Pozzo, Budget Manager, MCFRS
- Amy Wilson, Office of Management, Budget, and Planning

Background

The FY14 operating budget began a two-year process to civilianize the Code Compliance section, and assumed a savings of \$455,299 associated with abolishing nine uniform positions and creating nine civilian positions. In approving the first year budget for this plan, the Committee also expressed its intent to receive an update in the fall on the FY14 efforts, and to discuss the intended approach to the second year of this effort in FY15.

The Public Safety Committee has in recent years been very interested in civilianizing this function. Code has gone back and forth in its history, with civilianization in the early 1990s returning to uniformed positions beginning in the late 1990s. In FY10, a civilianization process was initiated but the new civilian positions were not filled due to budget restrictions, resulting in a lower overall complement of uniformed employees. In FY12, fire code inspection responsibilities for new construction were consolidated under the Department of Permitting Services (DPS) with civilian employees, leaving the responsibility for inspections of existing buildings with the uniform employees in MCFRS.

Update : FY14 and FY15

The table below shows the FY13 and FY14 approved complements of uniformed employees. While the authorized uniform positions have been abolished, the incumbent employees are being transitioned to existing vacant positions.

FY13: 18 uniformed positions	FY14: 9 uniformed positions
1 Battalion Chief	1 Battalion Chief
3 Captains	2 Captains
1 Lieutenant	
10 Master Firefighters	6 Master Firefighters
3 Firefighter III	

The Code Compliance Unit also has existing civilian employees that will continue in their roles through this process. These include 5 engineers and 4 administrative staff.

MCFRS reports that new civilian positions have been created for all uniform positions that were planned for civilianization. This consists of 17 positions, 3 Program Manager IIs and 14 Permitting and Code Enforcement Inspectors. The program managers are intended to replace the officer positions, and the inspectors are intended to replace the firefighter positions. One program manager and 3 inspectors are currently filled, and MCFRS reports that an additional 5 inspectors will be filled shortly.

MCFRS states that beginning in FY15, Code Compliance will consist entirely of civilian positions. MCFRS also intends to abolish the Battalion Chief position and replace it with a Manager III to supervise the unit. With this approach, the only remaining uniformed presence would be at the Assistant Chief level. The Assistant Chief with supervisory responsibility for Code Compliance serves as the Deputy Fire Marshal and also has supervisory responsibility for the Fire and Explosive Investigations unit.

MCFRS anticipates this transition being completed on or about July 1, 2014, or earlier as retirements, promotions, or transfers occur. As the Committee discussed in the spring, the plan remains for the uniformed positions to be abolished rather than added to the field for operations.

Update: Workload Priorities

MCFRS describes the current Code Compliance workload and work plan priorities on circles 1-2. In many recent discussions, Code Compliance has reported that the unit keeps up with its workload for its top four priorities (requests for service, known system impairments, complaints, and jurisdictional requirements), but has not been able to fully address work in less time sensitive areas.

MCFRS provided a workload breakdown on circle 2 that indicates that Code spends just over 60 percent of its time addressing issues arising from emergency scenes, complaints, and other incident follow-up. Inspections related to jurisdictional requirements comprise another 35 percent of work effort.

MCFRS reports that its effort to inspect all non-sprinklered residential high rise buildings has been completed, and that its effort to inspect all mid-rise non-sprinklered buildings is nearly complete. Council staff understands that Code Compliance will continue working through inventory assessment of commercial buildings to better determine the universe of properties that must be inspected.

Discussion Issues

The Committee may want to more fully discuss with MCFRS the rationale and expectations for the planned civilian structure in Code Compliance.

- As MCFRS indicates, the approach to fire code enforcement varies among jurisdictions in terms of uniformed and civilian composition. What are the benefits and challenges involved in this planned approach?
- Are the training requirements different for civilian employees than for the uniform inspectors? How will training time impact this transition to civilian employees?
- It may be helpful for MCFRS to further discuss its anticipation that this transition to civilian employees may increase productivity in the Code Compliance unit. Council staff notes that civilian employees generally have higher work hour availability than uniformed employees due to labor contract differences. Are there other factors that may contribute to this expectation?

- *Please provide an update on the FY14 civilianization process. What is the current approved complement for Code, both uniform and civilian? How many positions of each are filled?*

Civilian positions have been created for all 17 uniform positions that had been planned to be civilianized in FY14 and FY15. This allows Code Compliance to civilianize at a faster pace if there are unplanned retirements, transfers, or promotions. Of those 17 positions, four have been filled and five more will be filled in the coming weeks for a total of nine. One more will be filled later in the fiscal year.

The current filled complement at Code Compliance is 1 Battalion Chief, 2 Captains, 6 Master Firefighters, 1 Senior Fire Protection Engineer, 4 Fire Protection Engineers, 1 Program Manager II, 3 Permitting and Code Enforcement Inspectors, 1 Administrative Specialist, 1 Fiscal Assistant, 1 Office Services Coordinator, and 1 Principal Administrative Aide. The following positions are vacant: 2 Program Manager IIs and 11 Permitting and Code Enforcement Inspectors. Five of the Inspector positions will be filled in the coming weeks. Also, 1 Master Firefighter retires on March 30, 2014, leaving 5 Master Firefighters. At that time another inspector position will be filled and five inspector positions will be vacant.

- *What is the current plan for the Code unit in FY15? What is the ultimate intended complement for Code, and what level of uniformed presence will remain, if any? What is the anticipated timeframe for this transition? How does this model compare to other comparable jurisdictions?*

On or about July 1, 2014 5 Master Firefighters, 2 Captains, and 1 Battalion Chief will be abolished after the personnel in those positions transfer to the field. 1 Manager III will be created for the Battalion Chief position. 2 Program Manager II vacancies will be filled to replace the 2 Captain positions, and 5 Permitting and Code Enforcement Inspector positions will be filled to replace the 5 Master Firefighter positions. Some of these positions may be filled earlier because of retirements, transfers, or promotions. The complement of personnel not affected by the civilianization effort (i.e. the administrative staff and engineers) will remain unchanged. The ultimate intended complement for the inspection staff is 18. 18 civilians will ultimately replace 18 uniformed personnel. There will be no uniformed presence within the Code Compliance Section after the transition has been completed. The model being adopted compares to some jurisdictions (in both size and composition, i.e. uniformed/civilian) in the COG region and contrasts with others. The approach to fire code enforcement varies widely throughout the region.

- *Please provide an overview of the workload priorities of the Code Compliance unit. Please include approximate estimates of what percent of the unit's time is spent on each priority effort and how much backlog exists in each area. Please also address the frequency with which older buildings, particularly high rise multi family buildings, are inspected, and how these inspections are prioritized. How is the most recent reorganization of the unit expected to affect the overall workload of Code Compliance?*

The workload in Fire Code Compliance is prioritized in the following order:

1. Requests for service from Operational Fire Units.
2. Known impaired Life Safety and Fire Protection Systems and features.
3. External (public) Complaints
4. Jurisdictionally mandated/requested inspection services to include Public and Private Schools, Group Homes, Day Care facilities, etc.
5. Inspection of Buildings with Fire Protection Systems identified to have deficiencies based on annual testing.

6. Inspection of Buildings with Fire Protection Systems where FCC has no knowledge of annual testing.
7. Inspection of Buildings with no data as to whether there are Fire Protection Systems present.
8. Inspection of all other buildings.

Fire Code Compliance has successfully handled all incoming complaints from the public and requests from all Operational Units of Fire/Rescue, addressed fire protection systems which were impaired and out of service, inspected all licensed facilities up for renewal and inspected all public and private schools. For fiscal year 2013, inspection percentages are as follows:

I. Life Safety	Percentage of Total Inspections
A. Emergency Scenes and Impairments	12%
B. Complaints / Follow-Ups	50%
C. External Agency Required	
1. Public Schools	10%
2. Private Schools	3%
3. Group Homes	7%
4. Day Care	12%
5. Adoption / Foster	2%
6. Other	2%
Sub Total (1-6)	35%
Sub Total (A-C)	97%
 II. Inspection, Maintenance, and Testing Compliance	 3%
 Grand Total	 100%

The backlog of inspections is difficult to determine because data comes from different sources and must be correlated. The number of business tax paying entities (28,200) received from the Department of Economic Development is believed to be the upper limit. FCC has data on approximately 16,000 commercial properties. FCC believes that there are less than 12,000 commercial properties yet to be inspected.

Within the last twelve (12) months, more than 50% of the 66 non-fully-sprinklered residential high-rise buildings have received a site inspection from FCC personnel. FCC has initiated a program to ensure the inspection of the remaining buildings. It is expected that this will be complete in the first week of October. As for other occupancies, FCC initiates inspections according to the list of priorities above.

The most recent reorganization (and civilianization) will increase the efficiency of FCC. The first group of four (4) civilian inspectors has been hired and has received their initial training. They are currently delivering fire code compliance services in the field. The planned reorganization will allow FCC to accomplish many more inspections and address more of priorities 5 through 8 while maintaining the mandated frequency of inspections for Priorities 1 through 4.