



Montgomery County Government

AN EVALUATION OF BILL 42-87 THE TRANSFER OF CAREER FIREFIGHTERS FROM FIRE/RESCUE CORPORATIONS TO THE DEPARTMENT OF FIRE AND RESCUE SERVICES

	<u>Page</u>
I. SUMMARY AND MAJOR CONCLUSIONS/RECOMMENDATIONS	1
II. AUTHORITY, SCOPE, METHODOLOGY AND ACKNOWLEDGMENT.	3
A. Authority	3
B. Scope	3
C. Methodology	3
1. <u>Document Review</u>	3
2. <u>Interviews</u>	4
D. Acknowledgment	4
III. OVERVIEW AND ORGANIZATION OF THE REPORT	5
A. Overview	5
1. <u>History</u>	5
2. <u>Bill 42-87</u>	5
B. Organization of the Report	6
 <u>PART I</u> 	
IV. BACKGROUND TO BILL 42-87	6
A. Events Leading up to Introduction of Bill 42-87	6
B. Introduction and Enactment of Bill 42-87	7
C. Highlights of Bill 42-87	8
D. Other Significant Events During the Period	9
1. <u>Approval of new Classification/Compensation Plan</u>	9
2. <u>Release of Red Ribbon Committee Report</u>	10
3. <u>New Procedures for Appointment of Fire/Rescue Comm</u>	10
V. ORGANIZATION/OPERATION--FIRE/RESCUE SERVICES UNDER BILL 42-87	11
A. Overview	11
B. Selective County-Wide Fire/Rescue Operational Stats	12
C. The Department of Fire and Rescue Services.	16
1. <u>Overview</u>	16
2. <u>Organization and Management</u>	17
3. <u>Operational Support and Staffing</u>	18
4. <u>Personnel Administration</u>	21
5. <u>Communications</u>	23
6. <u>Fire Prevention</u>	24
7. <u>Training</u>	25
8. <u>Budget and Expenditures</u>	26
D. The Fire and Rescue Commission	38
E. The Fire Board.	41
F. The Volunteer Fire and Rescue Corporations	41

Part II

	<u>Page</u>
VI. EVALUATION OF BILL 42-87	51
A. Overview	51
B. Overall Operation of the Fire and Rescue Services	52
C. Roles and Operations of the Fire and Rescue Commission	54
D. Roles and Operations of the Fire Board	62
E. Roles and Operations of the Fire and Rescue Services	64
F. Roles and Operations of the Fire and Rescue Corporations	68
G. Cost of Providing Fire and Rescue Services	70
H. Compliance With Legislative Intent of Bill 42-87	73
I. Evaluation Summary	77
VII. RELATED MATTERS	79
VIII. CONCLUSIONS	82
IX. RECOMMENDATIONS	85
X. COMMENTS FROM AGENCIES AND CORPORATIONS	86

Exhibits

A. Bill 42-87	A-1
B. DFRS Organization	B-1
C. List of Corporations and Stations	C-1

Tables

	<u>Page</u>
1. Fire/Rescue Incidents and Dispatches	12
2. Summary of Incidents by Category	13
3. Percentage of Dispatchs by Time of Day	13
4. Dispatches by Fire/Rescue Station	14
5. Unit Response to Fire/Rescue Incidents	15
6. Staff Response to Fire/Rescue Incidents	15
7. Failures to Respond to Fire/Rescue Incidents	16
8. Fire/Rescue Staffing Levels for Primary/Other Units	22
9. Firefighter Courses - Career and Volunteer	26
9A. Emergency Medical Courses - Career and Volunteer	26
10. Total Expenditures FY86	28
11. Total Expenditures FY87	29
12. Total Expenditures FY88	30
13. Total Expenditures FY89	31
14. Comparison: Total Expenditures FY86-89	32
15. Comparison: Personnel Expenditures FY86-89	33
16. Overtime Budgeted and Actual Expenditures FY86-89	36
17. Major Vehicles Inventory by Type	44
18. Major Vehicles Assignment/Ownership by Corporation	45
19. FY90 Authorized Corporation Employee Positions	46

I. SUMMARY AND MAJOR CONCLUSIONS/RECOMMENDATIONS

A. Summary

In October 1987, the County Council enacted Bill 42-87 which provided for the lateral transfer (on January 15, 1988) of all tax-paid uniformed fire and rescue corporation employees to the County merit system, specifically, the Department of Fire and Rescue Services. The impetus behind the transfer was a court decision that, as corporation employees, the firefighter/rescuers were subject to the federal Fair Labor Standards Act and entitled to overtime compensation for work in excess of 40 hours a week.

At approximately the same time, three other events occurred which would directly impact on the implementation of Bill 42-87: approval of a new classification and compensation plan for firefighter/rescuers, release of the Red Ribbon Committee Report, and enactment of a new law which gave the County Executive authority to appoint all seven members to the Fire and Rescue Commission.

In the two years since enactment of Bill 42-87, the County continues to receive effective fire, rescue and emergency medical services. During this period:

- the Fire and Rescue Commission has moved aggressively to fulfill its major responsibilities of providing the policy and regulatory framework for the independent fire departments and rescue squads;
- the Fire Board has assumed a less visible role as an advisory body to the Fire and Rescue Commission;
- the Department of Fire and Rescue Services has reorganized and effectively fulfilled its responsibility of providing support, especially personnel support, to all components of the County's fire and rescue services; and
- the fire and rescue corporations have continued to effectively fulfill their responsibility under law for the delivery of fire, rescue and emergency medical services.

Also, in the two years since Bill 42-87 was enacted, the cost of providing fire and rescue services has increased significantly. While most of the increased expenditures result directly from Bill 42-87, there are other reasons unrelated to the transfer for part of the increase in expenditures.

Finally, for the period since Bill 42-87, the corporations report only a slight decrease in volunteer membership; while LOSAP participation in 1988 actually reflects an upward trend.

B. Major Conclusions/Recommendations

1. The County continues to receive effective fire, rescue and emergency medical services from a combined system of qualified volunteer and County merit system firefighter/rescuers. The County's combined system represents a uniquely successful example of a public-private partnership.

2. The Fire and Rescue Commission, deriving its authority from and acting on behalf of the County government, is aggressively moving to fulfill its major responsibility of establishing County-wide policies, standards, regulations, plans and programs for the fire and rescue services.

3. The Fire Board, with some legislated modifications, should continue to be the principal advisory body to the Fire and Rescue Commission on all matters concerning policies, standards, regulations, and especially, operations.

4. The Department of Fire and Rescue Services has effectively fulfilled its overall responsibility to provide support for the County's fire and rescue services.

5. The fire and rescue corporations continue to effectively fulfill their operational responsibility of delivering fire, rescue and emergency medical services to the citizens of the County.

6. The cost of providing fire and rescue services has increased significantly in the period subsequent to the enactment of Bill 42-87. Although the bulk of the increased cost of providing fire and rescue services is directly related to Bill 42-87, there are other reasons unrelated to the transfer for part of the increase in expenditures.

7. The County should continue fulfilling its responsibility for public safety through fire, rescue and emergency medical services with a combined system of public and private resources.

8. The Fire and Rescue Commission should develop a County-wide policy of assuring that the operational performance for selected emergency incidents are critiqued by the participants and formally reviewed by the Commission.

9. The Fire and Rescue Corporations should continue to be responsible for the delivery of fire, rescue and emergency medical services.

10. All components of the fire and rescue services should endeavor to achieve one of the basic goals of Bill 42-87, that is, to promote harmony between County merit system career employees and volunteers by putting aside the acrimony, suspicion, and insensitivity which have plagued the combined fire and rescue services for too long.

II. AUTHORITY, SCOPE, METHODOLOGY AND ACKNOWLEDGMENT

A. Authority

Council Resolution 11-1360, adopted April 4, 1989, subject: CY 1989 Work Program of the Office of Legislative Oversight.

B. Scope

The purpose of this report is to examine the validity of the goals and objectives of Bill 42-87, which transferred career firefighter/rescuers from the independent corporations to the Department of Fire and Rescue Services. This examination will include a description of the organization and operation of the fire, rescue and emergency medical services since enactment of Bill 42-87; and an evaluation of the impact of Bill 42-87 on the delivery of those services. In addition, the report will evaluate Section 21-4A(a), of the Bill 42-87, specifically that, "The County will vigorously support the continuation and expansion of volunteer participation as a means of providing fire, rescue and emergency medical services..."

C. Methodology

This evaluation was conducted from May through October 1989, using a variety of fact finding techniques to include:

1. Document review:

- Bill 42-87, codified under Chapter 2 and Chapter 21, Montgomery County Code. The complete file of the Bill to include the transcript of public hearing, minutes, and videotapes of Council worksessions and legislative sessions.
- Policies, regulations and procedures of the County Executive, the Fire and Rescue Commission and the Department of Fire and Rescue Services (DFRS) relating to fire, rescue and emergency medical services.
- Various reports and studies relating to these services, especially the August 1987 Report of the Red Ribbon Committee and the July 1987 Classification and Compensation Plan.
- Statistical data on a wide variety of indicators: (staffing levels; training courses; incidents, dispatches and failures to respond; budget expenditures, etc.).

2. Interviews:

- All seven current members of the Fire and Rescue Commission and key staff of the Commission.
- The Director and key staff of the Department of Fire and Rescue Services (DFRS).
- Representatives of the Fire Board and Montgomery County Volunteer Fire-Rescue Association.
- The president and/or boards of directors of 17 of 19 fire/rescue corporations.
- The Presidents' Committee and Chiefs' Committee.
- The President and Executive Board of Local #1664, Montgomery County Career Fire Fighters Association.
- Various individual career and volunteer firefighter/rescuers and private citizens.
- Directors and staff personnel of County government offices and departments who interface with fire and rescue services.
- Survey of the 18 corporations on volunteer membership and participation.*

D. Acknowledgment

The Office of legislative Oversight acknowledges the full cooperation and courteous support from all elements of the fire and rescue services. The volunteer corporations, the Fire and Rescue Commission (FRC), and the Department of Fire and Rescue Services (DFRS) provided prompt and detailed responses to all requests for data. The representatives of independent fire/rescue corporations and the many career and volunteer employees were especially candid and forthright in their comments and recommendations.

Throughout the course of this review, I was repeatedly impressed with the high dedication of County employees and volunteers to the important mission of providing fire, rescue and emergency medical services to the citizens of Montgomery County.

Finally, when interviewing so many public officials, paid career personnel, volunteers, and officials and citizens involved in fire and rescue services matters, one receives the full spectrum of feelings, opinions, sentiments and natural biases concerning the real and the perceived problems associated with the implementation of Bill 42-87. This evaluation received, examined and considered all viewpoints; however, the report solely represents the analyses, judgments and conclusions of the writer.

* During the time this report was being prepared, the Council approved the creation of the Germantown Volunteer Fire Department which was formally a part of the Hyattstown Volunteer Fire Department. Actual operations of the new department, the 19th corporation, began on October 1, 1989.

III. OVERVIEW AND ORGANIZATION OF THE REPORT

A. Overview

1. History

For most of this century, fire, rescue and emergency medical services in Montgomery County have been provided by independently chartered fire departments and rescue squads. Currently, there are 19 such corporations, the oldest, Silver Spring Volunteer Fire Department, and the youngest, Germantown Volunteer Fire Department incorporated in mid-1989. Originally staffed entirely by volunteers, the corporations have, through the years, added paid employees to their staff. Today, all corporations utilize some paid career employees.

The County has played an official role in fire and rescue matters since 1949, when a Division of Fire Protection headed by the Fire Marshall was created. Through the years, the County has played an increasing role in the area of fire and rescue services. However, all efforts to centralize services under a County fire chief, and to make paid firefighters employed by the volunteer corporations County employees, were unsuccessful.

In 1972, the Council created the Department of Fire and Rescue Services to consolidate under a director (not a fire chief) the various fire-related activities then performed by the County: the Fire Marshall, communications (centralized alert notification and dispatch services), and training.

The next major legislative action relating to fire and rescue services was in 1979 when the Council enacted Bill 15/16-79. Council Bill 15/16-79 (codified as part of Chapter 21 of the Montgomery County Code), made major changes to the organization and management of the fire and rescue services. Specifically, the bill provided for centralized policy-making in a newly created Fire and Rescue Commission; stipulated County-wide standardization of personnel administration, training and certification; directed the development of a master fire defense, rescue and emergency medical services plan; and provided for a greater degree of oversight by the Executive and Council over the use of public funds.

However, the Council did not enact into Bill 15/16-79 two major Executive recommendations: the creation of a County fire chief, and the transfer of all paid employees of the corporations to the County merit system.

2. Bill 42-87

In October 1987, the Council enacted Bill 42-87 which accomplished one of the goals of the Executive branch that failed when Bill 15/16-79 was enacted: the transfer of paid uniformed corporation employees to the County's merit system. Specifically, Bill 42-87 provided for the "lateral transfer" of uniformed fire and rescue corporation employees to the County merit system for a vacant position in the Department of Fire and Rescue Services (DFRS); reserved to County employees the right to volunteer, with certain exceptions, their services to the fire and rescue corporations; and created a volunteer recruitment and retention program in the Fire and Rescue Commission.

In addition, Bill 42-87 reaffirmed the Council's intent that the ultimate responsibility for public safety through fire, rescue and emergency services rests with the County government; and that the County's responsibility would be achieved through a combined system consisting of local fire and rescue corporations, the Fire and Rescue Commission, the Fire Board, and the Department of Fire and Rescue Services.

B. Organization of the Report

This report is organized into two parts. Part I includes a brief discussion on the events immediately leading up to enactment of Bill 42-87; a summary of other significant legislation and activities occurring at the time of Bill 42-87; and a description of the organization and operation of the components which make up the fire, rescue and emergency medical services under Bill 42-87.

Part II of the report evaluates the fire, rescue and emergency medical services in the period subsequent to enactment of Bill 42-87, and includes recommendations for legislative changes and operational improvements.

PART I

IV. BACKGROUND TO BILL 42-87

A. Events Leading up to Introduction of Bill 42-87

For the past twenty years, efforts to transfer paid uniformed fire and rescue corporation employees to the County's merit system have been a recurrent event. In the late 1960's, two bills were enacted by the Council which directed the transfer of the uniformed corporation employees and other changes to the fire and rescue services.* One bill was subsequently defeated when reconsidered by the Council; and the other was petitioned to referendum and soundly defeated in the general election in November 1968. In 1979, the Council enacted sweeping changes to the fire and rescue law; however, a specific recommendation by the Executive to transfer all paid uniformed corporation employees to the County was not enacted.

During this same time frame there was also an effort in the courts to equate paid uniform corporation employees with county merit system employees for purposes of receiving equal benefits, specifically, overtime pay for the 8 hours firefighters were required to work each week in excess of the

* The fire and rescue service is commonly understood to include all services relating to fire suppression, rescue operations, and emergency medical and ambulance service; and the organizations, operations and administrative support functions associated with these services. Unless otherwise stated, this report will use the term "fire and rescue services" to include all the above services and activities.

standard 40 hours that County employees worked. A 1978 court Opinion and Order in a class action suit, Hardy vs. Montgomery County, stated that the firefighters were not employees of Montgomery County, but were employees of the individual "departments and rescue squads where they were assigned".

In 1985 approximately 500 paid uniformed corporation employees filed administrative claims requesting overtime compensation under the Federal Fair Labor Standards Act (FLSA). The County sought an opinion from the Department of Labor (DOL) as to whether the Federal regulations provided an exemption from overtime payments to firefighters employed by corporations because they were a "public entity". In March 1986, DOL issued a finding that corporations were not public entities under FLSA, and concluded that the firefighters were entitled to overtime compensation after working 40 hours a week. Because the County did not react to the DOL opinion and provide the firefighters with the overtime compensation, the firefighters filed suit in the U.S. District Court.

The case, Norman C. Conway, Inc., et. al. vs. Takoma Park Volunteer Fire Department, et. al., named fourteen other corporations as defendant.* In July 1987, the District Court found that these corporations were not public entities, and that their paid uniformed employees were subject to the FLSA and were entitled to compensation for work in excess of 40 hours a week. (Note: The Court has set a trial date of February 12, 1990 as it has still to rule on matters which will affect the amount of damages the plaintiffs are entitled to receive.)

The immediate impact of the Court decision on the corporations was that some started paying their uniformed employees for work in excess of 40 hours a week, while others reduced the employees' hours of employment to 40 hours.

B. Introduction and Enactment of Bill 42-87

On August 13, 1987, the Council, at the request of the County Executive, introduced Bill 42-87 as emergency legislation to amend Chapters 2 and 21 of the Montgomery County Code to make the uniformed corporation employees who perform fire, rescue and emergency services, County merit system employees of the Department of Fire and Rescue Services (DFRS). As County merit system employees, the former employees of private independent corporations would now be employees of a public agency, the County, and would not be subject to the FLSA requirement for overtime compensation for work in excess of 40 hours a week. The Executive branch further requested that the Council expedite consideration of the Bill because, by their estimate, to pay overtime to corporation employees for work over 40 hours would cost in excess of \$50,000 per week in fire tax funds.

* Of the 18 fire/rescue corporations existing at that time, three were not defendants in the case: Bethesda-Chevy Chase Rescue Squad and Damascus Volunteer Fire Department did not have firefighter/rescuers employees paid with fire tax funds; and the Conduit Road Fire Board, Inc. (Glen Echo Fire Department) was judged to be a public entity since the Board members were publicly elected.

Over the next two months, the Council conducted a public hearing and several worksessions on Bill 42-87. The Council staff, appropriate Executive staff, and most of the corporations, some represented by counsel, provided the Council with information, fiscal and economic data and numerous position papers. On October 15, 1987, after an intense legislative session lasting almost five hours, the Council unanimously enacted as emergency legislation an amended Bill 42-87.

C. Highlights of Bill 42-87

The highlights of Bill 42-87 included the following (see Exhibit A for a copy of the entire Bill):

1. Provided for the lateral transfer (on January 15, 1988) of tax-paid uniformed fire and rescue corporation employees to the County merit system;
2. Authorized the Department of Fire and Rescue Services (DFRS) to employ, supervise, allocate and assign employees in firefighter/rescuer occupational services to the fire and rescue corporations;
3. Authorized the levy of taxes in the various fire tax districts to pay for personnel services rendered by DFRS employees assigned to the individual and consolidated fire tax districts;
4. Prohibited the discrimination against volunteer firefighters in the Integrated Emergency Command structure;
5. Reserved to County employees the right to volunteer, with certain exceptions, their services to the fire and rescue corporations; and
6. Required the Fire/Rescue Commission to supervise a "program officer for volunteer recruitment and retention", commonly referred to as the Volunteer Coordinator.

In addition, Bill 42-87 reaffirmed the Council's intent that:

1. The ultimate responsibility for public safety through fire, rescue and emergency services rests with the County government; and
2. The objectives of an effective, efficient and reliable fire, rescue and emergency service are achieved through a combined system (emphasis added) consisting of the following four public and private resources:
 - Local Corporations. Delivery of fire, rescue and emergency medical services through local corporations for as long as such corporations are willing and able to provide these services;

- Fire and Rescue Commission. The provision of the policy and regulatory framework for the independent fire departments and rescue squads by the adoption of County-wide policies, standards, procedures, plans and programs by the Fire and Rescue Commission, deriving its authority from and acting on behalf of the County government.
- Fire Board. The provision of policy advice to the Fire and Rescue Commission by a Fire Board representing the independent fire departments and rescue squads.
- Department of Fire and Rescue Services. The provision of personnel and other support, to include training, communications, alert notification, fire prevention and code enforcement by the Department of Fire and Rescue Services.

D. Other Significant Events During the Period

During the same period that the suit was working its way through the legal system, three other events were occurring which would directly impact on the implementation of Bill 42-87: County approval of a new classification and compensation plan, release of the Red Ribbon Committee report, and the adoption of new procedures for the appointment of members to the Fire and Rescue Commission.

1. Approval of a new Classification and Compensation Plan

In early July 1987, the Fire and Rescue Commission, under authority of Chapter 21, MCC, approved a new Classification and Compensation Plan for the fire and rescue services. This plan resulted in the creation of a new classification structure and three new classes: Fire/Rescue Chief I, Master Firefighter/Rescuer, and Firefighter/Rescuer I. In addition, the plan provided revised detailed classification decisions on the other ten fire and rescue uniformed classes.

In late July 1987, the Chief Administrative Officer approved a new staffing complement for DFRS employees in the ranks of Master Firefighter/Rescuers, Fire/Rescue Sergeant, Fire/Rescue Lieutenant and Fire/Rescue Captain.

The immediate result of the Classification and Compensation Plan and the new staffing complement was the creation of 168 Master Firefighter/Rescuers and an additional, but lesser, number of Sergeants, Lieutenants and Captains. The combination of the newly created positions and the increased grades required by the new Classification and Compensation Plan resulted in increased salaries and fringe benefits, which, in turn, increased the overall cost to the County of providing fire and rescue services.

2. Release of the Red Ribbon Committee Report

Also in July 1987, the Red Ribbon Committee Report was issued. Appointed by the County Executive, the Red Ribbon Committee had been charged with studying the fire and rescue services and providing recommendations on specific issues, one of which was making all tax-paid uniformed corporation personnel County employees.

Among the many recommendations of the Red Ribbon Committee, three related directly to the provisions of Bill 42-87 enacted three months later:

- Reaffirmed the Council's earlier legislative intent (Bill 15/16-79) that the ultimate responsibility for delivery of fire, rescue and emergency medical services rested with the County government;
- Concurred with the County Executive's judgment that one of the core elements of the fire and rescue services was that such services should be provided by volunteers, augmented by career personnel; and
- Concurred with another County Executive position that all tax-paid uniformed personnel should be employed by the County government rather than by the corporations.

When testifying at the public hearing for Bill 42-87, the Executive's representative emphasized that Bill 42-87 included no proposals of the Red Ribbon Committee "other than those which coincidentally address the employment status of firefighters".

3. Adoption of new procedure for the appointment of members to the Fire and Rescue Commission

In August 1985, a County Attorney opinion (No. 85.011) concluded that the statutory procedure for the appointment of members to the Fire and Rescue Commission was invalid because it violated Section 215 of the Montgomery County Charter. Specifically, Section 215 requires the County Executive to appoint all members of boards and commissions except for those which advise the Council. However, the appointment process established in Bill 15/16-79 permitted the Fire Board to select five of the seven members of the Commission with the County Executive selecting only the other two members. All seven appointments were subject to Council confirmation.

A resolution of the problem was first attempted by the Council with the introduction of a corrective legislation; however, before action was taken on that bill, the issue was presented to the voters in the form of a Charter amendment on the November 1986 ballot. The ballot issue, "Question E", would authorize the Council to modify the appointment process in the Charter to permit the Fire Board to continue appointing five members to the Fire and Rescue Commission. The charter amendment was defeated.

In March of 1987, the Council enacted Bill 8-87, amending Chapter 21-4C to establish a procedure whereby the County Executive appoints all seven members under Section 215 of the Charter. This new procedure went into effect in June 1987. In August 1987, a new seven-member Commission was appointed by the Executive and confirmed by the Council, and immediately initiated a number of actions, which, as will be described in this report, had an impact on the implementation of Bill 42-87.

V. ORGANIZATION AND OPERATION OF THE FIRE AND RESCUE SERVICES UNDER BILL 42-87

A. Overview

Bill 42-87 legislated only two changes to the organization and operation of fire and rescue services in Montgomery County as established in late 1979 when the Council enacted Bill 15/16-79. The first change was to transfer all uniformed employees* of the fire and rescue corporations who were paid with fire tax funds from those corporations to the County merit system in the Department of Fire and Rescue Services (DFRS). The second was to create a program officer for volunteer recruitment and retention under the direct supervision of the Fire and Rescue Commission.

In addition, Bill 42-87 specifically reiterated the statement of legislative intent of Chapter 21 (Bill 15/16-79) to re-emphasize the Council's policy that effective, efficient and reliable fire, rescue and emergency services continue to be achieved through a combined system. Bill 42-87 did not alter the authority and responsibility of the corporations to actually deliver fire, rescue, and emergency services; nor did the Bill change the responsibility of DFRS to support the corporations, other than to add personnel support.

This chapter of the report will first present selective fire and rescue operational statistics for the period prior to and since enactment of Bill 42-87. Following the statistical presentation is a presentation of the highlights of the impact of Bill 42-87 on the four major components of the fire and rescue services: DFRS, the Fire and Rescue Commission, the Fire Board and the volunteer fire and rescue corporations.

* Prior to Bill 42-87, paid employees of the corporations who actually performed fire, rescue and emergency medical services were referred to as "career" or "uniformed" employees so as to differentiate them from paid corporation employees who performed administrative duties and from volunteer firefighter/rescuers. For the purpose of this report, the terms "career" employees and "volunteers" are used when referring to former career corporation employees who when transferred to the County became County merit system employees, and to unpaid members of the fire and rescue corporations, respectively.

B. Selective County-wide Fire and Rescue Operational Statistics

The seven tables on the following pages present selective County-wide fire and rescue operational statistics for calendar year 1987, calendar year 1988, and the first half of calendar year 1989. Because the transfer of career personnel under Bill 42-87 occurred on January 15, 1988, these statistics compare the last year (1987) that career personnel were corporation employees, with the first year (1988) that career personnel were DFRS employees. In addition, the first-half of 1989 is also presented.

When analyzing the seven tables on this and subsequent pages, the following definitions apply:

- Incident: A specific event for which an individual identification number is assigned by the Emergency Communications Center (ECC).
- Dispatch: Alert notification to a station or stations to send one or more pieces of equipment to respond to an incident.
- Responding unit: An individual piece of apparatus dispatched to an incident.
- Responding staff: The actual number of personnel--career and volunteer--on the responding unit.
- Responding Unit hours: The actual hours that unit was out of the station responding to an incident.
- Failure to respond: Failure of an alerted piece of apparatus to respond to an incident due to mechanical failure, lack of personnel or other reasons, requiring dispatch of another piece of apparatus.

Table 1

Fire and Rescue Incidents and Dispatches
CY 1987, CY 1988, and First-Half of CY 1989
With CY 1987-CY 1988 Comparison

	CY 1987	CY 1988	CHANGE CY 87 to CY 88	% CHANGE CY 87 to CY 88	CY 1989 JAN - JUN
Incidents	62063	64315	2252	3.6%	30795
Dispatches	70222	72096	1874	2.7%	34716

Source: DFRS County Fire Incident Reporting System.

Table 2

Summary of Incidents by Category
CY 1987, CY 1988 and First-Half of CY 1989
With CY 1987 - CY 1988 Comparison

	CY 1987 (%) ¹⁾	CY 1988 (%) ¹⁾	CHANGE CY 87 to 88	% CHANGE CY 87 to 88	CY 1989 JAN - JUN (%) ¹⁾
Fires	3669 (6%)	3759 (6%)	90	2.5%	1519 (5%)
False Alarms	4146 (7%)	4335 (7%)	189	4.6%	1978 (6%)
Ambulance/Rescue	37078 (60%)	37910 (59%)	832	2.2%	18407 (60%)
Explosion/Ruptures	122 (<1%)	144 (<1%)	22	18.0%	42 (<1%)
Hazardous Conditions	3058 (5%)	2951 (5%)	-107	-3.5%	1462 (5%)
Good Intent Calls ²⁾	10791 (17%)	11596 (18%)	805	7.5%	5601 (18%)
Other Calls ³⁾	2553 (4%)	2814 (4%)	261	10.2%	1354 (4%)
Service Calls ⁴⁾	643 (1%)	799 (1%)	156	24.3%	424 (1%)
Missing Data	3 (<1%)	7 (<1%)	4	133.3%	8 (<1%)
Total Calls	62063 (100%)	64315 (100%)	2252	3.6%	30795 (100%)

- 1) Percentage of total calls for the specific calendar year (CY).
- 2) No emergency, but caller believes there is one (steaming heat pump; activated smoke detector; sleeping person slumped over in a vehicle).
- 3) A major training detail such as an intentional burning of a house.
- 4) Person stuck in elevator; child locked in bathroom; parent locked out of home with an unattended child inside.

Source: DFRS County Fire Incident Reporting System.

Table 3

Percentage of Dispatches by Time of Day
CY 1987, CY 1988, and First-Half of CY 1989

Dispatch Period	1987	1988	1989
Daytime: 7 a.m. - 5 p.m.	40.4%	40.2%	40.9%
Evening: 5 p.m. - 12 a.m.	40.8%	41.5%	41.5%
Night: 12 a.m. - 7 a.m.	15.0%	14.9%	14.3%
No record of time:	<u>3.8%</u>	<u>3.4%</u>	<u>3.3%</u>
Total dispatches:	100%	100%	100%

Source: DFRS County Fire Incident Reporting System.

Table 4

Dispatches by Fire and Rescue Station
CY 1987, CY 1988 and First-Half of CY 1989
With CY 1987 - CY 1988 Comparison

Station	1987	1988	CHANGE CY 87 to 88	% CHANGE CY 87 to 88	CY 1989 JAN - JUN
1*	3072	4194	1122	36.5%	2240
2*	2830	2907	77	2.7%	1381
3	3258	3328	70	2.1%	1518
4*	894	960	66	7.4%	379
5	1673	1992	319	19.1%	855
6*	952	989	37	3.9%	483
7*	571	602	31	5.4%	291
8*	3776	4829	1053	27.9%	2729
9	605	629	24	4.0%	268
10	1133	1169	36	3.2%	628
11	1489	1482	-7	-0.5%	772
12*	736	1912	1176	159.8%	1365
13	643	1071	428	66.6%	551
14	669	732	63	9.4%	312
15	1689	1788	99	5.9%	817
16*	2350	2204	-146	-6.2%	1061
17	828	859	31	3.7%	417
18	743	793	50	6.7%	307
19*	828	694	-134	-16.2%	296
20	755	687	-68	-9.0%	320
21*	1938	2113	175	9.0%	1077
23*	2963	2993	30	1.0%	1472
24*	1663	1738	75	4.5%	837
25*	1208	1909	701	58.0%	1290
26*	820	844	24	2.9%	392
28*	1730	1810	80	4.6%	809
29	2267	2348	81	3.6%	1159
30*	806	812	6	0.7%	418
31	2169	2314	145	6.7%	1139
33	1023	1092	69	6.7%	563
40*	1362	1381	19	1.4%	643
R1	5146	6008	862	16.8%	3428
R2	4556	4527	-29	-0.6%	2214
Other**	13077	8386	-4691	-35.9%	2285
TOTAL	70222	72096	1874	2.7%	34716

Notes: * In these 17 stations, the minimum FRC-directed staffing levels for primary units (engines, trucks, squads, medic units and ambulances) are met by career personnel 24-hours every day. (For a list of stations and corporations, see Exhibit C.)

** Included in this "Other" category are two groups of dispatches. The first group includes non-primary units (DFRS Chiefs, Fire Marshalls, vans, boats, etc.) which, when dispatched, are not identified with a particular station. The second group includes dispatches from other jurisdictions or Federal installations which provide mutual aid.

Table 5

Unit Response to Fire and Rescue Incidents
CY 1987, CY 1988 and First-Half of CY 1989
With CY 1987 - CY 1988 Comparison

	CY 1987	CY 1988	CHANGE CY 87 to 88	% CHANGE CY 87 to 88	CY 1989 JAN - JUN
Incidents	62063	64315	2252	3.6%	30795
Responding Units	115635	117751	2116	1.8%	57109
Responding Unit Hours	118052	119317	1265	1.1%	57054
Average Number Units	1.86	1.83	-	-	1.85
Average Number Hours	1.90	1.86	-	-	1.85

Source: DFRS County Fire Incident Reporting System.

Table 6

Staff Response to Fire and Rescue Incidents
CY 1987, CY 1988 and First-Half of CY 1989
With CY 1987 - CY 1988 Comparison

<u>Total</u>	CY 1987 (%)	CY 1988 (%)	CHANGE CY 87 to 88	% CHANGE CY 87 to 88	CY 1989 JAN - JUN (%)
Staffing (# of Personnel)	224610 (100%)	225709 (100%)	1099	0.5%	107114 (100%)
Career Staffing	149783 (67%)	160703 (71%)	10920	7.3%	77896 (73%)
Volunteer Staffing	74827 (33%)	65006 (29%)	-9821	-13.1%	29218 (27%)
Incidents	62063	64315	2252	3.6%	30795
Avg. Total/Incidents	3.62	3.51			3.48
Avg. Career/Incidents	2.41	2.50			2.53
Avg. Volunteer/Incidents	1.21	1.01			0.95

Source: DFRS County Fire Incident Reporting System.

Table 7

Failures to Respond to Fire and Rescue Incidents
CY 1987, CY 1988 and First-Half of CY 1989
With CY 1987 - CY 1988 Comparison

	CY 1987	CY 1988	CHANGE CY 87 to CY 88	% CHANGE CY 87 to CY 88	CY 1989 JAN - JUN
Fire & Rescue Dispatches	70222	72096	1874	2.7%	34716
Failure to Respond	1029	739	-290	-28.2%	435
Failure Frequency	1 to 68	1 to 98	-	-	1 to 80
Failure Rate	.01	.01	-	-	.01

Source: DFRS County Fire Incident Reporting System.

C. The Department of Fire and Rescue Services

1. Overview

Three months after Bill 42-87 was enacted, 620 paid operational employees were transferred from the corporations to the Department of Fire and Rescue Services (DFRS). Prior to the transfer, DFRS had a complement of approximately 150 employees, half of whom were part-time. On January 15, 1988, DFRS acquired the former corporation career employees and also the responsibility to recruit, hire, train, pay, supervise, discipline, allocate and assign these employees.

The first order of business for DFRS in the three months between October 15, 1987, when Bill 42-87 was enacted, and January 15, 1988, when the transfer of the career employees was effective, was to establish an appropriate organizational structure and develop departmental policies, regulations and procedures for the management and personnel administration of the greatly enlarged department complement. In addition, the new personnel support role of DFRS necessitated the expansion of the Department's traditional operational support functions of training, communications, fire prevention and code enforcement. Finally, DFRS had to fulfill a specific requirement of Bill 42-87 to develop policies and regulations to facilitate the integration of the management of the then 18 fire and rescue corporations and the DFRS chain-of-command.

How DFRS met these tasks is highlighted below under the following major categories:

- Organization and Management
- Operational Support and Staffing
- Personnel Administration
- Communications
- Fire Prevention
- Training
- Budget and Expenditures

2. Organization and Management

With the transfer of 620 career firefighters and rescuers from the corporations to DFRS, the Department became the third largest agency in County government, with employees located at 37 different work sites. To manage this significantly enlarged department, a new organizational structure was created (see Exhibit B) composed of a civilian director to provide overall management and policy direction, and four operating bureaus. Two of the bureaus, Fire Prevention and Field Support Services, provide operational direction and supervision to functions DFRS was responsible for prior to Bill 42-87: alert notification, communications, emergency management, training, fire prevention, code enforcement and fire investigations. A third bureau, Administrative Services, was created to administer the newly created and expanded functions resulting from the enactment of Bill 42-87: personnel administration, budget preparation and oversight, media relations, property control and automated systems management. The fourth bureau, Operations, was created to administer the major support mission of DFRS: management of the almost 800 career operational firefighters and rescuers who staff the apparatus at the fire and rescue corporations.

Management of DFRS personnel is facilitated through a military-type chain-of-command from a Director and First Deputy Chief, through a number of chief officers and line officers to the firefighter/rescuers. The career chief officers from the corporations were placed in management positions in the DFRS organization. With the approval of the FY 1990 budget, a total of 12 chief officers are authorized, which includes a newly created position of First Deputy Chief to the civilian Director.

Within the Bureau of Operations, the chain-of-command includes rotating 24-hour shift operation chiefs, four district chiefs and one EMS division assistant chief, and 22 captains, many of whom serve as senior career officers in most of the corporations during the weekday period. The 24-hour shift operations chiefs serve a number of duties: after-duty-hours representative of DFRS, press relations, hazardous material (HAZMAT) command officer and command assistance to corporations when requested. The positions of lieutenant, sergeant, master firefighter/rescuer and firefighter/rescuers III, II and I completes the chain-of-command.

The actual delivery of emergency fire, rescue and medical services remains the responsibility of the local fire/rescue corporations. To facilitate the delivery of these services by the corporations utilizing a

combination of volunteer and County merit system firefighter/rescuers, Bill 42-87 redirected the Fire and Rescue Commission (FRC) to adopt an integrated emergency command structure. That structure, currently contained in FRC Administrative Procedure 20-01, is in the process of being republished in FRC Regulation No. 35-89. Bill 42-87 also directed the promulgation of executive regulations to provide for the integration of the corporations' management into the DFRS chain-of-command.

In April 1988, the Council approved Executive Regulation No. 44-87E. This regulation fulfilled the requirement by directing the establishment of agreements between the corporations and DFRS wherein the Director, DFRS, delegates day-to-day supervision to the senior County merit system firefighter/rescuer, usually a captain; and each corporation board of directors designates a corporation officer to give directions on the management of corporation activities and facilities.

3. Operational Support and Staffing

Prior to passage of Bill 42-87, the fire and rescue corporations accomplished their mission of delivering fire, rescue and emergency medical services with a combination of volunteers and corporation career employees under the operational control of the corporations, using fire/rescue apparatus* titled either to the corporation or to the County. The minimum level of "staffing" of the primary units of apparatus was set by the Fire and Rescue Commission, with the individual corporations making the personnel assignments to specific pieces of apparatus. When shortages of corporation career personnel occurred because of leave, illness, position vacancies, lapse in hiring, training commitments and the like, the shortages were usually covered by qualified firefighter/rescuers volunteering or by hiring qualified volunteers as "casual labor" at an hourly wage considerably less than the standard wage rate paid career corporation employees. However, if volunteers were not available, or funds for volunteer casual labor or career overtime were exhausted, the primary units either responded with less than minimum staffing or were "scratched" and replaced by a unit from another station.

With the transfer of corporation employees to DFRS under Bill 42-87, the corporations retained operational responsibility for the delivery of services; however, DFRS assumed responsibility for staffing the corporations with the necessary qualified career personnel to meet the minimum level of staffing as directed by the Fire and Rescue Commission (FRC).

At the time the Council was debating Bill 42-87, an amendment was defeated which would have required DFRS to maintain staffing in the 33 corporation stations at levels not less than those which existed prior to the transfer. Although the amendment failed, OMB and DFRS made an oral commitment not to reduce the level of staffing on primary units after the transfer of career personnel. As will be discussed later in this report, one of the major reasons for increased expenditures for overtime in FY 1988 and FY 1989 is due to DFRS fulfilling this commitment to maintain FRC-directed minimum staffing levels on primary units.

* The term "apparatus" refers to all fire and rescue vehicles (engines, ladder trucks, rescue squads, medic units, ambulances, extrication units, brush trucks, tank wagons and special units such as a boat) located in the 33 stations of the 19 corporations. However, only a select number of apparatus are designated as "primary units" to be the station's first response unit.

Before examining the actual staffing levels in each corporation, a brief discussion of personnel staffing is important. Prior to Bill 42-87, the Fire and Rescue Commission established levels of "desirable" and "minimum" staffing of qualified personnel (volunteer and/or career) on fire and rescue apparatus. The Commission's staffing levels were promulgated as adopted motions during Commission meetings. The following current staffing levels are the same as those which were in effect at the time Bill 42-87 was under discussion:

- Desired* staffing levels: Number of qualified personnel for optimum staffing for the following primary units:
 - Engines, trucks and squads: four
 - Mobile Intensive Care Units (MICU): three
 - Ambulance: two

- Minimum* staffing levels: Number of qualified personnel for minimum staffing for the following primary units:
 - Engines, trucks and squads: three
 - MICU: two
 - Ambulance: two

When assuming responsibility for staffing of primary units in January 1988, DFRS was confronted with approximately 110 full time position vacancies, which was approximately 15% of the authorized complement of fire/rescue personnel. There were two primary reasons for this high number of vacancies. The first was the loss of 72 uniformed corporation employees who elected discontinued service retirement rather than transfer to County employment. The second, was the approximately 40 position vacancies which existed in the corporations at the time of the transfer.

In the months subsequent to the transfer, DFRS has hired 194 personnel. Included in that number are 60 who were volunteers and 15 who were high school cadets. The remaining 119 were newly recruited personnel. As of this writing, approximately 10 percent of the authorized FY 1990 personnel complement of 791 full-time operational firefighter/rescuers are vacant. These vacancies are the result of an increased authorization of 15 firefighter/rescuers in various ranks from recruit to captain in the FY 1989 budget, an increase of 64 positions in the FY 1990 budget, and normal retirements.

* When DFRS became responsible under Bill 42-87 for staffing primary units in January 1988, it published the FRC staffing levels in DFRS Directive #1005. Other than changing the FRC titles from "desired" to "standard" and from "minimum" to "substandard", the numbers of personnel remained the same for each type of apparatus.

At Table 8 (on page 22) is the June 30, 1989, unit staffing requirements for primary units for each station. To meet these staffing requirements, DFRS has instituted a system whereby shift schedules for a specific day are prepared by a scheduling officer in each of the four districts nine days in advance. The schedule is refined on successive days to cover vacancies as they become known, with final shift assignments made prior to 7:00 a.m. of the specific day.*

Because of the large number of personnel vacancies in the uniformed positions since the transfer, and its policy of staffing to the FRC-directed minimum levels, DFRS has had to temporarily assign personnel to cover personnel shortages. This temporary assigning or "detailing" of career personnel is also necessary to balance the day-to-day fluctuations in station staffing caused by employee absences due to normal leave, illness, emergencies, training, and other legitimate reasons. Finally, DFRS has also used temporary detailing for personnel developments and experience. While this detailing has enabled the County to maintain a high level of operational readiness, it has not been without some undesirable consequences in the areas of operational efficiency and costs.

- Operational Efficiency. The detailed firefighter/rescuer must quickly become familiar with the new station's response procedures, and, in the case of a primary unit officer or a driver, with the station's geographical response area and routes. At best, unfamiliarity with the response area has contributed to the stress which is characteristic of the fire/rescue services; at worst, it has resulted in a few units getting lost or delayed in responding to an incident, usually because the most direct route was not followed. In addition, detailing weakens the team effort in that the detailed firefighter/rescuer is unfamiliar with the strengths and weaknesses of the other personnel on the primary unit.

- Costs. Because DFRS is already below its authorized strength, practically all personnel placed on temporary detail are off-duty firefighter/rescuers, who, except for officers in the grade of captain and above, are compensated at an overtime rate. (A detailed description on DFRS overtime expenditures is presented later in this chapter.)

The County has a total of 33 stations, 31 fire stations and two rescue squad stations. All primary units (and selective other units) in 17 of the 31 fire stations are staffed at the minimum level by DFRS career personnel 24-hours every day. In the remaining 14 fire stations and the Wheaton Rescue Squad (R2), DFRS staffs primary units at the minimum level only during the five weekdays. At all other times (nights and weekends), and for the other pieces of apparatus in the fire station (brush trucks, extraction units, etc.), the volunteer corporations are responsible for providing qualified personnel to meet minimum staffing levels with volunteers and/or career personnel.

* In DFRS, personnel in the Bureau of Operations work a 48-hour week or 2496 hours annually. Most work a rotating shift of 24 hours on-duty and 48 hours off, with the remainder working straight day work, either five 10-hour days (two at 9-hours) or four 12-hour days. Communications personnel work a 42-hour week. The Bureau of Fire Prevention, the Training Division of the Bureau of Field Support Services, and the non-uniformed personnel (Bureau of Administrative Services, Emergency Management, and Planning and Research) work a 40-hour week.

In a special category is the Bethesda-Chevy Chase Rescue Squad (R1). DFRS augments the volunteer corporation by staffing two positions during the five weekdays. At all other times, volunteers and rescuers paid with volunteer funds totally staff all primary units. Table 8 on the next page reflects the primary unit staffing at all 33 stations.

When making up the daily shift schedules, DFRS will consider the occasional availability of volunteers provided there is a pre-agreed arrangement. An example of such an arrangement would be a corporation scheduling a specific period, usually a 12-hour or 24-hour shift, when volunteers would be present to staff some or all of the primary units. For those situations, DFRS makes scheduling changes to accommodate the presence of volunteers. An example of an arrangement is the situation in the Upper Montgomery County station where volunteers of the corporation staff the Medic Unit for a specific time period each week. In this arrangement, DFRS is able to detail the career medic to another station for that period the volunteer medic is present in the Upper Montgomery County station.

There are numerous occasions, especially at night and on weekends, when volunteers are present in stations that are fully staffed by career personnel. When the station is alerted, volunteers either replace career personnel on the apparatus, augment the career personnel by riding in an empty seat on the unit, thus providing a higher level of staffing, or respond to the incident on a piece of back-up apparatus or a separate "chase vehicle".

4. Personnel Administration

On January 15, 1988, 620 tax-paid uniformed corporation employees were transferred to the Department of Fire and Rescue Services (DFRS). At the same time, DFRS became responsible for the myriad of personnel administrative functions associated with personnel management and administration which, prior to the transfer, were performed by each of the corporations: recruiting, hiring, assigning, discipline, pay, promotion/demotion, etc.

To perform these personnel management functions, DFRS set up a separate Bureau of Administrative Services and developed and implemented a number of standard personnel procedures, to include:

- Uniform fire and rescue services indoctrination and basic training in formal recruit classes;
- Probationary program to allow the employee and DFRS an opportunity for evaluation;
- An ability for transfer among the 33 fire and rescue stations and the DFRS' Bureaus;
- County-wide promotional opportunities;

Table 8

Fire and Rescue Staffing Levels
For Primary and Selective Other Units
As of June 30, 1989

STA. NO.	UNIT STAFFING							CAREER ^a		VOLUNTEER ^b	
	Standard (Desired) / Actual (Minimum)							Actual Staffing		Necessary Staffing	
	EN	TR	SQ	ME	AM	OT	TOTAL	DAY	NIGHT	DAY	NIGHT
1*	4/3	4/3	-	3/2	2/2	-	13/10	10	10	3	3
2*	4/3	4/3	-	-	2/0	-	10/6	6	6	4	4
3	4/3	4/3	4/3	3/3	2/2	-	17/14	14	3	3	14
4*	4/3	-	-	3/2	-	-	7/5	5	5	2	2
5	4/3	4/3	-	-	2/2	1/1	11/9	9	1	2	10
6*	4/4	4/4	-	-	-	1/1	9/9	9	9	0	0
7*	4/4	-	-	-	-	1/1	5/5	5	5	0	0 ^c
8*	4/3	4/3	-	3/3	2/2	-	13/11	11	10	2	2
9	4/3	-	4/0	-	2/2	-	10/5	5	0	5	10
10	4/3	-	-	-	2/2	-	6/5	5	3	1	3
11	4/3	4/3	-	-	2/2	-	10/7	7	6	3	4
12*	4/3	-	-	3/2	-	-	7/5	5	5	2	2
13	4/3	-	-	3/0	2/2	1/0	10/5	5	2	5	8
14	4/3	-	-	3/0	2/2	1/0	10/5	5	1	5	9
15	4/3	-	4/1	-	2/2	-	10/6	6	4	4	6
16*	4/3	-	-	-	2/2	-	6/5	5	5	1	1
17	4/2	-	-	-	2/2	1/1	7/5	5	0	2	7
18	4/3	4/3	-	-	-	-	8/6	6	1	2	7
19*	4/3	4/3	-	-	-	1/1	9/7	7	7	2	2
20*	4/3	4/4	-	-	-	1/1	9/8	8	8	1	1 ^c
21	4/3	-	4/3	-	2/2	-	10/8	8	5	2	5
23*	4/3	4/3	-	3/2	-	-	11/8	8	8	3	3
24*	4/3	4/3	-	-	2/1	-	10/7	7	7	3	3
25*	4/3	4/3	-	3/2	-	-	11/8	8	8	3	3
26*	4/4	4/4	-	-	-	-	8/8	8	8	0	0
28*	4/3	-	-	-	2/2	-	6/5	5	5	1	1
29	4/3	4/3	-	3/2	-	-	11/8	8	4	3	7
30*	4/3	-	-	3/3	-	-	7/6	6	6	1	1
31	4/3	-	-	-	2/2	-	6/5	5	3	1	3
33	4/3	-	-	-	2/2	-	6/5	5	3	1	3
40*	4/3	-	-	-	2/2	-	6/5	5	5	1	1
R1	-	-	4/0	3/2	2/0	-	9/2	2	0	7	9
R2	-	-	4/3	3/3	2/2	-	9/8	8	0	1	9
TOTALS:	124/95	60/48	24/10	39/26	42/36	8/6	297/221	221	153	76	143

Notes: EN=Engine, TR=Truck, SQ=Squad, ME=Medic Unit, AM=Ambulance, OT=Other.

* In these 17 fire stations the minimum level of staffing is met by career personnel 24 hours every day.

^a Merit system employees staffed by DFRS to meet actual (minimum) level of staffing).

^b Volunteers necessary to meet standard (desired) level of staffing.

^c The Chevy Chase and Bethesda Fire Departments do not have volunteers.

Source: DFRS Bureau of Operations.

- Standard administrative policies and procedures addressing such issues as code of conduct, grievances, disciplinary actions, leave utilization, and pregnancy leave;
- Consistent application of County personnel policies, such as the Personnel Regulations, the Classification and Compensation Plan, and the Employee Performance Award program; and
- Affirmative action and equal employment opportunity goals.

Affirmative Action. The overall representation of minorities and females in the career fire and rescue services has increased since the transfer. At the time of the transfer, there were 97 minority/female career firefighter/rescuers or 13.4% of the January 1988 assigned career workforce. As of August 1989, the number of minority/female uniformed personnel has increased to 201 or 23.8% of the assigned uniformed workforce of 844. The increase in minorities and females has been accomplished primarily through recruit hiring. Since January 15, 1988, DFRS has hired 191 personnel (to include Recruit Class IV which graduated in December 1989), of which 119 or 61% have been minorities and/or females.

Collective Bargaining. The transfer of operational firefighters and rescuers from 17 fire and rescue corporations to a single County department facilitated the formal recognition of collective bargaining for firefighter/rescuers. Career firefighters and rescuers have been organized since 1964; however, their organization was not recognized by the County, even under the earlier meet-and-confer program. One month after the Council passed Bill 42-87, the Council enacted Emergency Bill 48-87, which established a fire/rescue unit for collective bargaining.

The bargaining unit selected by secret ballot by the eligible fire/rescue personnel and recognized by the County is Local #1664, Montgomery County Career Fire Fighters Association of the International Association of Fire Fighters, AFL-CIO (Union). The Union represents fire/rescue employees in the rank of Master Firefighter/Rescuer and below who are involved with fire suppression, fire protection, communications, training, rescue and emergency medical services. The first collective bargaining agreement entered into by the County and Local #1664 became effective on July 1, 1989.

5. Communications

Since 1972, when DFRS was established, the department has been responsible for alert notification and dispatch. Located in the County's Emergency Communications Center (ECC), the Fire and Rescue's communication center is staffed by career firefighter/rescuers. Prior to Bill 42-87, DFRS staffed the ECC with a small core of full-time County merit employees, augmented by off-duty corporation firefighter/rescuers who were compensated at an hourly rate below the scale of comparable merit career employees.

Although it did not directly address the DFRS communications mission, Bill 42-87 has had an operational and fiscal impact on fire/rescue communications. The operational impact concerns the accelerated development of standard operating procedures (SOPs) which has occurred under the Fire and Rescue Commission (FRC) in the last two year. Stimulated by the Commission's active Chiefs' Committee, a number of standard response procedures have been promulgated by the Commission, some of which have resulted in a reduction in the number of varied responses to incidents, thereby simplifying dispatch procedures in the ECC. Among the standardized procedures are those covering urban/rural box (and non-box) assignments, trench collapse rescue guidelines, high rise and cave-in responses, and high-rise box alarm assignments.

The fiscal impact of Bill 42-87 on communications concerns the added personnel costs to staff the ECC. As stated above, prior to the transition, career corporation firefighter/rescuers were employed as part-time dispatchers in the ECC at an hourly rate below the salary scale paid to merit career employees. The transfer of these corporation career employees to DFRS in January 1988, required that the County compensate the employees with full fringe benefits and at the merit system scale commensurate with the employees' grade. Furthermore, because these employees now had primary assignments at one of the fire stations, duty in the ECC performed during off-duty hours had to be compensated at an overtime rate.

6. Fire Prevention

The County has had a Fire Marshall since 1949; and since 1972, the Fire Marshall has been part of DFRS. The various duties associated with the Fire Marshall include: administering and enforcing the State and County fire safety codes, fire safety prevention and education, investigating the cause and origin of fires, reviewing building plans, and inspecting buildings. As was the case with the DFRS communications mission, Bill 42-87 had no direct impact on the DFRS fire prevention mission. Nonetheless, the Bill has had an indirect and positive impact on fire prevention and code enforcement.

The Director of DFRS has always had the responsibility for fire prevention and code enforcement, and the authority to delegate inspection and enforcement activities to qualified personnel. However, since enactment of Bill 42-87, and the transfer of all career firefighters, DFRS has been able to schedule fire prevention training and inspections on the daily and weekly activities schedules of career firefighters. This has contributed to more uniform fire prevention training and performance. The Director, Department of Fire and Rescue Services has delegated authority to enforce the fire safety code to a large number of qualified personnel, both career and volunteer. Recently, the Director delegated authority to issue civil citations for infractions of the fire safety code to all career and volunteer officers in the grade of Captain and above who have successfully completed the requisite training.

7. Training

The Department of Fire and Rescue Services has had responsibility for fire and rescue training since it was created in 1972. Enactment of Bill 42-87 impacted on the DFRS training mission, especially in the frequency and size of recruit classes. This section of the report examines this impact.

In January 1988, when DFRS took over responsibility for personnel administration and management of all career firefighter/rescuers, it was faced with approximately 110 position vacancies. The department initiated an accelerated process of recruiting, hiring and training to fill these vacancies. Recruit Class I began in February 1988, with an enrollment of approximately 40 students, double the size of previous recruit classes, and a curriculum expanded from 11 to 17 weeks. Two additional recruit classes were initiated in 1988. Recruit Class II began in June and Recruit Class III in November, each with approximately 50 recruits. Recruit Class IV began in August 1989, with an enrollment of 50 and an expanded curriculum to 18 weeks.

In the period January 1988 to August 1989, DFRS has hired 194 firefighter/rescuers: 119 were newly recruited, 60 were former volunteers, and fifteen were former high school cadets. When volunteers were hired, they were administered a skills test and given any required refresher training, after which they were assigned directly to the field.

Two new training programs have been initiated by DFRS since the transfer. The first is a County-wide probation program which incorporates training manuals and a testing module to reinforce basic skills taught in the recruit class and to develop additional skills. The second is an in-service training program for career personnel (the corporations have their own in-service training program for volunteers). The DFRS in-service training program is built around quarterly drill manuals with specific training goals and structured evaluations. Although designed primarily for career DFRS personnel, the program is available to volunteers, and is also applicable to combined career/volunteer training. The DFRS in-service drills have been primarily directed to career personnel during the weekday when few volunteers are in the station; however, the schedule does include some night time and weekend training activities.

Some corporations have commented that, since the transfer, volunteer attendance at training courses has declined because of the reduced number of course offerings available to volunteers. However, an analysis of training courses offered at the Public Services Training Academy (PSTA) since the transition reveals that the number of offerings has remained relatively steady. In FY 1988, a total of 66 fire-related courses were offered; with 63 offered in FY 1989. While volunteers are eligible to enroll in all the courses, 29 of the courses were offered both fiscal years during evenings and on weekends for the convenience of volunteers. In FY 1990, a total of 48 fire-related courses will be offered, with over half (26) presented evenings and weekends for the convenience of volunteers.

Table 9

Firefighter Courses at the PSTA - Career and Volunteer
FY 1988 - FY 1989 Comparison

	FY88			FY89			Percent Change		
	ENROLLED	COMPLETED	# HOURS	ENROLLED	COMPLETED	# HOURS	ENROLLED	COMPLETED	# HOURS
Career	881	763	32,834	623	484	25,870	-29.28%	-36.57%	-21.21%
Volunteer	372	292	16,250	528	368	18,220	+41.94%	+26.03%	+12.12%
Both*	211	186	8,219	147	118	5,952	-30.33%	-36.56%	-27.58%
Total:	1,464	1,241	57,303	1,298	970	50,042	-11.34%	-21.84%	-12.67%

Table 9A

Emergency Medical Service Courses** at the PSTA - Career and Volunteer
FY 1988 - FY 1989 Comparison

	FY88			FY89			Percent Change		
	ENROLLED	COMPLETED	# HOURS	ENROLLED	COMPLETED	# HOURS	ENROLLED	COMPLETED	# HOURS
Career	223	205	10,672	182	175	11,602	-18.39%	-14.63%	+ 8.71%
Volunteer	254	198	13,886	308	231	21,802	+21.26%	+16.67%	+57.01%
Total:	477	303	24,558	490	406	33,404	+ 2.73%	+33.99%	+36.02%

* Student indicated both career and volunteer status.

** Emergency Medical Technician-Ambulance (EMT-A) 110-hour course.
Emergency Medical Technician-Paramedic (EMT-P) 140-hour course.
EMT Refresher - 24-hour course.
Paramedic Cardiac Rescue Technician (CRT) 220-hour course

Source: DFRS, Bureau of Field Support Services.

A review of the training records indicates that, contrary to claims by some corporations, volunteer attendance has not declined since enactment of Bill 42-87. At Table 9 is a comparison of career and volunteer attendance at firefighter courses presented at the Public Services Training Academy (PSTA) for FY 1988 and FY 1989. At Table 9A is a comparison of career and volunteer attendance at emergency medical service (EMT) courses for the same two fiscal years. For both firefighter and EMT courses, volunteer enrollment and completion have increased.

Another observation by the corporations is that daytime courses primarily for career personnel are conducted for less than 15 students, while courses scheduled in the evening and on weekends to accommodate volunteers are cancelled when the enrollment is less than 15 students. An analysis of courses scheduled and conducted in the period July 1987 through December 1988, confirms that classes with enrollments under 15 students were cancelled; however, some classes were predominately career enrollees while others were predominately volunteer enrollees. Also, the records reflect that in the same period classes with less than 15 students were not cancelled. Again, these classes were approximately equally divided between day offerings for career employees and evening/weekend offerings for volunteers.

8. Budget and Expenditures

General. When Bill 42-87 was introduced by the Council in August 1987, the Executive stated that the primary, if not exclusive purpose of the Bill was to convert the corporation career firefighter/rescuers to County merit system employees so as to avoid the payment of large overtime

costs mandated by a federal court ruling issued a few weeks earlier. Making career corporation employees County employees would allow these employees to come under the public safety exemption (207k) of the Fair Labor Standards Act, thus allowing compensation at the regular rate for working up to 53 hours per week on average. The savings in fire tax funds by the transfer of employment and the resulting public safety exemption was estimated by the Executive branch to be \$50,000 per week.

In the two months that the Council debated Bill 42-87, a major issue was its fiscal impact. The Executive branch estimated that enactment of Bill 42-87 would result in a fiscal saving of between \$1.7 and \$6 million, because of the reduced amount of overtime compensation the County would have to pay career firefighter/rescuers. In addition, the Executive branch saw no fiscal impact in the predicted loss of volunteers should Bill 42-87 be enacted.

On the other hand, a consultant retained by the Montgomery County Fire-Rescue Association estimated that, although enactment of Bill 42-87 would provide a saving in reduced overtime, the overall fiscal impact of Bill 42-87 would be a loss to the County of millions of dollars annually. The consultant's estimate of the annual cost to the County ranged from \$2 to \$11 million, "and could conceivably exceed \$20 million". The consultant's estimate of this high fiscal impact was his inclusion of additional costs to the County to replace departing volunteers with paid firefighters; employee overtime, especially officers; and his assumption that County firefighters would achieve parity with the police in the area of compensation.

Actual Fiscal Year Expenditures. This section of the report will present a series of six tables reflecting the actual expenditures for fire and rescue services.

- Table 10, FY 1986 (July 1985-June 1986) and Table 11, FY 1987 (July 1986-June 1987). These are the last two fiscal years prior to enactment of Bill 42-87 when career firefighter/rescuers were still employees of the private fire and rescue corporations and, in most corporations, were paid overtime after 48 hours of work per week.

- Table 12, FY 1988 (July 1987-June 1988). In this fiscal year the transfer occurred. For the first half of the fiscal year (until January 15, 1988), career firefighter/rescuers were paid overtime for work over 40 hours because the June court ruling that corporation employees were subject to the federal Fair Labor Standards Act. For the second half of the fiscal year, (January 15 to June 30, 1988), career firefighter/rescuers were County merit employees under Bill 42-87 and were eligible for the public safety employee exemption of the Fair Labor Standards Act.

- Table 13, FY 1989 (July 1988-June 1989). This is the first full fiscal year after enactment of Bill 42-87.

- Finally, Table 14 and Table 15 are comparisons of expenditures for the four fiscal years (FY 1986-FY 1989). Table 14 is a comparison of the total expenditures for that period; and Table 15 is a comparison of only the personnel expenditures.

Table 10

Total Expenditures for Fire/Rescue Services (Excluding Encumbrances)
For Fiscal Year 1986
(July 1985 - June 1986)

AGENCY CATEGORY	PERSONNEL COSTS	OPERATING EXPENSES	CAPITAL OUTLAY	TOTALS
BETHESDA	5,224,909	477,830	29,317	5,732,056
BURTONSVILLE	784,743	111,565	19,870	916,178
CABIN JOHN	1,391,924	280,402	48,377	1,720,703
CHEVY CHASE	1,031,502	120,606	17,747	1,169,855
GAITHERSBURG	2,833,885	435,784	40,667	3,310,336
GLEN ECHO	1,131,726	167,283	17,777	1,316,786
HILLANDALE	1,910,468	311,124	12,497	2,234,089
HYATTSTOWN	580,056	193,953	45,420	819,429
LAYTONSVILLE	263,254	160,704	46,837	470,795
SANDY SPRING	1,527,809	232,202	18,472	1,778,483
SILVER SPRING	4,144,639	569,274	21,107	4,735,020
TAKOMA PARK	1,116,587	202,047	28,507	1,347,141
WHEATON RESCUE (30%)	114,526	12,796	0	127,322
<u>CONSOLIDATED TAX DISTRICT</u>	22,056,028	3,275,570	346,595	25,678,193
WHEATON RESCUE (70%)	267,228	29,856	0	297,084
KENSINGTON	3,661,904	656,406	59,997	4,378,307
DAMASCUS	24,800	18,230	0	43,030
UPPER MONTGOMERY	252,690	112,759	18,950	384,399
ROCKVILLE	3,279,286	557,194	54,902	3,891,382
<u>INDEPENDENT TAX DISTRICTS</u>	7,485,908	1,374,445	133,849	8,994,202
<u>TOTAL ALL TAX DISTRICTS</u>	29,541,936	4,650,015	480,444	34,672,395
FIRE/RESCUE SERVICES	3,233,988	567,684	96,452	3,898,124
FIRE/RESCUE COMMISSION	280,296	71,640	5,288	357,224
LOSAP (NDA)	0	323,784	0	323,784
<u>TOTAL OTHER SERVICES</u>	3,514,284	963,108	101,740	4,579,132
SUBTOTAL ALL SERVICES	33,056,220	5,613,123	582,184	39,251,527
ADD: DEBT SERVICE				940,756
CIP EXPENDITURES				2,647,466
<u>GRAND TOTALS</u>	33,056,220	5,613,123	582,184	42,839,749

SOURCES: DEPARTMENTS OF FIRE AND RESCUE SERVICES AND FINANCE AND THE
 COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR 1986

03-Nov-89
 FIRE3/EXPEND

Table 11

Total Expenditures for Fire/Rescue Services (Excluding Encumbrances)
For Fiscal Year 1987
(July 1986 - June 1987)

AGENCY CATEGORY	PERSONNEL COSTS	OPERATING EXPENSES	CAPITAL OUTLAY	TOTALS
BETHESDA	5,359,369	504,919	24,123	5,888,411
BURTONSVILLE	831,949	230,509	22,990	1,085,448
CABIN JOHN	1,559,943	316,857	75,092	1,951,892
CHEVY CHASE	1,042,497	62,032	25,274	1,129,803
GAITHERSBURG	2,936,945	372,089	50,203	3,359,237
GLEN ECHO	1,201,656	170,006	29,664	1,401,326
HILLANDALE	1,941,347	332,421	44,713	2,318,481
HYATTSTOWN	852,346	259,798	30,987	1,143,131
LAYTONSVILLE	268,648	159,774	18,494	446,916
SANDY SPRING	1,584,167	302,884	1,674	1,888,725
SILVER SPRING	4,237,681	583,170	52,373	4,873,224
TAKOMA PARK	1,168,257	254,912	18,993	1,442,162
WHEATON RESCUE (30%)	113,402	9,296	0	122,699
<u>CONSOLIDATED TAX DISTRICT</u>	<u>23,098,207</u>	<u>3,558,667</u>	<u>394,580</u>	<u>27,051,455</u>
WHEATON RESCUE (70%)	264,605	21,692	0	286,297
KENSINGTON	3,723,859	524,775	40,384	4,289,018
DAMASCUS	237,401	181,322	0	418,723
UPPER MONTGOMERY	264,039	122,238	13,460	399,737
ROCKVILLE	3,605,274	718,026	80,524	4,403,824
<u>INDEPENDENT TAX DISTRICTS</u>	<u>8,095,178</u>	<u>1,568,053</u>	<u>134,368</u>	<u>9,797,599</u>
<u>TOTAL ALL TAX DISTRICTS</u>	<u>31,193,385</u>	<u>5,126,720</u>	<u>528,948</u>	<u>36,849,053</u>
FIRE/RESCUE SERVICES	3,344,937	633,569	115,269	4,093,775
FIRE/RESCUE COMMISSION	279,059	62,879	4,461	346,399
LOSAP (NDA)	0	329,485	0	329,485
<u>TOTAL OTHER SERVICES</u>	<u>3,623,996</u>	<u>1,025,933</u>	<u>119,730</u>	<u>4,769,659</u>
SUBTOTAL ALL SERVICES	34,817,381	6,152,653	648,678	41,618,712
ADD: DEBT SERVICE				902,139
CIP EXPENDITURES				2,645,606
<u>GRAND TOTALS</u>	<u>34,817,381</u>	<u>6,152,653</u>	<u>648,678</u>	<u>45,166,457</u>

SOURCES: DEPARTMENTS OF FIRE AND RESCUE SERVICES AND FINANCE AND THE
 COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR 1987

03-Nov-89
 FIRE3/EXPEND

Table 12

**Total Expenditures for Fire/Rescue Services (Excluding Encumbrances)
For Fiscal Year 1988
(July 1987 - June 1988)**

CATEGORY	PERSONNEL COSTS	OPERATING EXPENSES	CAPITAL OUTLAY	TOTALS
BETHESDA	5,792,606	365,287	51,030	6,208,923
BURTONSVILLE	995,830	149,302	23,850	1,168,982
CABIN JOHN	1,885,160	343,085	90,940	2,319,185
CHEVY CHASE	1,112,758	55,371	15,180	1,183,309
GAITHERSBURG	3,221,180	395,020	46,550	3,662,750
GLEN ECHO	1,282,414	138,228	9,790	1,430,432
HILLANDALE	2,325,082	273,891	46,375	2,645,348
HYATTSTOWN	1,158,002	187,353	36,270	1,381,625
LAYTONSVILLE	315,004	117,528	29,760	462,292
SANDY SPRING	2,200,915	262,038	23,615	2,486,568
SILVER SPRING	4,786,485	409,467	48,360	5,244,312
TAKOMA PARK	1,383,637	154,715	12,800	1,551,152
WHEATON RESCUE (30%)	123,781	13,227	0	137,008
CONSOLIDATED TAX DISTRICT	26,582,854	2,864,512	434,520	29,881,886
WHEATON RESCUE (70%)	288,823	30,863	0	319,686
KENSINGTON	4,208,106	553,413	43,470	4,804,989
DAMASCUS	371,839	74,960	10,710	457,509
UPPER MONTGOMERY	347,666	91,105	37,180	475,951
ROCKVILLE	4,265,410	639,687	61,300	4,966,397
INDEPENDENT TAX DISTRICTS	9,481,844	1,390,028	152,660	11,024,532
TOTAL ALL TAX DISTRICTS	36,064,698	4,254,540	587,180	40,906,418
FIRE/RESCUE SERVICES	4,383,588	931,974	64,785	5,380,347
FIRE/RESCUE COMMISSION	360,437	96,868	10,566	467,871
LOSAP (NDA)	0	354,714	0	354,714
TOTAL OTHER SERVICES	4,744,025	1,383,556	75,351	6,202,932
SUBTOTAL ALL SERVICES	40,808,723	5,638,096	662,531	47,109,350
ADD: DEBT SERVICE				885,437
CIP EXPENDITURES				2,722,827
GRAND TOTALS	40,808,723	5,638,096	662,531	50,717,614

SOURCES: DEPARTMENTS OF FIRE AND RESCUE SERVICES AND FINANCE AND THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR 1988

03-Nov-89
FIRE3/EXPEND

Table 13

Total Expenditures for Fire/Rescue Services (Excluding Encumbrances)

For Fiscal Year 1989

(July 1988 - June 1989)

<u>AGENCY CATEGORY</u>	<u>PERSONNEL COSTS</u>	<u>OPERATING EXPENSES</u>	<u>CAPITAL OUTLAY</u>	<u>SUB- TOTALS</u>
BETHESDA	5,815,883	597,102	133,000	6,545,985
BURTONSVILLE	1,028,798	147,677	61,990	1,238,465
CABIN JOHN	2,162,508	527,115	30,540	2,720,163
CHEVY CHASE	1,022,164	186,298	51,010	1,259,472
GAITHERSBURG	3,361,039	472,933	49,130	3,883,102
GLEN ECHO	1,425,780	185,889	9,923	1,621,592
HILLANDALE	2,606,089	324,391	169,390	3,099,870
HYATTSTOWN	1,442,008	174,737	46,810	1,663,555
LAYTONSVILLE	392,593	158,356	23,910	574,859
SANDY SPRING	2,304,790	270,263	42,580	2,617,633
SILVER SPRING	5,015,274	624,220	68,760	5,708,254
TAKOMA PARK	1,401,613	234,102	23,630	1,659,345
WHEATON RESCUE (30%)	110,746	16,804	2,310	129,860
<u>CONSOLIDATED TAX DISTRICT</u>	<u>28,089,285</u>	<u>3,919,887</u>	<u>712,983</u>	<u>32,722,155</u>
WHEATON RESCUE (70%)	258,405	39,210	5,390	303,005
KENSINGTON	4,686,442	801,984	28,850	5,517,276
DAMASCUS	541,476	189,060	70,030	800,566
UPPER MONTGOMERY	474,390	85,188	21,330	580,908
ROCKVILLE	4,601,318	859,596	142,960	5,603,874
<u>INDEPENDENT TAX DISTRICTS</u>	<u>10,562,031</u>	<u>1,975,038</u>	<u>268,560</u>	<u>12,805,629</u>
<u>TOTAL ALL TAX DISTRICTS</u>	<u>38,651,316</u>	<u>5,894,925</u>	<u>981,543</u>	<u>45,527,784</u>
FIRE/RESCUE SERVICES	5,295,592	1,127,932	145,725	6,569,249
FIRE/RESCUE COMMISSION	353,639	104,994	13,900	472,533
LOSAP (NDA)	0	357,533	0	357,533
<u>TOTAL OTHER SERVICES</u>	<u>5,649,231</u>	<u>1,590,459</u>	<u>159,625</u>	<u>7,399,315</u>
SUBTOTAL ALL SERVICES	44,300,547	7,485,384	1,141,168	52,927,099
ADD: DEBT SERVICE				1,026,465
CIP EXPENDITURES				2,997,014
<u>GRAND TOTALS</u>	<u>44,300,547</u>	<u>7,485,384</u>	<u>1,141,168</u>	<u>56,950,578</u>

SOURCES: DEPARTMENTS OF FIRE AND RESCUE SERVICES AND FINANCE AND THE
COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR 1989

02-Jan-90
FIRE3/EXPEND

Table 14

Comparison of
Total Expenditures for Fire/Rescue Services by Fiscal Year
FYs 1986 - 1989

AGENCY CATEGORY	FY 86 TOTALS	FY 87 TOTALS	PERCENT CHANGE	FY 88 TOTALS	PERCENT CHANGE	FY 89 TOTALS	PERCENT CHANGE
BETHESDA	5,732,056	5,888,411	2.73%	6,208,923	5.44%	6,545,985	5.43%
BURTONSVILLE	916,178	1,085,448	18.48%	1,168,982	7.70%	1,238,465	5.94%
CABIN JOHN	1,720,703	1,951,892	13.44%	2,319,185	18.82%	2,720,163	17.29%
CHEVY CHASE	1,169,855	1,129,803	-3.42%	1,183,309	4.74%	1,259,472	6.44%
GAITHERSBURG	3,310,336	3,359,237	1.48%	3,662,750	9.04%	3,883,102	6.02%
GLEN ECHO	1,316,786	1,401,326	6.42%	1,430,432	2.08%	1,621,592	13.36%
HILLDALE	2,234,089	2,318,481	3.78%	2,645,348	14.10%	3,099,870	17.18%
HYATTSTOWN	819,429	1,143,131	39.50%	1,381,625	20.86%	1,663,555	20.41%
LAYTONSVILLE	470,795	446,916	-5.07%	462,292	3.44%	574,859	24.35%
SANDY SPRING	1,778,483	1,888,725	6.20%	2,486,568	31.65%	2,617,633	5.27%
SILVER SPRING	4,735,020	4,873,224	2.92%	5,244,312	7.61%	5,708,254	8.85%
TAKOMA PARK	1,347,141	1,442,162	7.05%	1,551,152	7.56%	1,659,345	6.98%
WHEATON RESCUE (30%)	127,322	122,699	-3.63%	137,008	11.66%	129,860	-5.22%
<u>CONSOLIDATED TAX DISTRICT</u>	<u>25,678,193</u>	<u>27,051,455</u>	<u>5.35%</u>	<u>29,881,886</u>	<u>10.46%</u>	<u>32,722,155</u>	<u>9.50%</u>
WHEATON RESCUE (70%)	297,084	286,297	-3.63%	319,686	11.66%	303,005	-5.22%
KENSINGTON	4,378,307	4,289,018	-2.04%	4,804,989	12.03%	5,517,276	14.82%
DAMASCUS	43,030	418,723	873.10%	457,509	9.26%	800,566	74.98%
UPPER MONTGOMERY	384,399	399,737	3.99%	475,951	19.07%	580,908	22.05%
ROCKVILLE	3,891,382	4,403,824	13.17%	4,966,397	12.77%	5,603,874	12.84%
<u>INDEPENDENT TAX DISTRICTS</u>	<u>8,994,202</u>	<u>9,797,599</u>	<u>8.93%</u>	<u>11,024,532</u>	<u>12.52%</u>	<u>12,805,629</u>	<u>16.16%</u>
<u>TOTAL ALL TAX DISTRICTS</u>	<u>34,672,395</u>	<u>36,849,053</u>	<u>6.28%</u>	<u>40,906,418</u>	<u>11.01%</u>	<u>45,527,784</u>	<u>11.30%</u>
FIRE/RESCUE SERVICES	3,898,124	4,093,775	5.02%	5,380,347	31.43%	6,569,249	22.10%
FIRE/RESCUE COMMISSION	357,224	346,399	-3.03%	467,871	35.07%	472,533	1.00%
LOSAP (NDA)	323,784	329,485	1.76%	354,714	7.66%	357,533	0.79%
<u>TOTAL OTHER SERVICES</u>	<u>4,579,132</u>	<u>4,769,659</u>	<u>4.16%</u>	<u>6,202,932</u>	<u>30.05%</u>	<u>7,399,315</u>	<u>19.29%</u>
SUBTOTAL ALL SERVICES	39,251,527	41,618,712	6.03%	47,109,350	13.19%	52,927,099	12.35%
ADD: DEBT SERVICE	940,756	902,139	-4.10%	885,437	-1.85%	1,026,465	15.93%
CIP EXPENDITURES	2,647,466	2,645,606	-0.07%	2,722,827	2.92%	2,997,014	10.07%
<u>GRAND TOTALS</u>	<u>42,839,749</u>	<u>45,166,457</u>	<u>5.43%</u>	<u>50,717,614</u>	<u>12.29%</u>	<u>56,950,578</u>	<u>12.29%</u>

Table 15

Comparison of
Personnel Expenditures for Fire/Rescue Services by Fiscal Year
FYs 1986 - 1989

AGENCY CATEGORY	FY 86	FY 87	PERCENT CHANGE	FY 88	PERCENT CHANGE	FY 89	PERCENT CHANGE
	PERSONNEL COSTS	PERSONNEL COSTS		PERSONNEL COSTS		PERSONNEL COSTS	
BETHESDA	5,224,909	5,359,369	2.57%	5,792,606	8.08%	5,815,883	0.40%
BURTONSVILLE	784,743	831,545	6.02%	995,830	19.70%	1,028,798	3.31%
CABIN JOHN	1,391,924	1,559,943	12.07%	1,885,160	20.85%	2,162,508	14.71%
CHEVY CHASE	1,031,502	1,042,497	1.07%	1,112,758	6.74%	1,022,164	-8.14%
GAITHERSBURG	2,833,885	2,936,945	3.64%	3,221,180	9.68%	3,361,039	4.34%
GLEN ECHO	1,131,726	1,201,656	6.16%	1,282,414	6.72%	1,425,760	11.18%
HILLDALE	1,910,468	1,941,347	1.62%	2,325,082	19.77%	2,606,089	12.09%
HYATTSTOWN	580,056	852,346	46.94%	1,158,002	35.86%	1,442,008	24.53%
LAYTONSVILLE	263,254	268,648	2.05%	315,004	17.26%	392,593	24.63%
SANDY SPRING	1,527,809	1,584,167	3.69%	2,200,915	38.93%	2,304,790	4.72%
SILVER SPRING	4,144,639	4,237,681	2.24%	4,786,485	12.95%	5,015,274	4.78%
TAKOMA PARK	1,116,587	1,168,257	4.63%	1,383,637	18.44%	1,401,613	1.30%
WHEATON RESCUE (30%)	114,526	113,402	-0.98%	123,781	9.15%	110,746	-10.53%
<u>CONSOLIDATED TAX DISTRICT</u>	22,056,028	23,098,207	4.73%	26,582,854	15.09%	28,089,285	5.67%
WHEATON RESCUE (70%)	267,228	264,605	-0.98%	288,823	9.15%	258,405	-10.53%
KENSINGTON	3,661,904	3,723,859	1.69%	4,208,106	13.00%	4,686,442	11.37%
DAMASCUS	24,800	237,401	857.26%	371,839	56.63%	541,476	45.62%
UPPER MONTGOMERY	252,690	264,039	4.49%	347,666	31.67%	474,390	36.45%
ROCKVILLE	3,279,266	3,605,274	9.94%	4,265,410	18.31%	4,601,318	7.88%
<u>INDEPENDENT TAX DISTRICTS</u>	7,485,908	8,095,178	8.14%	9,481,844	17.13%	10,562,031	11.39%
<u>TOTAL ALL DISTRICTS</u>	29,541,936	31,193,385	5.59%	36,064,698	15.62%	38,651,316	7.17%
FIRE/RESCUE SERVICES	3,233,988	3,344,937	3.43%	4,383,588	31.05%	5,295,592	20.80%
FIRE/RESCUE COMMISSION	280,296	279,059	-0.44%	360,437	29.16%	353,639	-1.89%
LOSAP (NDA)	0	0	0.00%	0	0.00%	0	0.00%
<u>TOTAL OTHER SERVICES</u>	3,514,284	3,623,996	3.12%	4,744,025	30.91%	5,649,231	19.08%
<u>TOTAL ALL SERVICES</u>	33,056,220	34,817,381	5.33%	40,808,723	17.21%	44,300,547	8.56%

The preceding tables reflect clearly that expenditures for fire and rescue services increased significantly in the period FY 1986 through FY 1989, especially in fiscal years 1988 and 1989, after enactment of Bill 42-87. There are several reasons for the increase in expenditures, not all of which directly result from the enactment of Bill 42-87. The remainder of this section of the report will examine these reasons.*

Reason #1: Loss of corporation career firefighter/rescuers to discontinued service retirements. Totally overlooked in the debate over Bill 42-87 was the potential loss of eligible corporation career employees who chose to elect discontinued service retirement rather than transfer to the County merit system on January 15, 1988. After the Council passed the Bill, 72 operational firefighter/rescuers elected to retire rather than transfer. The impact of this loss of over 10 percent of the total career employees was significant, especially because of the length of service and experience of the career personnel (3 captains, 12 lieutenants and 12 sergeants). To fill officers' vacancies because of the discontinued service retirements, 44 firefighters were promoted in February 1988.

In addition to the immediate cost associated with retiring 72 long-term employees (pay for accrued annual and compensatory leave), there was the added cost of temporarily replacing these experienced employees by hiring off-duty career personnel of comparable qualifications and compensating them at overtime rates in order to satisfy apparatus staffing requirements. (Note, the County's actuarial consultant estimated the County's cost for the period FY 1988 (second half) through FY 1993 at \$4 million.)

Reason #2: Loss of part-time training instructors and emergency communications personnel. Prior to the transfer, DFRS was able to hire off-duty corporation employees as training instructors and as dispatchers in the Emergency Communications Center. These personnel were hired as part-time employees at a salary considerably less than their operational grade and with no fringe benefits. After these personnel became County merit employees, DFRS had to compensate them at the rate commensurate with their actual grade, and also had to pay fringe benefits. In addition, since most of them were career employees assigned to corporations, they performed these instructor and dispatcher duties when off-duty from their principal assignment, thus receiving an overtime rate of pay.

Reason #3: Requirement for larger and more frequent recruit classes. To cover the shortages resulting from 72 discontinued service retirements, other vacancies, and new personnel authorizations, DFRS has conducted four double-sized recruit classes in the period January 1988 to December 1989. These four classes have graduated 191 students. The cost to train each student has been estimated by DFRS at \$6,200, excluding student salaries and fringe. Thus, the cost to conduct these four recruit classes is estimated to be approximately \$1.2 million.

* In the previous Tables, 10 through 15, expenditure data are presented by major categories for specific fiscal years. However, it was beyond the scope of this report to determine the detailed expenditure for each of the reasons presented.

Reason #4: Implementation of a new Classification and Compensation Plan. Prior to enactment of Bill 42-87, the Chief Administrative Officer approved a new classification and compensation plan. Although the plan did not provide for any additional positions, it did create three new classes and provided for one grade upward adjustments for many firefighter/rescuers. This restructuring resulted in increased salaries and fringe benefits to those affected by the plan.

Reason #5: Lump sum payments of accrued annual leave. Bill 42-87 provided that, "Leave balances are not affected by the transfer [of corporation firefighter/rescuers to the County Merit System]". However, soon after Bill 42-87 became effective, the Executive branch requested legislation to clarify the meaning of that provision. The result was that the Council enacted Bill 3-88 in July 1988, which permitted employees to carry over annual leave accrued when they were employed by the corporation, or cash it in for a lump sum payment. Many firefighter/rescuers settled for lump sum payments at a cost to the County of approximately \$496,000.

Reason #6: Settlement of grievances for working out-of-class. In the period since the transfer, approximately \$150,000 has been paid to resolve grievances submitted by career firefighter/rescuers who had been worked out of their specific job class while employees of a corporation.

Reason #7: Creation of a Volunteer Coordinator. Bill 42-87 directed the Fire and Rescue Commission to directly supervise a program officer for volunteer recruitment and retention. Because there was no such position prior to Bill 42-87, a new position was created.

Reason #8: Increase in DFRS staff. A direct consequence of the transfer of career corporation employees to DFRS was a sevenfold growth in the department which necessitated a major reorganization. The reorganization enlarged some DFRS activities and created new ones. As a result, DFRS transferred personnel from operational positions within the corporations to staff positions in DFRS, and hired additional personnel. Included in the first category, transfers from corporations, are the four bureau chiefs, the three shift operations chiefs, the four district chiefs, the EMS division chief and a number of administrative/operational assistants to these personnel.

Included in the category of newly created positions are: a First Deputy Fire/Rescue Chief, an equal employment officer, an information officer, a curriculum development specialist, a personnel specialist, a management and budget specialist, a procurement officer, an automated systems manager, and several administrative aides. The result of the increase in DFRS staff is reflected in the increase in personnel expenditures in fiscal years 1988 and 1989. As reflected in Table 15 (page 33), personnel expenditures for DFRS (less operations) increased 31 percent in FY 1988 and 20 percent in FY 1989.

Reason #9: Increase in overtime expenditures. The last and most significant reason for the additional expenditures since the transition was the payment of overtime for firefighter/rescuers. At Table 16 (page 36) is an overview of overtime budgeted and expended in the immediate period prior to enactment of Bill 42-87 and in the 18 months since the transfer.

Table 16

Fire and Rescue Services
Overtime Budgeted and Actual Expenditures
FY 1986 - FY 1989

<u>Overtime</u>	<u>FY86</u>	<u>FY87</u>	* <u>Percent Change</u>	<u>FY88</u>		* <u>Percent Change</u>	<u>FY89</u>	* <u>Percent Change</u>	<u>Percent Change</u> FY86 to <u>FY89</u>
Budgeted	\$932,990	\$994,590	6.60%	\$1,052,430		5.82%	\$2,149,900	104.28%	130.43%
<hr/>									
<u>Expenditures</u>				1st Half FY88	2nd Half FY88				
Corporations	<u>1,423,610</u>	<u>1,955,681</u>	37.37%	1,711,920	FY88 = 4,221,760 115.87%	FY87 = 1,955,681 FY88 = 4,221,760 Diff = 2,266,079 ÷ 1,955,681 = +115.87%			
DFRS Operations	**	**	**	**			2,509,840	5,473,179	29.64%
DFRS, Less Operations	<u>61,146</u>	<u>79,476</u>	29.98%	45,866	248,563	270.46%	<u>646,221</u>	159.98%	956.85%
				1,757,786	2,758,403				
Total Expenditures	\$1,484,756	\$2,035,157	37.07%	\$4,516,189		121.91%	\$5,119,400	35.50%	312.15%

FY87 = 1,955,681
 FY89 = 5,473,179
 Diff = 3,517,498 ÷ 1,955,681 = +179.86%

* Percent change from previous fiscal year.

** During these periods, the DFRS Operations Bureau did not exist. Funding for overtime was included in the corporations' budgets.

Source: DFRS, Bureau of Administrative Services

OLO/FIRE3/OVERTIME

There appears to be a number of reasons for the increase in overtime expenditures after the transfer of corporation career employees to DFRS in January 1988, not all of which are the direct result of Bill 42-87. However, before discussing these reasons, a review of a commitment made by DFRS at the time Bill 42-87 was being debated is germane. That commitment by DFRS was to staff each corporation at the FRC-mandated minimum unit levels after Bill 42-87 went into effect.

As discussed earlier in this report, the issue of minimum staffing levels was debated during Council worksessions on Bill 42-87. Some corporations feared that once DFRS had control of all career firefighter/rescuers that it would not continue staffing at the minimum levels directed by the Fire and Rescue Commission. An amendment was proposed which would have directed DFRS to maintain the same staffing levels after the transfer which existed prior to enactment of Bill 42-87. Although the amendment was defeated, DFRS assured the corporations that it would not reduce staffing of career firefighter/rescuers.

When this commitment was made, DFRS was apparently not fully aware of its impact of the following on the overtime budget:

- Career position vacancies. When the transfer of career employees was effective in January 1988, DFRS was confronted with approximately 110 vacancies in career firefighter/rescuer positions at all grade levels. As discussed earlier in this report, the majority of these vacancies were the result of 72 corporation firefighter/rescuers electing discontinued service retirement rather than transfer. The other approximately 40 vacancies were carry-overs from the corporations. While the corporations, prior to Bill 42-87, were able to hire qualified volunteers as "casual labor" at a rate substantially less than the prevailing scale for career firefighter/rescuers, DFRS could only hire off-duty firefighter/rescuers and, for all under the rank of captain, was required to pay them their regular salary at the overtime rate. These overtime costs are reflected in Table 16 (page 36) as "DFRS Operations" expenditures.

- Career employee absences. In addition to hiring off-duty firefighter/rescuers in an overtime pay status to meet position vacancies, DFRS also hired off-duty career personnel to temporarily replace assigned personnel who were absent because of leave, attending classes, serving as instructors or in special assignments, on disability leave, and a variety of other reasons. These overtime costs are also reflected in Table 16 (page 36) as "DFRS Operations" expenditures.

- Loss of part-time training instructors and emergency communications personnel. As discussed earlier as a major impact on overall expenditures, the requirement to staff training instructor and ECC dispatcher positions with merit employees necessitated hiring off-duty firefighter/rescuers at an overtime rate. The impact on overtime expenditures is reflected in Table 16 (page 36) by the significant increase in the category of "DFRS, Less Operations" expenditures.

- Added career staffing. In mid-FY 1989, because two Kensington stations had a single career person on duty during nights and weekends, DFRS added an additional unbudgeted position to each of the stations and staffed each position with career firefighters in an overtime pay status.

- Under budgeting. In addition to not budgeting sufficient funds to cover the above personnel shortages, there was a shortfall in the budget to meet the staffing requirements for officers. As an example, DFRS only budgeted three work years for each officer position (sergeant through captain) when 4.2 work years per position was needed for full-time coverage based on a 48-hour work week.

- Implementation of a new Classification and Compensation Plan. Also discussed earlier, the Chief Administrative Officer (CAO) in July 1987, approved a new DFRS complement for the ranks of Master Firefighter/Rescuer through Fire/Rescue Captain. This action followed approval by the Fire and Rescue Commission of a new Classification and Compensation Plan. As a consequence of the CAO's decision, when DFRS assumed responsibility for career firefighter/rescuers in January 1988, it was required to staff each vacant position with a career firefighter or rescuer of the approved rank and qualifications. Because DFRS has continued to have personnel shortages since assuming responsibility for staffing, it has had to hire off-duty employees of the appropriate grade and qualifications at an overtime rate.

- Volunteer vacancies. In addition to career position vacancies, DFRS was confronted with a reduction in volunteer participation in the corporations which had to be accommodated by using career employees. Later in this report volunteer participation will be discussed in more detail; for now, the following major reasons for a reduction in volunteer participation in the period following the transfer are highlighted:

- DFRS hiring volunteers (as of July 1989, a total of 60 volunteers have been hired).

- A prohibition in Bill 42-87 for DFRS merit system career employees to volunteer in the same corporation where assigned; and

- DFRS requirement to staff a given position for the entire shift unless a qualified volunteer was scheduled for duty in advance, thus essentially eliminating a "drop-in" volunteer from satisfying the minimum staffing levels.

D. The Fire and Rescue Commission

As discussed earlier in the report, a new seven-member Fire and Rescue Commission (FRC) was appointed by the County Executive in August 1987. At its first meeting in September 1987, the Commission set an ambitious work program to accomplish a myriad of tasks, many of which had been initially directed eight years earlier in Bill 15/16-79.

Among the Commission's top priority items were the following:

- Increasing efforts to recruit and retain volunteers through the newly created Volunteer Coordinator position;
- Developing and implementing a new Integrated Emergency Command structure;
- Establishing minimum training and certification standards;
- Developing and improving various Commission regulations and procedures;
- Improving participation of under-represented groups; and
- Revising the Master Fire Defense Plan.

During the subsequent two years, the Commission has been active in developing other policies and procedures despite a significant delay introduced into the policy development process by a County Attorney opinion. In late 1988, the County Attorney advised the Commission that because they applied to volunteer personnel who were not County employees, administrative procedures must be promulgated as regulations under Chapter 2A of the Montgomery County Code. The County Attorney also advised that as current procedures are revised, they should be promulgated as regulations. The Commission has decided to review previously published policies, procedures and standards and are in the process of publishing them in the Register and reissuing them as regulations. In the interim, previously adopted policies dealing with the integrated emergency command structure, minimum training standards for new hires, standard operating procedures, and the like, remain in effect as guidelines.

A major impact of Bill 42-87 on the Fire and Rescue Commission was the creation of a program manager for volunteer recruitment and retention, usually referred to as the "Volunteer Coordinator". Bill 42-87 charged the Commission with responsibility for supervising the Volunteer Coordinator. Since the appointment of the first coordinator by the Commission in January 1988, a number of programs and activities relating to volunteer recruitment and retention have been initiated, some of which are highlighted below.

- Established a 24-hour volunteer recruitment telephone number and referral process to the corporations.
- Developed a volunteer/career recruitment poster and sign for placement in malls, libraries, Ride-On buses, other facilities in the County, and on taxicabs as "topper" signs.
- Revised both the volunteer recruitment and the high school cadet brochure.
- Initiated a Montgomery Cable Channel 21 feature on a volunteer firefighter recruit training class.

- Revised the contact/follow-up process for the College Student Live-In Program; publishing announcements in fire service publications to encourage University of Maryland and Montgomery College fire science students to live-in stations. For the 1989-90 school year, approximately 35 students live in the stations and run calls.
- Revitalized the High School Cadet Program which has resulted in an increase of 15 additional high school cadets participating in the program in the fall of 1988 and 20 in 1989.
- In cooperation with Rockville Volunteer Fire Department, presented recruitment programs at the Quince Orchard and Wootton High Schools.
- In cooperation with Good Counsel High School, the Kensington, Sandy Spring, and Gaithersburg-Washington Grove Fire Departments, and the Wheaton Volunteer Rescue Squad, developed a new community service initiative.
- Prepared a bill which will expand the Length of Service Award Program (LOSAP) benefits for volunteer personnel that are incremental in attainment rather than the present "pass/fail" method.
- Developed a mentor program for use in the corporations to provide support and assistance to new volunteer members.
- Developed a Cash Award Program for volunteers recruiting new volunteers.
- Developed a program to pay for food for volunteers who stand by at stations to respond to calls.

The Commission has a number of committees to advise it on policies and regulations. Committee membership includes Commissioners, representatives of DFRS and the corporations, and, for committees such as the Risk Management Committee, from Executive departments. In addition to seeking a broad representation of organizations, members of the larger committees, such as the Chiefs', Communications', EMS, and Policy Formulation committees, are appointed so as to ensure representation from the up-County and down-County corporations. Another influential committee is the Presidents' Committee. Organized in December 1988, the Committee's areas of concentration are administrative and managerial issues. Recently, the Presidents' Committee voted not to accept the Commission's invitation to become one of its standing committees, preferring to remain an independent body.

The Commission's Chiefs' Committee, which was established by a previous Commission, has been especially active since enactment of Bill 42-87. The Committee is composed of volunteer chiefs of seventeen (17) fire/rescue corporations; the chiefs of the two non-volunteer fire departments, Chevy Chase and Bethesda, as designated by the Chief, Bureau of Operations; and a chief designated by the Director of DFRS. The Committee has concentrated on developing a number of standard operational procedures to facilitate combined operations in a wide variety of situations and incidents.

Among the standard operating procedures developed by the Chiefs' Committee were policies dealing with high-rise fire alarms, trench collapse and cave-in incidents, apparatus staffing and an incident command system. These policies are now in effect as guidelines while they are being processed as regulations.

E. The Fire Board

The Fire Board was created by the Council in 1949 to advise the County government on fire and rescue matters, conduct studies and evaluations, and make recommendations to the Council on fire response and performance. In 1969, the Council increased the Fire Board's duties to include additional operational and administrative responsibilities: approval of response areas and station locations, training standards, and communication procedures.

In 1979, the Council enacted Bill 15/16-79 which gave the Board authority to approve a variety of policies and programs of the Fire and Rescue Commission relating to both career and volunteer personnel; and, most important, authority to appoint five of its members to the seven-member Fire and Rescue Commission. The Fire Board exercised this appointment authority until 1987 when, by Council Bill 8-87, the authority to appoint all seven members to the Fire and Rescue Commission was vested in the County Executive. Prior to Bill 8-87, a Charter amendment (Question E) which would have amended Charter Article 215 to permit the Council to legislate how the Commission would be appointed, was defeated.

Council Bill 8-87 directed the Fire Board to submit to the County Executive a list of at least ten volunteer firefighters to be considered for appointment to the Fire and Rescue Commission (Code Section 21-4C(b)(1)). The Bill further directed the County Executive to consider at least one member from the list when making appointments to the Commission (Code Section 21-4B(a)).

In the two years since the Council modified the Commission appointment process, the Fire Board has become a less visible force in the fire and rescue services. In August 1987, the Board created an Ad Hoc Committee on the Future of the Board to review the fire and rescue laws and recommend whether the Board should continue to function in its present role or in a new role. The Committee's report, in January 1988, recommended that the Fire Board be abolished and its primary duty of representing the interests of the volunteer corporations be legislatively transferred to the Montgomery County Volunteer Fire-Rescue Association, Inc. The Fire Board appointed a review committee to draft legislation which would structure, reorganize and combine the duties of the Fire Board into the Association. In October 1989, the Fire Board received the Final Report of the Fire Board Review Committee. To date, the Fire Board has not taken formal action on the Committee's report.

F. The Volunteer Fire and Rescue Corporations

1. General. The delivery of fire, rescue and emergency medical services in Montgomery County is the responsibility of the 19 separate and independently chartered fire departments and rescue squads. These departments and squads evolved from volunteer citizen organizations. The oldest, Silver Spring Volunteer Fire Department, was incorporated in 1918 and the youngest, Germantown Volunteer Fire Department, was incorporated in July 1989.

Of the 19 corporations, the Bethesda-Chevy Chase Rescue Squad, is the only one which does not receive direct tax support. However, two career DFRS employees in the Bethesda Fire Department budget work for the Bethesda-Chevy Chase Rescue Squad. The remaining 18 receive direct funding from County fire taxes for personnel services (salaries and fringe benefits of approximately 35 corporation employees); the purchase, maintenance and operation of apparatus, equipment, and supplies; and debt service on some of the fire stations. However, all 19 corporations receive indirect tax support in the form of various administrative and technical services. Examples of indirect tax support include: the use and maintenance of communications equipment; central fire and rescue alert notification and dispatch services; training; insurance, to include workman's compensation for volunteers; free water/sewage for all corporation owned stations; and a length of service cash award program (LOSAP) for active volunteers who meet minimum levels and length of service.

2. Characteristics of the fire and rescue corporations. The popular conception is that all fire and rescue corporations are alike. To be sure the corporations have many similar characteristics, the most obvious one being the responsibility for the delivery of fire, rescue and emergency medical services in the County. However, a close examination reveals a number of differences, some of which have been influenced by Bill 42-87. Examples of these differences include:

- Board of Directors/Trustees. Thirteen corporations are governed by a board of directors or trustees selected by and from the membership of the corporation. Of the remaining six, two fire corporations, Bethesda and Chevy Chase, have governing boards chosen by citizen representatives of civic and municipal associations from the respective communities they serve. The Gaithersburg-Washington Grove Fire Department's Local Fire Board consists of seven members, only two of whom are appointed by the members of the Fire Department. The governing board of the Takoma Park Volunteer Fire Department, in addition to member representatives, includes officials of the City of Takoma Park. The Glen Echo Fire Department is governed by the Conduit Road Fire Board, whose representatives are elected by the citizens residing in that community. Finally, Wheaton Rescue Squad draws its board from the members of the squad and from the business community which it serves.

- Chiefs of the fire departments and squads. Prior to Bill 42-87, the Chiefs of five of the fire departments were paid corporation employees. The remaining fire departments and the two rescue squads had volunteer chiefs. When Bill 42-87 went into effect in January 1988, the five former paid corporation chiefs became DFRS employees. In three of the fire corporations, they were replaced by volunteer chiefs. The boards of directors in the other two fire corporations, Bethesda and Chevy Chase, designated the Chief of the DFRS Bureau of Operations, or his designee, as chief of their respective fire departments. The other 15 fire departments and two rescue squads continued to have volunteer chiefs and an officer chain-of-command selected according to the corporations' bylaws.

- Career and volunteer firefighter/rescuers. Not all the corporations have volunteer firefighter/rescuers. Two fire departments, Bethesda and Chevy Chase, are entirely staffed by career officers and firefighters who are paid County employees. Another unique corporation is the Bethesda-Chevy Chase Rescue Squad. In addition to having one of the largest volunteer complements, the rescue squad utilizes two categories of paid career employees. The first category is paid out of volunteer corporation funds. The other category includes two career County employees who are assigned to the Bethesda Fire Department, but work for the Rescue Squad. The remainder of the corporations utilize a combination of volunteers and career firefighter/rescuers to perform the operational mission.

- Ownership of stations. Of the 33 fire/rescue stations, only four are owned and titled to the County. The remaining 28 stations are owned by the corporations and were either constructed using private volunteer funds, or constructed using County bonds with volunteer funds paying the debt service, or constructed using County bonds with payment on the debt service appropriated by the Council from public fire tax funds.

- Ownership of apparatus. The titles for all apparatus purchased in whole or in part with any County tax funds before July 30, 1980, are retained by the individual fire or rescue corporations. All apparatus purchased with public tax funds after July 30, 1980, are titled in the name of the County. At Tables 17 and 18 are a breakdown of the major vehicle inventory by type, assignment, and ownership as of June 1989. Table 17 (page 44) is an inventory by type vehicle and ownership, and Table 18 (page 45) is an inventory by corporation assignment and ownership.

- Personnel support. For FY 1990, the County has authorized a total of 35 positions in the corporations, 27 full-time and 8 part-time, to be funded from the fire tax. Twenty-five of the positions are for administrative support of the corporations and ten are for mechanical support of the apparatus. (See Table 19, page 46.)

- Administrative support. There appears to be no pattern in the number or grade level of administrative support positions authorized the corporations. The authorized positions range from Principal Administrative Aide, Grade 13, to Administrative Assistant III, Grade 23.

- Mechanics. For FY 1990, eight of the corporations are authorized mechanic positions (Bethesda FD and Kensington VFD each are authorized two). The other 11 corporations rely on commercial garages, career employees, and/or volunteers to perform maintenance on the corporation and County-owned apparatus. The Commission has indicated that it will soon address the distribution of mechanic positions and the whole issue of apparatus maintenance.

Table 17

Fire and Rescue Services
Major Vehicle Inventory by Type*

(As of June 1989)

Type Vehicle	Ownership				Total
	County		Corporations		
	#	%	#	%	
Engines	31	46%	36	54%	67
Ladder Trucks	9	50%	9	50%	18
Ambulance/Medics	34	64%	19	36%	53
Rescue Squads	1	10%	9	90%	10
Support Vehicles (Chief's car, pick-ups, mechanic)	52	63%	31	37%	83
Tankers	2	50%	2	50%	4
Special Units (Cave-in, HAZMAT)	4	45%	5	55%	9
Brush Units	10	59%	7	41%	17
Boats	5	50%	5	50%	10
DFRS Staff Vehicles	32	100%	0	0%	32
Extrication Units	1	50%	1	50%	2
Totals	181	(59%)	124	41%	305

* Major vehicles (apparatus) used for operations and administration. May not include all corporation-owned administrative vehicles. These figures may vary by as much as 2% because of changing operational status.

Source: DFRS Planning and Research.

Table 18

Fire and Rescue Services
Major Vehicle Assignment/Ownership by Corporation*

(As of June 1989)

<u>Corporation</u>	# Vehicle Assigned			Ownership	
	County	Corp.	Total	County	Corp.
Bethesda FD	11	4	15	73%	27%
B-CC RS	0	16	16	0%	100%
Burtonsville VFD	7	2	9	78%	22%
Cabin John VFD	11	5	16	69%	31%
Chevy Chase FD	4	1	5	80%	20%
Damascus VFD	4	6	10	40%	60%
Gaithersburg/WG FD	11	10	21	52%	48%
Germantown VFD	6	1	7	86%	14%
Glen Echo FD	7	4	11	64%	36%
Hillandale VFD	5	10	15	33%	67%
Hyattstown VFD	3	10	13	23%	77%
Kensington VFD	16	8	24	67%	33%
Laytonsville VFD	4	3	7	57%	43%
Rockville VFD	17	11	28	61%	39%
Sandy Spring VFD	8	9	17	47%	53%
Silver Spring VFD	13	6	19	68%	32%
Takoma Park VFD	4	3	7	57%	43%
Upper MC VFD	8	4	12	67%	33%
Wheaton RS	0	10	10	0%	100%
Public Services Training Academy	10	0	10	100%	0%
DFRS Staff	32	0	32	100%	0%
TOTAL:	181	124	305		

* Major vehicles (apparatus) used for operations and administration. May not include all corporation-owned administrative vehicles. These figures may vary by as much as 2% because of changing operational status.

Source: DFRS Planning and Research.

Table 19

Fire and Rescue Services
 FY90 Authorized Corporation Employee Positions

Corporation	# STA	Administration					Mechanics				TOTAL POSITIONS
		PAA Gr. 13	OSM Gr. 15	EAA Gr. 17	AS II Gr. 21	AA III Gr. 23	Mech. II Gr. 16	Mech. Gr. 18	Master Mech. Gr. 20	Master Mech. Gr. 22	
Bethesda	(3)			1 FT		1 FT	1 FT		1 FT		4 FT
Bethesda-Chevy Chase	(1)										-0-
Burtonsville	(1)			1 PT							1 PT
Cabin John	(2)				a1 FT						1 FT
Chevy Chase	(1)		1 PT								1 PT
Damascus	(1)		1 FT								1 FT
Gaithersburg	(2)		1 FT			1 FT			1 FT		3 FT
Germantown	(1)	b1 PT									1 PT
Glen Echo	(1)	2 PT									2 PT
Hillandale	(2)		1 FT								1 FT
Hyattstown	(1)		1 FT								1 FT
Kensington	(4)	2 FT				1 FT		1 FT		1 FT	5 FT
Laytonsville	(1)	1 FT									1 FT
Rockville	(4)		1 FT		1 FT					1 FT	3 FT
Sandy Spring	(2)		1 FT							1 FT	2 FT
Silver Spring	(3)	1 PT		1 FT			1 FT				2 FT-1PT
Takoma Park	(1)		1 FT						1 FT		2 FT
Upper-Montgomery	(1)	1 PT									1 PT
Wheaton RS	(1)	1 PT					c1 FT				1 FT-1PT
TOTALS:		3 FT 6 PT	7 FT 1 PT	2 FT 1 PT	2 FT	3 FT	3 FT	1 FT	3 FT	3 FT	27 FT 8 PT 35

^a Incumbent reclassified from Principal Administrative Aide (Gr. 13) to Administrative Specialist II (Gr. 21).

^b Germantown authorized one Principal Administrative Aide (Gr. 13) (part-time) in October 1989.

^c Funding initially denied for FY90. Funding approved by the County Executive in October 1989.

CODE: PAA = Principal Administrative Aide
 OSM = Office Services Manager
 EAA = Executive Administrative Aide
 AS = Administrative Specialist
 AA = Administrative Assistant
 FAO = Fire Administrative Officer
 FT = full time
 PT = part time

Source: FY90 Personnel Complement (as updated).

3. Membership in the Fire and Rescue Corporations

Individual membership in the 19 fire and rescue corporations vary as to numbers and type. As stated earlier, all 19 corporations have volunteers serving on their Boards of Directors/Trustees, and seventeen of the 19 corporations have volunteer firefighter/rescuers. The categories of volunteers include: active, honorary, life, cadet, probationary, retired, etc. For the purpose of this report, only active volunteers were considered.

Although not specifically defined in any official County document, the term "active volunteer" is generally understood to mean that category of volunteer who actually participates in the business and purpose of the corporations, such as serving on the board or a committee, attending drills, sleep-in or stand-by, attending meetings, attending training courses and serving as emergency service providers.

Two sources were used to determine the number of active volunteers in the corporations. One was an OLO survey and the other was LOSAP records.

• Membership information from OLO survey. During the course of this evaluation, an OLO questionnaire was sent to 18 corporations. Seventeen corporations responded. In answer to specific questions in the OLO questionnaire, the following information on volunteers was submitted:

<u>OLO Survey Questions</u>	<u>Prior to Enactment of Bill 42-87 in OCT 1987</u>	<u>As of JUL 1989</u>	<u>% Change OCT 1987- JUL 1989</u>
What is the total number of volunteers in your corporation who serve in any capacity?	1492	1404	(-6%)
Of that total number of volunteers, how many are Emergency Service Providers, (i.e., those who serve as duty chief/duty officer or ride a primary piece of apparatus or specialty unit)?	1070	983	(-8%)
Of the Emergency Service Providers, how many are available on a regular and consistent basis for:			
Standby or sleep-in at the station?	*809	*762	(-6%)
Respond to call by pager or siren?	*582	*515	(-12%)

* Many volunteers perform both standby/sleep-in and respond to pager/siren.

The OLO questionnaire also requested information on whether Emergency Service Providers supplement career personnel on duty (that is, provide additional qualified volunteer firefighter/rescuers to augment the assigned career personnel); or do they replace career personnel. The responses from the fire and rescue corporations to that request can be summarized as follows:

●● Rescue corporations. In the case of the two rescue squads, Bethesda-Chevy Chase and Wheaton, the career personnel actually supplement the volunteers. At the Bethesda-Chevy Chase Rescue Squad, all apparatus is staffed by volunteers except for two career personnel who are assigned only on weekdays. At Wheaton Rescue Squad, eight career personnel are assigned from 6:00 a.m. to 6:00 p.m. weekdays. At all other times, volunteers staff the apparatus.

●● Fire corporations. In the 31 fire stations of the fire corporations, there are two levels of combined career/volunteer operations. At 17 of the fire stations, career personnel staff the primary units day and night at the minimum staffing levels (Table 8, page 22). The career staffing is supplemented on weekdays by a few volunteers, usually, but not universally, younger volunteers who either live at the station, are students, or are not otherwise employed. On weekends and evenings, significantly more volunteers are present in the station, along with the volunteer chain-of-command. In the remaining 14 fire stations, career personnel staff the primary units weekdays, with volunteers who are in the station supplementing them. However, at night and weekends, these 14 stations are staffed primarily with volunteers along with the volunteer chain-of-command, with career personnel in some stations supporting the volunteers, primarily as drivers or medics.

● Membership information from LOSAP data. Each calendar year, volunteer firefighter/rescuers can qualify for participation in the Length of Service Award Program (LOSAP). To qualify, the volunteer must accumulate a minimum of 50 points for each calendar years' service in two or more of six categories: training, drills, sleep-in/stand-by, elected or appointed office, attendance at meetings, and responses. The point assignments are such that a volunteer cannot make the minimum 50 points in any one category.

According to data compiled by the Volunteer Coordinator, the Corporations submitted for calendar year 1988, a total of 1516 applications for LOSAP credit, of which 627 qualified for 50 or more points, and over 480 of the 1,516 LOSAP applicants made 100 or more response calls. From these figures it is reasonable to conclude that there are approximately 1,500 "active" volunteers in the corporation, 627 of which are sufficiently active to qualify for LOSAP credit. The 627 credited LOSAP participants in CY 1988 indicates an upward trend over the previous two calendar years: CY 1986 = 624 and CY 1987 = 609.

4. Loss of volunteer membership and participation

During the debate of Bill 42-87, there were predictions from some corporation presidents and chiefs that many volunteers would leave the service if the firefighter/rescuers became County employees. The Executive branch "strongly disagreed" with the argument that volunteer participation would decline, and the OMB fiscal analysis for Bill 42-87 reflected no fiscal impact for changes in volunteer participation caused by Bill 42-87. In contrast, the fiscal impact statement prepared by a consultant to the corporations estimated that, should Bill 42-87 be enacted, between 50 and 85 percent of the volunteers would leave, which would cost the County between \$7.3 and \$12.4 million to replace with paid career employees.

The exact number of volunteers who have left as a result of Bill 42-87 is not known. The dire predictions that 50 percent to 85 percent of the volunteers would leave has certainly not come to pass. Information from a mid-1989 OLO survey of all the corporations (see page 47) would indicate a slight, but not significant decrease in volunteer participation. However, LOSAP participation data for CY 1988 reflects an increase over the previous two years. Notwithstanding these two sources, a review of the past two years would indicate that Bill 42-87 did have a somewhat negative impact on firefighter/rescuers volunteering, as indicated below; however, the extent of that impact is uncertain.

- Bill 42-87 (Code Section 21-4N(d)) specifically prohibits career employees from volunteering in a corporation to which the employee is assigned so as to avoid the possibility of incurring liability for overtime pay for work performed as a volunteer. *OLO was unable to determine an exact number of how many career firefighter/rescuers have stopped volunteering because they are assigned to their former volunteer corporation. However, several corporations have indicated that this provision of Bill 42-87 has caused many career firefighter/rescuers to stop volunteering. DFRS has stated that the volunteer's corporation is considered when assigning career personnel who are volunteers, and that DFRS will grant any transfer request from a career employee who wishes to transfer so as to be able to continue to volunteer in that corporation.

- Between January 1988 and July 1989, DFRS hired at least 60 volunteers to fill career firefighter/rescuer positions. It is not certain how many of these former volunteers still run calls as volunteers; however, some corporations reported that few of these personnel continue to volunteer.

* When Bill No. 42-87 was under consideration, the County Attorney's Office advised that there existed a potential for liability under the federal Fair Labor Standards Act for overtime work if a Montgomery County government firefighter performed the same services in a volunteer capacity as the firefighter provided in a paid capacity at the corporation to which the firefighter was assigned. Accordingly, the Council included in Bill 42-87 the prohibition on volunteering at the corporation to which the employee was assigned.

- DFRS Policy No. 517 also imposes a limitation on volunteer activities for career firefighter/rescuers, albeit not as broad as that of Bill 42-87. The DFRS policy states that a DFRS employee cannot serve as a volunteer command officer of a higher rank than the employee's career rank when the volunteer's response area and the response area of the corporation to which assigned as a career employee share a common boundary. The total impact of this policy on career personnel volunteering is not certain; however DFRS reported that in at least one instance the policy had to be invoked.

- The ready availability of overtime for career personnel, especially in the 18 months following the transfer, reduced the amount of time that career personnel volunteered. As stated succinctly by a career firefighter, "Why volunteer when you can get paid for it".

- Finally, the bylaws of the Firefighters Union, Local #1664, includes a provision that, to be an active member of the Union, the member cannot be the chief officer or a member of a policy-making board of a volunteer fire department. Again, it is not known if this provision has prevented any career firefighter/rescuers who are members of Local #1664 from volunteering in either capacity. Many corporations indicated that the Union is discouraging volunteering especially by its members. However, OLO received no specific information on this matter which could be verified. The Union president testified at the public hearing on Bill 42-87 that the Union "...has not and will not prohibit any of its members from volunteering". The president restated that position recently when interviewed by OLO.

Neither the Union, DFRS nor the corporations maintain information on how many career employees of all ranks volunteer at a corporation. However, at OLO's request, the Commission staff compared a departmental employees roster with a list of applicants for LOSAP credit in CY 1988, and determined that 198 career employees submitted LOSAP applications to cover their volunteer service. Of that number, 81 qualified for LOSAP credit with 50 or more points.

5. The Montgomery County Volunteer Fire-Rescue Association, Inc.

The volunteer corporations have for many years been organized into an association. Although not having any specific status in local legislation, the County has long recognized the Volunteer Fire-Rescue Association as the official representative body of the corporations. However, recently published State procedures have directed the County to consult with the Association regarding the needs of the corporations when expending State of Maryland Fire, Rescue, and Ambulance Funds (508 funds).

PART II

VI. EVALUATION OF BILL 42-87

A. Overview

In August 1987, at the request of the County Executive, the County Council introduced Bill 42-87 as emergency legislation. The primary purpose of Bill 42-87 was to convert the paid uniformed employees of the fire and rescue corporations to County merit system employees to avoid the payment of overtime costs mandated by a federal court ruling issued in July 1987. During the two months Bill 42-87 was before the Council, it was continually stressed that the transfer of career firefighters and rescuers was the purpose of the legislation and the avoidance of substantial overtime costs was the reason for the emergency action.

To emphasize the singleness of purpose of the law and to allay the fears of several fire and rescue corporations that the Bill was an attempt by the Executive branch to "take over" the fire services, the Council, in the Bill's statement of legislative intent, restated the five goals of the original fire and rescue services law, (Chapter 21, Montgomery County Code) and reemphasized the following fundamental policies of the fire and rescue services in Montgomery County:

1. Ultimate responsibility for public safety through fire, rescue and emergency medical services rests with the County government;
2. The objectives of effective, efficient and reliable fire, rescue and emergency medical services are achieved through a combined system of four public and private resources: independent fire and rescue corporations, a Fire and Rescue Commission, a Fire Board, and the Department of Fire and Rescue Services;
3. The County vigorously supports the continuation and expansion of volunteer participation as a means of providing fire, rescue and emergency medical services; and
4. All County officials and employees actively encourage, and not in any way discourage, qualified volunteer participation.

Part I of this report presented selective County-wide fire and rescue operational statistics and highlighted the roles and operations of the four major public/private components of the County's fire and rescue services in the period since enactment of Bill 42-87.

Also highlighted in Part I were three events that occurred immediately prior to the introduction of Bill 42-87: implementation of a new Commission-approved classification and compensation plan for firefighter/rescuers, release of the Red Ribbon Committee report on the County's fire and rescue services, and enactment of legislation establishing new procedures for the appointment of members to the Fire and Rescue Commission. These events, especially the classification and compensation plan, impacted on Bill 42-87.

The remainder of this chapter of the report will evaluate the County's fire and rescue services since enactment of Bill 42-87 under the following seven major headings:

1. The overall operation of the fire and rescue services;
2. The roles and operations of the Fire and Rescue Commission;
3. The roles and operations of the Fire Board;
4. The roles and operations of the Department of Fire and Rescue Services;
5. The roles and operations of the independent fire and rescue corporations;
6. The fiscal impact on the cost of providing fire and rescue services after Bill 42-87; and
7. Compliance with the legislative intent of Bill 42-87 to encourage and support the continuation and expansion of volunteer participation, and not to discourage qualified volunteer participation.

B. The Overall Operation of the Fire and Rescue Services

- 1a. Issue: The impact of Bill 42-87 on fire, rescue and emergency medical services.
- b. Evaluation: The County continues to receive effective fire, rescue and emergency medical services from a combined system of qualified volunteer and County merit system firefighters and rescuers.
- c. Discussion:

An analyses of the tables in Part I of selective County-wide operational statistics for the year immediately prior to the transfer of corporation employees to the County merit system, and the 18 months after the transfer indicates no significant service impact from the change.

An analysis of the number of incidents and dispatches (Table 1, page 12) reveals that both increased slightly, while the types of incidents (Table 2, page 13), and the time of day dispatches occurred (Table 3, page 13), remained consistent.

A review of responses to incidents indicates that the average number of units responding and the time units were at the incident are almost identical for the period before and after the transfer (Table 5, page 15), while the average number of personnel responding to incidents are slightly less after the transfer. However, of more significance is that there was an increase in the average number of career personnel responding after the transfer, while, conversely, there was a decrease in the average number of volunteers responding (Table 6, page 15). (It must be noted that, in determining the average number and type of personnel responding, the results are significantly influenced by the fact that most fire departments are predominately staffed by career County employees. Conversely, in the case of the two rescue squads, one, Wheaton Rescue, is more predominately staffed by volunteers, and the other, Bethesda-Chevy Chase Rescue Squad, is almost totally volunteer-operated.)

Finally, (Table 7, page 16) reflects that failures to respond to an incident decreased 40 percent in the year after the transfer when compared to the year prior to the transfer.

In OLO's opinion, the decline, albeit slight, in the average number of volunteers responding to incidents and the reduction in failures to respond in the year following the transfer of firefighter/rescuers under Bill 42-87, is the result of the decision by DFRS to assign sufficient firefighter/rescuers to meet the Commission-directed minimum staffing levels. Prior to the transfer, when faced with a personnel shortage, corporations could only draw on their own corporation resources, that is, hire an off-duty firefighter/rescuer at overtime pay if funds were available or put out a call for a volunteer to standby the station. Lacking overtime funds or a qualified volunteer, the corporation was faced with the choice of either responding with less than minimum staffing or to "scratch", that is, not respond.

As discussed in Part I, the decision by DFRS to fully staff primary units at the minimum level has been costly. Because DFRS had a number of personnel shortages, it was forced to meet staffing levels by hiring off-duty firefighter/rescuers at overtime rates. The expenditures for overtime for operations in FY 1988 exceeded those of FY 1987 by over 115 percent; and the FY 1989 overtime expenditures exceeded FY 1988 by an additional 30 percent (see Table 16, page 36).

Interviews with corporation officers and/or boards of directors revealed another "cost" of staffing primary units at the minimal levels, specifically, operational efficiency. To cover position vacancies and personnel absences, DFRS temporarily assigned firefighter/rescuers to stations throughout the County. Often, the firefighter/rescuers were unfamiliar with the response area to which temporarily assigned which resulted in units being delayed in responding to an incident. While this is still cited as a problem by some corporations, it appears that it has mitigated with the reduction in temporary assignments as the number of career vacancies are reduced.

2a. Issue: The validity of the goals and objectives of Bill 42-87.

b. Evaluation: The goals and objectives of Bill 42-87, which are the same as those in basic fire and rescue services law, continue to be valid.

c. Discussion:

The purpose of Bill 42-87 was to provide for the lateral transfer of tax-paid uniformed fire and rescue corporation employees to the County merit system. In enacting Bill 42-87, the Council restated the following five fundamental goals of the original fire and rescue services legislation (Chapter 21, Montgomery County Code):

- Provide maximum protection of life and property;
- Maintain maximum volunteer participation;
- Achieve optimum personnel practices;
- Provide for adequate accountability; and
- Improve operations and administration.

These five goals remain valid. As will be discussed in detail in the remainder of this evaluation, some of the goals are being met in an effective manner, (e.g. protection of life and property); while other goals will require more effort on the part of all components of the fire and rescue services before they are fully achieved (e.g. promote equity and harmony between County merit system personnel and volunteers; maintain and expand participation by volunteers).

C. The Roles and Operations of the Fire and Rescue Commission

1a. Issue: Fulfilling its major responsibility as directed in the Fire and Rescue Services Law, Chapter 21, Montgomery County Code.

b. Evaluation: Beginning a few months prior to enactment of Bill 42-87, and extending to the present, the Fire and Rescue Commission has aggressively moved to fulfill its major responsibility as directed in Chapter 21 of the Montgomery County Code to establish County-wide policies, standards, regulations, plans, and programs for the fire and rescue services.

c. Discussion:

As discussed in Part I of this report, a new seven-member Fire and Rescue Commission (FRC) was appointed the same month that Bill 42-87 was introduced. The new Commission differed from its predecessors in that all seven members were appointed by the County Executive, and the terms of a member was extended to three years.

At its first meeting in August 1987, the Commission established an ambitious work program to accomplish a number of tasks, some of which had originally been assigned eight years earlier in Bill 15/16-79.

Despite a delay in the policy development process caused by a necessity to reissue Commission policies, procedures and standards as regulations, the Commission has moved forward with republishing a number of policies and procedures. The following is a partial list of regulations and standard operating procedures which have either been published as FRC regulations by the current Commission or are working their way through the publication process:

- Commission Regulation No. 35-89, Integrated Emergency Command Structure.
- Commission Regulation No. 26-89, Minimum Training Requirements and Certification Standards.
- Commission Regulation No. 58-89, Incident Command System.
- Commission Regulations No. 29-89AM, Volunteer Firefighter Medical Standards, and No. 13-89AM, Drug Screening Procedure for Volunteer Applicants.
- Commission Regulation No. 28-89, Volunteer Recruitment Cash Award Program.
- Commission Regulation No. 30-89, Code of Ethics and Personnel Conduct.
- Commission Regulations No. 41-89, Safety While on Apparatus, and No. 42-89, Temporary Reassignment of Apparatus (both approved as emergency regulations).
- Commission Regulation No. 56-89, Fire and Rescue Services Disaster Plan.
- A number of Standing Operating Procedures for dealing with incidents such as high-rise fire box alarm, trench collapse and cave-in, and urban-rural box/non-box alarm.

Developing the many regulations and operating procedures is the combined effort of the Commission staff, Commission committees, especially the Chiefs' Committee, and DFRS staff and its committees. Volunteer input and comments have come from the Commission's Chiefs' Committee, independent corporation chiefs and the corporation Presidents' Committee (not a committee of the FRC), and the Fire Board.

One of the major responsibilities of the Fire and Rescue Commission, dating back ten years to Bill 15/16-79, is the requirement to adopt a Master Fire Defense Plan. A plan was developed several years ago by a prior Commission, but was not approved by the County Executive. The current Commission has convened a study group under the vice-chairman of the Commission, with representatives from the Commission and DFRS staff, and County citizens to revise the original plan. Publication is expected in approximately one year.

2a. Issue: The authority of the Fire and Rescue Commission.

b. Evaluation: In light of the changes in the roles and responsibilities of the fire and rescue components resulting from the enactment of Bill 42-87, there is a need to clarify the authority of the Fire and Rescue Commission.

c. Discussion:

Throughout this report, OLO has emphasized that, the overall responsibility of the Fire and Rescue Commission is to develop effective emergency services on a County-wide basis and to establish the policy and regulatory framework for all County fire, rescue, and emergency medical service operations. Council Bill 42-87 re-emphasized that responsibility and specifically stated that the Commission's authority derived from and acted on behalf of the County government. (Code Section 21-4A(a)(2))

The Commission appointed in August 1987, under new procedures enacted in Bill 8-87 (Code Section 21-4B(a)), initiated an ambitious program of developing the plans, policies and regulations, many of which had been originally directed in legislation almost a decade earlier. The accomplishments of this Commission are commendable, especially considering that at the same time, the fire and rescue services were going through dynamic personnel changes resulting from a new classification and compensation system and enactment of Bill 42-87.

Throughout the period from late 1987 to the present, the citizens of the County have continued to receive a high order of effective fire, rescue and emergency medical services. The volunteer corporations have continued in their important role of delivering those services, and the Department of Fire and Rescue Services (DFRS) has provided the essential support for the corporations to carry out their operational mission.

However, in carrying out its responsibility of adopting the policy and regulatory framework under which these two components of the fire and rescue services will operate, the Commission has often been faced with opposition from both corporations (individually and collectively) and the Department of Fire and Rescue Services. This opposition has, in many instances, been exacerbated by a lack of a clear understanding by all parties -- volunteer corporations, DFRS and the Commission -- concerning the authority of the Commission. The following three examples illustrate this problem:

● Authority to Temporarily Reassign Apparatus. At this writing, the Commission is attempting to process a regulation placing authority for the temporary reassignment of apparatus with the DFRS' shift operations chief. Many volunteer corporations criticize the regulation, arguing that because the assignment of apparatus is an operational matter, and the corporations are responsible for operations, the corporations should have responsibility for the temporary assignment of apparatus. The Commission's position is that the temporary assignment of apparatus is a critical matter affecting County-wide services, and therefore, clearly within the policy-making authority of the Commission to assign responsibility for performing that function.

- Enforcement and Investigative Authority. Also at this writing, the Commission is attempting to develop legislation which would clarify its authority to supplement its enforcement powers as presently set forth in the fire and rescue law (Code Section 21-4B(k), and would provide the Commission with investigating powers which they currently do not have. Without getting into the details of the proposed legislation, OLO notes that the action is still being processed by the Executive branch and there is open discussion as to whether the Commission should have authority to conduct investigations considering that such authority would extend to DFRS' operations and personnel.

- Authority to Establish Staffing Levels. The fire and rescue law is not specific as to what agency has authority to establish the levels of staffing at the various fire and rescue corporations. This was not an issue prior to Bill 42-87 because DFRS had no operational personnel responsibilities, and the Commission exercised all authority over staffing through the budget process. However, subsequent to Bill 42-87, DFRS, in January 1989, unilaterally assigned an additional career firefighter/rescuer in an overtime pay status to each of two stations of a fire corporation. At the time of the action, DFRS did not consult with the Commission, although it subsequently did inform the Commission. The fire corporation to which the two stations belonged vigorously objected to DFRS increasing its staffing and, consequently, its budget expenditures since the two career employees were neither requested nor budgeted. More recently, in late 1989, the Commission reallocated a number of firefighter positions to create medic positions among several corporations. Some of the corporations and representatives of the communities which those corporations serve objected to the Commission's action. Some questioned the Commission's authority to make changes in staffing levels without the approval of the affected corporation; and one corporation even refused to accept an additional medic position.

The whole debate over staffing centers on the issue as to which of the following agencies has the authority to establish staffing levels:

- DFRS - under its legislated mandate to "reassign employees in coordination with the local corporations, and with the goal of ensuring adequate staffing levels in each corporation" (emphasis added) (Code Section 2-39A(b)(5)(C));

- The corporations - which must balance career staffing needs against available qualified volunteers to fulfill their responsibility of delivering fire, rescue, and emergency medical services; or

- The Commission - because it is directed by law to make policy decisions concerning a myriad of fire/rescue services, it must, subject to the budget process, set levels of service and determine the staffing necessary to provide those services.

In the opinion of OLO, the above three examples relating to the Commission's authority illustrate that, on occasion, both the corporations and DFRS are reluctant to recognize that the Commission's role is more than just to debate and make suggestions. The law clearly establishes the Commission's authority to adopt plans, establish policies, and to set standards. When the Commission is making policy and developing the regulatory framework for the

components of the County's fire and rescue services, there simply cannot be any confusion as to the authority of the Commission. The enactment of Bill 42-87 and the transfer of all paid operational firefighter/rescuers from the corporations to DFRS has led to confusion over the Commission's authority which requires clarification.

3a. Issue: Planning capability for the Fire and Rescue Commission.

b. Evaluation: The Fire and Rescue Commission should have its own planning and research capability.

c. Discussion:

Under Code Section 21-4B(e)(2), the Fire and Rescue Commission is responsible for adopting County-wide policies, standards, procedures, plans and programs applicable to all fire, rescue and emergency medical service operations. Other sections of the Code contain the following specific directives to the Commission:

- Section 21-4E(a), directs the Commission to adopt an integrated emergency command structure.
- Section 21-4G, authorizes the Commission to establish and annually review and rectify the response areas for each corporation.
- Section 21-4H, charges the Commission with establishing communications and dispatch procedures.
- Section 21-4Q(c), assigns responsibility to the Commission for adopting a master fire defense, rescue and emergency medical services plan for ultimate adoption by the Council. As part of this plan, the Commission must define goals and objectives for service areas and identify and justify "the resources necessary to develop and operate the fire protection and emergency medical system as recommended by the plan (Sections 21-4I(a)(6) and (7)). (Note: The Department of Fire and Rescue Services (DFRS), under Code Section 2-39A(e), is responsible for purchasing and assigning all apparatus and facilities purchased in whole or in part with County government revenues, "...in accordance with the approved master plan and specifications approved by the Fire and Rescue Commission".)
- Finally, Section 21-40, requires the Commission to review and recommend budgets for each corporation to the County Executive and Council.

Because the Commission has minimal staff, it has relied upon the Planning and Research Section of DFRS for all planning support in the areas of facilities and apparatus when developing plans, policies and procedures directed by the law. It is recognized that DFRS needs a planning capability in those areas for which it is primarily responsible: personnel, communications, training, fire prevention, code enforcement, and emergency management. However, the Commission also needs a planning capability in those areas for which it is responsible, especially facilities planning (station locations and configurations) and apparatus planning (number, type and individual specifications).

Accordingly, OLO believes that, the Fire and Rescue Commission should have its own planning and research capability to accomplish its legislated mandate, to clearly establish its authority, and to reduce the perception that it is overly influenced by DFRS (see below).

4a. Issue: Influence by the Department of Fire and Rescue Services over the Fire and Rescue Commission.

b. Evaluation: The Fire and Rescue Commission needs to take positive steps to dispel the perception by many corporations that Commission decisions are overly influenced by the Department of Fire and Rescue Services.

c. Discussion:

In the summer of 1987, the Council enacted legislation (Bill 8-87) which gave the County Executive authority to appoint all members to the Fire and Rescue Commission. In the previous seven years that the Commission had been in existence, five of the seven members to the Commission were selected by the independent fire and rescue corporations through their representatives on the Fire Board. In those seven years, it was generally perceived that the corporations exercised significant influence over the Commission.

In the two years that the current Executive-appointed Commission has been in existence, it has been very active developing policies and processing regulations. This increased activity by the Commission has been criticized by many corporations as moving too fast. Specifically, the corporations believe that they are not given sufficient time to review and comment on the regulations. Also, the corporations criticize the Commission's practice of allowing DFRS representatives as much time as they wish to present their comments at public sessions of the Commission while not always recognizing corporation representatives who also wish to speak. Finally, the Commission is criticized for frequently recessing Commission meetings to caucus.

In the opinion of OLO, it is reasonable that the corporations could perceive that the Commission is overly influenced by DFRS; however, OLO does not believe this to be the fact.

The following are some of the circumstances that contribute to a perception that the Commission is overly influenced by DFRS:

- All seven members of the Commission and the Director, DFRS, are appointed by the County Executive.

- The Commission staff and the DFRS staff are located in proximity on the same floor of the Executive Office Building.

- The Commission must rely on DFRS for planning and research activities related to facilities and apparatus, and for all statistical data relating to the fire and rescue services.

- While the law directs the Commission to comment on the DFRS budget (Code Section 21-4Q(c)), the public appearance before the Council of the Chairman of the Commission defending the DFRS budget contributes to the perception that the two agencies are connected.

- DFRS has paid staff to review and comment in a timely manner on the myriad of Commission procedures, standards and regulations, while the corporations, serving as volunteers, find it difficult to meet the same suspense dates for comment on Commission documents.

- During the past two years, the Commission has often recessed its monthly open meetings to caucus. Although the Commission returns to an open session to take a vote, there is little discussion in public by Commission members on the issues leading up to their individual votes.

The practice by the Commission of caucusing raises questions concerning the Commission's compliance with the State's open meeting law (Annotated Code of Maryland, State Government Article 10-501 et seq.). In addition, the practice of caucusing contributes to the perception that the Commission is avoiding open discussions because it has already come to a decision based on information provided primarily by DFRS.

After interviewing all seven Commission members and attending several Commission meetings, OLO is convinced that DFRS does not overly influence Commission decisions. On the contrary, it is OLO's opinion that the Commission believes it is an independent agency and its legislative mission is clear: to set the policy and regulatory framework for all components of the fire and rescue services, to include DFRS. In addition to the law specifying that support for the Commission would come from DFRS (Code Section 2-39A(f)), the small staff of the Commission (7.5 positions) necessitates that it call on DFRS for technical and other support.

Notwithstanding these circumstances, it is OLO's opinion that the Commission must take some positive steps to dispel the perception that DFRS enjoys some special relationship with the Commission. Two suggestions are proffered. The first is to stop the practice of recessing meetings to caucus. Closed sessions should be limited to only those matters which must be closed to protect the privacy of individuals, such as personnel actions (Section 10-508 of the State Government Article is a valuable guide in this area).

Second, the Commission members should more frequently discuss the rationale behind their individual votes. This is especially important when voting on critical issues, such as staffing levels, a code of ethics, and medical and training standards, where there are sharply divided opinions between DFRS and corporations, and also among corporations.

5a. Issue: Formal critique of fire suppression operations.

b. Evaluation: The Fire and Rescue Commission needs to develop a County-wide policy for the assured critique of operational performance for selected emergency incidents and formal review by the Commission .

c. Discussion:

Unlike emergency medical services where there are published performance criteria, certification standards, and oversight by field personnel and the medical society, there are no comparable procedures for systematic evaluation of the performance for fire suppression operations. The Commission has developed a Post Incident Analysis procedure as part of its proposed Incident Command System regulation. The procedure requires the incident commander to perform a post-incident analysis for fire suppression and rescue operations which meet the criteria specified in the regulation.

This appears to be an initial step in developing a County-wide procedure to evaluate the actual performance at the fire or rescue scene, and also to enable all levels of management to evaluate operational training and preparedness. However, OLO suggests that the Commission re-examine the Post Incident Analysis procedure to consider two additions. The first would be a provision to permit the Commission to initiate a post incident analysis for any fire or rescue incident it deems appropriate to evaluate. The second would be a provision for formal review of each Post Incident Analysis by the Commission.

6a. Issue: The activities of the Volunteer Coordinator.

b. Evaluation: Under the supervision of the Fire and Rescue Commission, the Volunteer Coordinator, established by Bill 42-87, has initiated a number of programs and activities to improve volunteer recruitment and retention.

c. Discussion:

Created by Bill 42-87, the Commission's program manager for volunteer recruitment and retention, commonly referred to as the "Volunteer Coordinator", has been functioning for approximately two years. During that time, the Volunteer Coordinator has been responsible for the initiation and revision of a number of volunteer recruitment and retention programs.

Part I of this report (pages 39-40), listed several of these programs. For the purpose of this evaluation, only the following three programs are highlighted:

- High School Cadet Program. This program, operating in cooperation with the Montgomery County Public Schools, has been in existence for a number of years. In the past, many cadets in the program eventually joined a corporation as a volunteer when they reached the minimum age for membership; and some were eventually hired by a corporation as a paid firefighter/rescuer. Under the guidance of the Volunteer Coordinator, the program has been revitalized and a greater outreach effort has been made. All high schools have been visited to explain the program, the frequency of public announcements have been increased, and, overall, the program has been given greater attention by many of the corporations.

The number of high school cadets participating in the program for school year 1989-1990 is 20, a 30 percent increase over the previous school year. Since school year 1982-1983, a total of 32 former high school cadets have been hired into the fire and rescue services, with 15 hired by DFRS since January 1988.

- Revised Length of Service Award Program (LOSAP) Bill. Currently in the final stages of preparation by the Executive branch is a revised LOSAP bill. Preliminary comments from corporations which have reviewed the proposed bill is that it is a major improvement over the current law. Among the many improvements in the bill, two are especially noteworthy. The first will change the present "pass/fail" method of accumulating LOSAP points on an annual basis to an incremental system whereby partial credit will be awarded for partial service with accumulated LOSAP points vested every five years. The second places all responsibility for administering the LOSAP Program under the Fire and Rescue Commission, and removes DFRS from any role in the program.

- Cash Award Program. The Council recently approved FRC Regulation No. 29-89 which establishes an incentive program for volunteer firefighters to recruit new volunteers. Whereas the proposed changes to the LOSAP law discussed above is targeted at retaining volunteers, this program is an incentive to bring new recruits and volunteers into the fire and rescue services.

D. Roles and Operations of the Fire Board

1a. Issue: Should the Fire Board be continued.

b. Evaluation: The Fire Board, with some legislated modifications, should continue to be the principal advisory body to the Fire and Rescue Commission on all matters concerning policies, standards, regulations, and especially, operations.

c. Discussion:

The Fire Board has been in existence for forty years. Originally composed of one delegate from each fire department and rescue squad to serve in an advisory role to the County Manager, membership on the Board was doubled in 1969. In addition, the Board's Executive Committee was given operational and administrative responsibilities (approve response areas and location of stations, and set minimum training standards and uniform communication procedures).

In 1980, when Council Bill 15/16-79 became effective, the authority of the Fire Board was significantly reduced, with most of its responsibilities transferred to the newly established Fire and Rescue Commission. However, the Board was given a new and significant responsibility: election of five of its members to the seven-member Fire and Rescue Commission, subject only to Council confirmation.

For the next seven years the Fire Board exercised this appointment authority. However, in 1987, the Council enacted Bill 8-87 which recognized the authority of the County Executive to appoint all seven members to the Commission. In addition, the Bill 8-87 directed the County Executive to consider appointing at least one member to the Commission from a list of at least ten non-career volunteer firefighters submitted by the Fire Board. The Executive has consistently appointed at least one Commission member from the lists submitted by the Board.

In the two years since the Fire Board lost the authority to appoint five of the seven members of the Commission, the Fire Board has felt that its influence in fire and rescue matters has diminished. As stated previously in this report, the Fire Board appointed an Ad Hoc Committee to study the future of the Board. The Committee recommended that the Fire Board be abolished and its primary duty of representing the interests of the volunteer corporations be legislatively transferred to the Montgomery County Volunteer Fire-Rescue Association. In the opinion of OLO, this should not happen.

When enacting Bill 42-87, the Council restated that policy advice to the Commission by a Fire Board representing the independent fire departments and rescue squads was a key private resource in the combined fire and rescue services. Because the independent fire and rescue corporations are responsible for the delivery of fire, rescue, and emergency medical services, the chiefs of these corporations are most qualified to advise the Fire and Rescue Commission on operational matters.

Currently, the Commission receives advice on policy and operational matters from the corporation chiefs through the Commission's Chiefs' Committee. The Chiefs' Committee has been particularly successful during the past two years in assisting the Commission in developing numerous operational standards and regulations.

The corporation chiefs should continue this important advisory role, not as a committee of the Commission, but as the Montgomery County Fire Board. In OLO's opinion, the Fire Board should be legislatively restructured to include in its membership only the chiefs of the fire and rescue corporations (or their designee), and at least one chief officer designated by the Director, DFRS. The primary function of the Fire Board should continue to be to advise the Fire and Rescue Commission on all policy and regulatory matters, and especially on operational matters.

E. The Roles and Operations of the Department of Fire and Rescue Services

1a. Issue: Overall performance of the Department of Fire and Rescue Services.

b. Evaluation: The Department of Fire and Rescue Services (DFRS) has effectively fulfilled its overall responsibility to provide support for the County's fire and rescue services.

c. Discussion:

When enacting Bill 42-87, the Council reiterated that the role of the Department of Fire and Rescue Services in the County's combined fire and rescue system would continue to be primarily that of support. However, under Bill 42-87, the DFRS traditional support responsibilities (training, communications and alert notification, fire prevention and code enforcement, and emergency management planning) were expanded to include personnel management and administration. DFRS has met this added responsibility in an effective manner.

In the three-month period between enactment of Bill 42-87 and the transfer of all career corporation firefighter/rescuers to the County merit system, DFRS developed and implemented an impressive number of standard personnel procedures. Part I, (pages 21-24) of this report highlighted some of these personnel procedures. Having all career firefighter/rescuers under a single entity has facilitated the transfer of personnel County-wide to meet operational needs, provided for career progression from recruitment to retirement/separation, and permitted management of this valuable personnel resource under standard administrative policies and procedures and consistent personnel practices.

One particular benefit that accrued from the consolidation of all firefighter/rescuers is in the area of recruitment and basic training. Faced with over 100 position vacancies in January 1988, DFRS conducted an accelerated recruitment and hiring campaign and conducted four double-size recruit training classes in the period January 1988 to December 1989.

An additional benefit from the requirement to fill over 100 position vacancies was the opportunity to improve minority/female representation in the firefighter/rescuer class. In the two years DFRS has been responsible for personnel matters, the number of minorities have increased 107%; with the number of minority/female uniformed personnel now constituting over 20% of the total career workforce.

In areas other than personnel, DFRS has also been effective in providing support to the other components of the fire and rescue services:

● Communications. In the period since the transfer, there have been a number of changes in the area of fire and rescue communications. The DFRS Communications Section moved into greatly improved facilities in the new Emergency Communications Center (ECC). The move was followed shortly by activation of the long-planned computer-aided dispatch system. The combination of a new facility, state-of-the-art equipment and technology, and increased staffing has contributed to a reduction in the processing time within the ECC.

● Fire prevention and code enforcement. The consolidation of all career firefighters in DFRS has facilitated accomplishment of the long-standing DFRS responsibility for fire prevention and code enforcement. Since the transfer, DFRS has been able to schedule fire prevention training and inspection on daily and weekly activities schedules of career firefighters. However, even more important, because of uniform fire prevention training and performance criteria, DFRS has been able to delegate authority to enforce the fire safety code to a larger number of qualified personnel, both career and volunteer. In fact, the whole area of fire prevention and code enforcement is a successful example of a combined system of DFRS career firefighters and corporation volunteers.

2a. Issue: Areas for improvement in the performance of the Department of Fire and Rescue Services.

b. Evaluation: Despite the overall effective performance of the Department of Fire and Rescue Services, there remain areas where improvements are needed.

c. Discussion:

Interviews with representatives of fire and rescue corporations, current and past members of the Fire and Rescue Commission and the Fire Board, and a cross-section of DFRS management and employees suggested areas where improvements in DFRS operations and performance are needed. Highlighted below are two major areas, training and staffing, which were mentioned most often as needing improvement.

● Training. One area of DFRS responsibility which has received criticism is training. The major complaint has been that DFRS cancels courses when less than the required minimum of 15 volunteers register, but does not cancel courses when less than 15 career personnel register. The corporations perceive that, as a result of these cancellations, fewer volunteers have been able to receive training and, consequently, to meet minimum certification standards.

An examination by OLO of the DFRS training records indicates that this criticism is not fully warranted. The OLO review revealed no pattern on the part of DFRS to cancel courses with less than 15 volunteer students, and to conduct courses with less than 15 career students. The records show that some courses with less than 15 volunteers have been cancelled; however, other courses with less than 15 have not. Likewise, some courses with less than 15 career students were also cancelled, and some were not. What appears to be occurring is that courses are cancelled for a variety of reasons, to include the availability of instructors and facilities, funds to pay the instructor, and minimum class size. While usually adhering to the 15-student minimum rule as a cost efficiency factor, DFRS often waives that rule because of operational necessity. In those cases where waivers were granted, both volunteers and career personnel appear to have benefited.

As to the follow-on allegation that the DFRS course cancellation policy has resulted in fewer volunteers receiving training, the records show otherwise. A review of Tables 9 and 9A (page 26) in Part I of this report reveals that in comparing the training records of FY 1988 and FY 1989, the actual number of volunteers enrolling and completing firefighter and EMT courses increased in FY 1989, the first full fiscal year after the transfer, while the number of career student enrollments and completions have decreased.

Notwithstanding the above, there is a need for improvements by DFRS in the area of training. The improvement most needed is a more imaginative approach to accomplishing the training mission. There is universal agreement that training is a critical factor in successful fire, rescue emergency medical operations. The state-of-the-art is ever evolving and the technical improvements are many. The Fire and Rescue Commission has recognized the critical connection between training courses and operational proficiency in its recently approved Regulation No. 26-89, Minimum Training Requirements and Certification Standards. Unfortunately, the approach to training has not kept up with the ever-increasing demands.

●● Training facilities. With the exception of a few outreach classes which have been conducted in fire stations, nearly all course offerings are presented at the Public Services Training Academy (PSTA). Although relatively centrally located in the County, concentrating all classroom activity to this one building is a serious limiting factor to attendance, especially for volunteers who can only attend these courses evenings and weekends, the same periods they are available for standby duty in their corporations. OLO suggests that DFRS seriously study the use of traveling instructional teams which would present courses in satellite locations such as stations or schools. Such a program was successfully used to orient all firefighter/rescuers on the new self-contained breathing apparatus (SCBA).

●● New training initiatives. In the opinion of OLO, DFRS must examine other state-of-the-art training concepts. Among the training initiatives would be: video training tapes available through organizations such as the National Fire Academy, Oklahoma State University, and the International Society of Fire Service Instructors; self-paced training manuals; contract instructors, possibly through Montgomery College; the Emergency Education Network's videoconference courses; and, finally, interactive television training programs.

●● In-service training. A final OLO comment concerns in-service training. In-service training is team training conducted at the stations under the direction of the career chain-of-command. The training is organized into quarterly drill periods, with manuals to identify training goals. The program calls for evaluations to be conducted at the end of the quarterly training period. The concept of in-service training is good; however, in the opinion of OLO it has a serious shortcoming which needs to be corrected. The shortcoming is that it is directed primarily at career firefighter teams, rather than at the combined career-volunteer operational teams. The current procedure of scheduling most in-service training during the normal daytime hours results in very few volunteers participating in the team drills. Most corporations also have an in-service training program for volunteers. Because firefighting is a team effort, and the teams are often made up of career and volunteer firefighters, it would appear to be beneficial if at least some of the in-service training could be conducted at night and on weekends so the two components (career and volunteer) who cooperatively fight fires would have trained as a team.

● Staffing. Along with training, DFRS staffing practices have been criticized by the corporations. Although conceding that DFRS has managed to maintain personnel assignments at or close to the minimum staffing level, some corporations criticize DFRS' staffing practices in two general areas. The first concerns the frequent detailing of career personnel on temporary assignment which results in a constant rotation of new personnel in the stations. The corporation chiefs complain that this practice seriously reduces the efficiency of the firefighter/rescuers teams (as evidenced by occurrences of delayed responses), and contributes to low morale on the part of the career personnel.

The second complaint concerns the integration of volunteers into the staffing levels. The corporations criticize the current practice whereby DFRS will not recognize a volunteer who is on standby duty in the station as counting toward the minimum staffing level unless the presence of the volunteer is prearranged. To illustrate, the corporations criticize the DFRS decision to temporarily detail a career firefighter to a station to replace an absent career firefighter/rescuers even though the corporation may have assured DFRS (in this case the DFRS District Chief) that a qualified volunteer is on standby in the station.

In the opinion of OLO, the practice of DFRS to detail personnel on temporary assignment is neither to weaken the efficiency of the corporations to deliver fire, rescue and emergency medical services, nor to harass the corporation leadership. As discussed earlier in Part I of this report, there are many valid reasons why DFRS must detail career personnel on temporary assignment: position vacancies, personnel absences, and qualification requirements dictated by the classification and compensation plan and the Integrated Emergency Command Structure. And it appears that the frequency of detailing has been less in recent months as position vacancies are filled by volunteers hired by DFRS and graduates from four recruit classes.

However, it is also OLO's opinion that DFRS has not developed a policy or operational procedure whereby qualified volunteers who are present in the stations for periods of less than full 24-hour shifts can be counted toward the minimum staffing level. Under the current practice, many usable volunteer hours are not considered when determining minimum staffing levels. The results of this practice are that DFRS must meet minimum staffing levels by hiring off-duty career firefighter/rescuers on overtime, and the opportunity is lost to integrate volunteers into the legislatively directed "combined system of public and private resources".

F. The Roles and Operations of the Fire and Rescue Corporations

- 1a. Issue: Overall performance of the fire and rescue corporations in the delivery of fire, rescue and emergency medical services.
- b. Evaluation: In the period since enactment of Bill 42-87, the fire and rescue corporations have effectively fulfilled their operational responsibility of delivering fire, rescue and emergency medical services to the citizens of Montgomery County.
- c. Discussion:

Under the provisions of Bill 42-87, paid firefighter/rescuers employed by the corporations were transferred to the Department of Fire and Rescue Services and became part of the County merit system. While losing administrative responsibility for these employees, the corporations retained operational authority over these County employees when delivering fire, rescue and emergency medical services.

The corporations have been able to fulfill their authority under Bill 42-87 for the operational control of fire, rescue and emergency medical services by maintaining a solid core of trained, qualified

firefighters and rescuers. Despite initial estimates at the time Bill 42-87 was being debated that enactment would result in a mass exodus of volunteers, membership information provided by the corporations, and County records of LOSAP participation, indicate that the actual loss has been minimal (under ten percent). In addition, an analysis of the same LOSAP records would indicate that volunteer participation in the delivery of services actually increased in CY 1988 over the immediate prior calendar years.

Statistics compiled by the DFRS' County Fire Incident Reporting System reflect that the response by volunteers to fire and rescue incidents has declined slightly since Bill 42-87: in calendar year 1987, 33 percent of the personnel responding to incidents were volunteers; in CY 1988, volunteer participation in responses was 29 percent (see Table 6, page 15).

In the opinion of OLO, the significance of these statistics is not in the four point decline from CY 1987 to CY 1988, but in the fact that in 1988, approximately one out of every three firefighter/rescuers who actually responded to over 64,300 incidents were unpaid, qualified volunteers. Stated another way, had there been no volunteers to respond to those incidents, the County would have needed to hire approximately 50 percent more career firefighter/rescuers to obtain the CY 1988 level of response. (Note: It is not within the scope to determine the cost saving to the County for the facilities, equipment and services provided by the volunteer corporations. It is OLO's understanding that the Fire and Rescue Commission is currently developing an estimate of cost savings to the County because of volunteers. It appears obvious that these savings will be substantial if only considering savings to the County in capital expenditures because of corporation-owned stations and apparatus. As for personnel savings, OLO roughly estimates that the actual participation by volunteer firefighter/rescuers in CY 1988 saved the County in excess of \$10 million).

- 2a. Issue: Loss of volunteer members in the fire and rescue corporations.
- b. Evaluation: For the period subsequent to Bill 42-87 (October 1987 - July 1989), the corporations report a slight decrease in volunteer membership; however, data on LOSAP participation for CY 1988 reflects an upward trend over the previous two calendar years.
- c. Discussion:

During the debate of Bill 42-87, some corporations predicted that many volunteers would leave the service if the corporation firefighter/rescuers were made County employees. The exact number of volunteers who have left since late 1987 is not certain; however, information provided by the corporations would indicate that their membership in July 1989 is down between 6 and 8 percent when compared to October 1987.

Also uncertain is exactly how many volunteers who left the service did so because of Bill 42-87. What is certain, however, is that Bill 42-87 did influence volunteer membership as indicated below:

- Bill 42-87 (Code Section 21-4N(d)) specifically prohibits career employees from volunteering in a corporation to which the employee is assigned. OLO was unable to determine an exact number of how many career firefighter/rescuers have stopped volunteering because they are assigned to their former volunteer corporations.

- Between January 1988 and July 1989, DFRS hired at least 60 volunteers to fill career firefighter/rescuer positions. Here too it is not certain how many of these former volunteers still are active in their corporations.

- A DFRS policy imposes a limitation on career employees serving as volunteer command officers under certain conditions. The total impact of this policy on career personnel volunteering apparently has been minimal in that DFRS reported only one instance when the policy has been invoked.

- The ready availability of overtime for career personnel, especially in the 18 months following the transfer, reduced the amount of time that career personnel volunteered.

In addition, some corporations allege that the Union has discouraged volunteering, especially by its members. The Union president denies the allegation, and no corroboration of this allegation was revealed.

G. The Cost of Providing Fire and Rescue Services

1a. Issue: The fiscal impact of Bill 42-87.

b. Evaluation: In the period since enactment of Bill 42-87, the cost of providing fire and rescue services has increased significantly.

c. Discussion:

Although the effective date of Bill 42-87 was October 22, 1987, the actual transfer of corporation firefighters and rescuers to the County merit system occurred in January 1988. Thus, the implementation of Bill 42-87 began halfway through fiscal year 1988. In Part I of this report, a series of tables highlighted the actual expenditures for fire and rescue services by major category for fiscal years 1986 through 1989. Table 14 (page 32) and Table 15 (page 33) presented a comparison of total expenditures and personnel expenditures, respectively, for the same four fiscal years. These two tables clearly reflect a significant increase in the cost to the County for fire and rescue services in both FY 1988 and FY 1989.

There are a number of explanations for the increased expenditures in these two fiscal years. While most of the increase results directly from enactment of Bill 42-87, there are other reasons not related to Bill 42-87 for the expenditure increases. One unrelated reason was the approval of a new classification and compensation plan in July 1987, six months prior to the transfer of paid firefighter/rescuers under Bill 42-87. Implementation of the classification and compensation plan resulted in the creation of three new classes and the promotion of many career personnel with the concomitant increase in salaries and fringe. Another fallout from the new classification and compensation plan was the filing of grievances by career personnel who had worked "out of class". Almost all of these grievances were settled in favor of the employee.

Another expenditure not totally related to Bill 42-87 was the costs associated with recruiting, hiring, and training new personnel to fill the many firefighter/rescuer position vacancies which existed in the corporations at the time Bill 42-87 was enacted.

However, the bulk of the increased cost of providing fire and rescue services in FY 1988 and FY 1989 is the direct result of enacting Bill 42-87 and of transferring career corporation employees to the Department of Fire and Rescue Services. Highlighted below are the major reasons for the increase in expenditures which were discussed in more detail in Part I of this report (pages 34-38) which are directly the result of Bill 42-87:

- The discontinued service retirement of 72 corporation firefighter/rescuers.
- The loss by DFRS of the ability to hire training instructors and operation center personnel at below-scale, part-time wages.
- The requirement to recruit, hire, and conduct larger and more frequent recruit classes.
- The lump sum payment to career firefighter/rescuers for annual leave accrued when they were corporation employees.
- The County's settlement of grievances by career firefighters/rescuers who had been worked out of their specific job classes when they were corporation employees.
- The increase in DFRS staff to operate the greatly expanded department and to manage the personnel-related responsibilities acquired under Bill 42-87.
- The creation of a Volunteer Coordinator in the Fire and Rescue Commission.
- The large increase in overtime expenditures.

Of the above eight reasons, the increase in overtime expenditures has been the most visible and accounts for the largest percentage of increased expenditures in the period since Bill 42-87 was enacted.

As discussed in Part I of this report (pages 36-38), some of the increase in overtime costs can be directly tied to Bill 42-87, while other overtime expenditures are not linked to the Bill. However, one decision by OMB and DFRS at the time Bill 42-87 was enacted became the basis for future overtime expenditures. That decision was the commitment to maintain all primary units at the minimum level of staffing directed by the Fire and Rescue Commission despite the knowledge that there existed a large number of career position vacancies in the corporations, and that normal career employee absences (leave, illness, special assignment) would occur. To keep this staffing commitment, DFRS was forced to temporarily hire off-duty firefighter/rescuers at overtime rates.

The following DFRS actions, necessitated by the transfer of firefighter/rescuers to the County merit system, contributed to the increased overtime expenditures:

- Hiring off-duty firefighter/rescuers at overtime rates to fill additional career position vacancies resulting from the decision by 72 corporation firefighter/rescuers to take discontinued service retirement rather than transfer to the County Merit System. Although some of the retired employees were eligible for normal retirement, enactment of Bill 42-87 made these and many more employees eligible for a discontinued service retirement.

- Hiring off-duty firefighter/rescuers at overtime rates to serve as instructors in the training academy and as dispatchers in the Emergency Communications Center (ECC). Prior to Bill 42-87, these same instructors and dispatchers could be hired as part-time employees without paying overtime because they were corporation employees and not in the County's merit system.

- Hiring off-duty firefighter/rescuers at overtime rates to replace volunteers who ceased participating for a variety of reasons (hired by DFRS, prohibited by Bill 42-87 from volunteering in the same corporation where assigned, etc.).

These additional DFRS actions also contributed to the increase in overtime expenditures in the period subsequent to Bill 42-87; however, they do not directly result from the transfer:

- Implementation of the new classification and compensation plan which required DFRS to fill position vacancies and replace employee absences with career employees in the appropriate grade and with the required qualifications.

- Under budgeting for regular and overtime salaries and wages. As an example, officers positions (sergeant through captain) were budgeted at three work-years per position when 4.2 work-years was needed for full-time coverage in a 48-hour week. Also, sergeants and lieutenants were paid overtime after 48-hours.

- Finally, in early 1989, DFRS placed an additional firefighter/rescuer in an overtime pay status in two fire stations during nights and weekends.

In summary, contrary to Executive branch predictions at the time Bill 42-87 was being debated, there has been a significant increase in the rate of expenditures for fire and rescue services in the period since its enactment. However, the increase is neither of the magnitude some volunteer corporations predicted, nor is it totally a consequence of Bill 42-87.

H. Compliance with the legislative intent of Bill 42-87 to encourage and support the continuation and expansion of volunteer participation, and not to discourage qualified volunteer participation

- 1a. Issue: Official actions by County agencies on volunteer participation.
- b. Evaluation: Since enactment of Bill 42-87, County agencies, with one exception, have not initiated any official actions specifically directed at discouraging qualified volunteer participation.
- c. Discussion:

When enacting Bill 42-87, the Council included in the law the following specific references to volunteer participation:

- "The County will vigorously support the continuation and expansion of volunteer participation as a means of providing fire, rescue and emergency medical services in the most cost-effective way and encourage citizens participation in community activities." (Code Section 21-4A(a))

- "The County Council hereby declares its policy intention that all County officials and employees actively encourage, and not in any way discourage, qualified volunteer participation." (Code Section 21-4A(a))

- One of the five goals of the fire and rescue law is the achievement of Maximum Volunteer Participation: "Maintenance and expansion of participation by volunteers in fire, rescue and emergency medical service operations and in policy-making". (Code Section 21-4A(b)(2))

- "The County must not prohibit or discourage any County employee from providing volunteer services for a corporation, except (1) a corporation to which the employee is assigned, or (2) to the extent the services are prohibited by the conflict-of-interest provisions of Chapter 19A [Ethics Law]". (Code Section 21-4N(d))

- Finally, a program officer for volunteer recruitment and retention (Volunteer Coordinator) was created under the supervision of the Fire and Rescue Commission. (Code Section 21-4B(n))

In the opinion of OLO, with one exception, no agency of the County has intentionally initiated an official action within its area of authority and responsibility that had as its purpose, discouraging participation by qualified volunteers in the fire and rescue services. In fact, the activities and initiatives of the Commission's Volunteer Coordinator have improved volunteer recruitment and retention.

The one exception is the provision in DFRS Policies and Procedures No. 517, which prohibits DFRS employees from serving as a volunteer command officer of a higher rank than the employee's career rank, when the volunteer's response area and the response area of the corporation to which assigned as a career employee share a common boundary. It is recognized that the impact of this prohibition has not been great (DFRS reported that there has been one instance when the policy was invoked). It is further recognized that the purpose of the policy is to avoid a situation where a career employee serving as a volunteer command officer would be in command of other career employees of higher rank than the volunteer's career rank. Nonetheless, in OLO's opinion, the restriction on volunteer participation in DFRS policy No. 517 goes beyond the restrictions of Bill 42-87.

- 2a. Issue: Other actions by County agencies which have impacted on volunteer participation.
- b. Evaluation: In the two years since enactment of Bill 42-87, in the opinion of most corporations, various actions by County agencies have reduced corporation identity, involvement, and recognition, thereby adversely impacting on volunteer participation.
- c. Discussion:

In the course of this evaluation, the corporations have highlighted many actions by County agencies which, in their almost unanimous opinion, have reduced the identity and involvement of volunteer corporations; have demonstrated a lack of recognition of the long history of contributions by volunteers to the County's combined fire and rescue system; and have contributed to the loss of volunteer personnel. The corporations attribute most of these actions to the Department of Fire and Rescue Services, and, to a lesser extent, to the Fire and Rescue Commission.

Listed below under three major categories are selected actions which, in the opinion of practically all of the corporations, have adversely impacted on the fire and rescue corporations and have directly contributed to discouraging volunteer participation:

Reducing Corporation Identity and Involvement

- The DFRS policy not to permit the word "volunteer" on County-owned fire stations. (This policy was changed through the direct intervention of the County Executive and the County Council.)
- A failed effort by DFRS to establish its own volunteer system for specialty teams.

- The DFRS policy of frequently transferring and detailing career personnel among corporations which weakens the ability of the career personnel to identify with specific corporations, and hinders the development of volunteer/career team integrity.

- The DFRS policy of not always consulting with corporations prior to taking actions which directly affect the corporations. Most of the actions involve personnel assignments and transfers; however, others concerned standardizing the paint color of new apparatus, designating smoking areas in the corporation-owned stations, transferring of apparatus, selecting colors of uniforms, and wearing of DFRS and corporation patches.

- The failure on the part of the County's negotiators to coordinate with or involve corporations when negotiating the collective bargaining agreement with Local #1664, despite the fact that the agreement included provisions which obligated corporations to provide accommodations and appliances in their corporation-owned stations to members of the bargaining unit.

- The policy of DFRS not to involve corporations in vehicle accident investigations despite the fact that the damaged vehicle is often titled to the corporation.

- The practice of the Commission and DFRS to inundate corporations with regulations, policies and procedures which, because of short suspense dates and inadequate administrative support, the corporations are unable to adequately evaluate and comment upon.

Lack of Recognition of Volunteer Contributions

- Removal by DFRS staff of photos and memorabilia relating to volunteers from display areas in the Public Services Training Academy (PSTA).

- Failure to recognize the role of volunteers in the County's fire/rescue system during orientation of new recruits in Recruit Classes I and II. (Corrected for subsequent two recruit classes.)

- Failure of DFRS to recognize volunteers as an integral part of the County's fire services when sponsoring a national HAZMAT conference in May 1989.

- Failure by County management to recognize contributions of volunteers during the destructive storm of June 1989, which was exacerbated by the fact that the contributions of career employees were publicly recognized.

- Long delayed recognition by the County of the contribution by volunteers who respond to fire and rescue incidents. The first annual awards for volunteers was not held until October 1989, and, to the chagrin of the volunteers, was scheduled at a time and date least convenient to the volunteer recipients and corporation officers.

- Minimal or no representation on several Commission and DFRS committees. For example, the Vehicle Accident/Incident Review Committee has no volunteer representative in spite of the fact that over 40 percent of the vehicles/apparatus are owned by the corporations.

Discouraging Volunteer Participation and Actual Loss of Volunteers

- The DFRS practice of hiring active volunteers. Since January 1988, a total of 60 active volunteers have been hired.

- DFRS assigning a career employee to the corporation where that employee is an active volunteer, thereby, under the law, prohibiting the employee from continuing to volunteer in that corporation.

- Commission requirement that all entrance physicals for volunteers be performed by the County's Occupational Medical Section (OMS) despite the fact that OMS staff required to adequately meet the needs of the corporations have not been hired. Although the Commission has since delayed the requirement until the additional OMS staff is hired, many corporations claim potential volunteers were lost because of the delay in receiving an OMS physical.

- Inability of volunteers to enroll in courses at the PSTA which were required to become or remain qualified because of a DFRS practice of scheduling fewer classes evenings or on weekends when volunteers are able to attend, and because of a DFRS policy of sometimes cancelling courses that do not have a minimum of 15 volunteers registered.

- Failure by DFRS chain-of-command to stop the harassment of volunteers by career employees.

- Low morale in corporations because of media-quoted disparaging remarks directed toward volunteers by representatives of the Commission, DFRS and Union Local #1664.

- Practice by some DFRS station Commanders to overlook volunteers on stand-by when making unit assignments, especially to the more responsible positions of primary unit officer and driver.

- Severe limitations on the numbers and types of pagers issued by the County to corporations for their active volunteers.

There are positive signs that many of the above problems between DFRS and the volunteer corporations over the past two years are beginning to be resolved (see Evaluation Summary below). Resolution is occurring primarily through the concerted efforts of the leadership of both groups. However, there remains the need to pass this positive attitude by management down through the chain-of-command to the lowest operational elements.

Accordingly, OLO would suggest that, in the case of the volunteer corporations, the boards of directors make cooperation with and improved attitudes toward the career service a requirement for corporation membership. In the case of DFRS, the Director should continue to stress through the departmental chain-of-command the County's policy of encouraging volunteerism. In addition, the Director should encourage each volunteer chief and corporation president to submit written comments concerning cooperation and attitude for inclusion in the performance appraisals of senior career officers.

I. Evaluation Summary

On December 14, 1989, there was a vehicle accident on Interstate I-270, West of Rockville, Maryland, involving hazardous materials (HAZMAT). In the course of the next few hours, the following elements of the County's fire and rescue services came together to effectively deal with the incident:

- Units from the Rockville Volunteer Fire Department under the command of the Rockville Volunteer Chief;
- The on-duty DFRS Shift Operations Chief to provide assistance and additional resources as requested by the Volunteer Chief; and
- The HAZMAT Team Leader, a DFRS career Master Firefighter/Rescuer (and a member of Local #1664), and when not on duty, a volunteer fire chief in Prince George's County.

The above is only the latest instance of how the County's combined system of fire and rescue services respond successfully to an emergency. Other than receiving more publicity than do the thousands of other incidents, the I-270 emergency is not an atypical example of the effective cooperative performance by career and volunteer firefighter/rescuers at the scene of a fire or other emergency.

In October 1988, when Bill 42-87 was enacted, some volunteers predicted that the Bill's passage would constitute a "take-over" by the County, generate a mass exodus of volunteers, and end the combined system of fire and rescue services in the County. The prediction did not come about, primarily because the County did not "take over" the fire and rescue services and the volunteers did not quit their corporations.

It is true that since Bill 42-87, the County's role in the fire and rescue services is more pervasive. First, the support role of DFRS is much greater, especially in the personnel area. Second, a newly-appointed Fire and Rescue Commission has been aggressively enacting policies and regulations.

Despite these two changes, the actual delivery of fire, rescue and emergency medical services is not greatly changed. The County's fire and rescue services continue to be based on a combined system of public and private resources. The private side of the partnership, represented by the 19 volunteer corporations, have responsibility and authority for the delivery of

fire, rescue, and emergency services. On the public side are the Department of Fire and Rescue Services and the Fire and Rescue Commission, which provide a wide range of support, and develop the policy and regulatory framework for the service. The fourth component of the combined system, the Fire Board, has been a less visible force.

While the two years since Bill 42-87 have seen a successful continuation of a combined fire and rescue service, the period has not been without problems. The section immediately preceding this one (pages 74-77) highlighted a number of actions by County agencies, primarily DFRS, which many corporations believe have discouraged volunteer participation. These actions, according to the corporations, have resulted in a reduction of corporation identity, involvement, and recognition, and have actually caused the loss of volunteers.

The County has acknowledged that some of these actions could have been perceived by the volunteers as being insensitive; and steps have been taken to make corrections. In this category would be the agitation created by a DFRS proposal to eliminate the word "volunteer" on new County fire stations; the removal from the PSTA of volunteer pictures; and the failure to publicly recognize volunteers at official DFRS-sponsored functions. Other County actions have, because of operational requirements, continued in effect; however, there appears to be more consideration for the volunteers' concerns. In this second category would be consulting with corporations on matters which directly affect them, increasing the allocation of pagers to the volunteers, and temporarily detailing career personnel.

Recently, there have been three events which appear to indicate an improving relationship between the County and the volunteer corporations:

- A meeting was held between the County Executive, the Council President, heads of appropriate County agencies, and representatives of several volunteer corporations where problems in the post-Bill 42-87 period were openly discussed and ways to resolve them were explored.

- The appointment of the First Deputy Chief, the highest paid career firefighter/rescuer in the County, who is a long-time active volunteer and, at the time of his appointment, the Volunteer Chief of Silver Spring VFD. One of the major responsibilities assigned to the First Deputy by the Director, DFRS, is to "act as principal coordinator with corporations involving issues and complaints of insensitivity to volunteers".

- The invitation by DFRS and acceptance by the Volunteer Chief of the Bethesda-Chevy Chase Rescue Squad (a universally recognized spokesman for the volunteers) to be the speaker at the graduation ceremonies of Recruit Class IV and a firefighter's course.

The above are positive and hopeful signs that the County and the volunteers may be starting to put aside the acrimony, suspicion and insensitivity which has plagued the combined fire and rescue services for too long.

However, in the opinion of OLO, the most pronounced change has been an improved attitude and disposition on the part of the top leadership in both the County and the corporations. The next, and maybe more difficult step, is for these leaders to aggressively permeate this improved attitude through their respective chains-of-command, so that all levels of the combined system develop a greater understanding of and empathy for the responsibilities of the other fire and rescue components.

The Department of Fire and Rescue Services has a critical and highly complex mission; and in two short years has, on the whole, performed that mission effectively. Likewise, the Fire and Rescue Commission has had a busy and productive two years developing the plans, policies, standards and regulations which have been too long in coming. Finally, the volunteer fire and rescue corporations have continued their long tradition of delivering effective fire, rescue and emergency medical services to the citizens of Montgomery County.

VII. RELATED MATTERS

In the course of this evaluation, the following related matters came to the attention of OLO. Although these matters may not be within the specific scope of this evaluation, they are considered sufficiently important to be presented here for information and, in some instances, possible action by the appropriate department or agency.

A. Corporation Employees

During debate on Bill 42-87, some corporations proposed that, in addition to paid corporation firefighter/rescuers, other corporation employees paid with fire tax funds should also be transferred to the County Merit System. The Council did not accept that proposal. Accordingly, all corporations, except the Bethesda-Chevy Chase Rescue Squad, retained at least one corporation employee paid with public funds. At Table 19 (page 46) in Part I is a breakdown of the FY 1990 authorized complement of administrative and mechanic positions in 19 corporations.

1. Administrative positions. A review of the distribution of administrative positions reveals little logic in the number, grade or type positions authorized. For example, the one-station, Upper Montgomery County VFD, is authorized one part-time Principal Administrative Aide, Grade 13; however, three other one-station fire departments are each authorized a full-time Office Services Manager, Grade 15. Likewise, Sandy Spring and Hillandale VFDs, each with two stations, are authorized one full-time Grade 15 administrative position, while Cabin John VFD, also a two-station department, is authorized a Grade 21 administrative position, and Gaithersburg-Washington Grove FD, also a two-station department, is authorized two administrative positions, one a Grade 15 and the other a Grade 23.

2. Mechanic positions. There is also no pattern to the distribution of mechanic positions. Although all 17 fire departments and the one rescue squad have apparatus, only eight are authorized mechanic positions. Of the eight, all are authorized one position except Bethesda FD and Kensington VFD, which are each authorized two positions. As in the case of administrative positions, there is a range of authorized grades, from Grade 16 to Grade 22.

It is OLO's understanding that the Commission is concerned with the overall problem of apparatus maintenance, to include the distribution of mechanic positions, and is working toward developing a solution. In the opinion of OLO, resolution of the issue of apparatus maintenance should not be delayed.

However, the imbalance in corporation administrative support positions appears only to be of concern to the corporations. Some fallaciously argue that there is little need for administrative support in the corporations since the transfer of all firefighter/rescuers to the County. Based upon its review of corporation operations, OLO cannot agree with that argument. OLO discovered that the administrative responsibilities within the corporations have diminished very little since the transfer. The corporations' continuing administrative responsibilities include preparing budgets, financial accounting and bookkeeping of public funds, processing volunteer applications, maintaining LOSAP records, and responding to the myriad requests (from the Commission, DFRS, Risk Management and other County agencies) for information on corporation activities and comments on publications. Early resolution of the issue of adequate administrative support for the corporations should be a goal of the Commission.

B. Career Representative on the Fire and Rescue Commission

There continues to be confusion on the part of some volunteers regarding two opinions by the County Attorney relating to appointments to the Fire and Rescue Commission. Specifically, the two opinions were that:

- A sworn County police officer cannot simultaneously serve as a member of the Fire and Rescue Commission and as a paid police officer (Opinion 86.006, July 24, 1986); and

- A paid fire chief can simultaneously serve as a member of the Fire and Rescue Commission and as a paid fire chief (Opinion 86.009, September 11, 1986).

Part of the rationale presented in Opinion 86.009 was that the fire chief was an employee of a fire corporation in a position created by the bylaws of that fire corporation.

Since issuing Opinion 86.009, two significant events have occurred:

- In March, 1987, the Council enacted Bill 8-87, directing the County Executive to consider appointing at least one member of the Commission from a list of career, non-volunteer firefighters; and

- In October, 1987, the Council enacted Bill 42-87, directing the transfer of corporation employees, to include chiefs, to County Merit System employees.

While OLO is not implying that the appointment to the Commission of a career fire chief is contrary to law -- for it is clearly the intent of Bill 8-87 that the Council wanted a member of the Commission to be a paid firefighter -- OLO is suggesting that the County Attorney review Opinions 86.006 and 86.009 in light of Bills 8-87 and 42-87 to clarify the apparent confusion and misunderstanding over the opinion that still exists on the part of some volunteers.

C. Red Ribbon Committee Report

In July 1987, the report of an Executive-appointed Red Ribbon Committee was issued. As discussed in Part I (page 10), this report on the fire and rescue protection in Montgomery County included several comments and recommendations relating directly to the provisions of Bill 42-87 enacted three months later: continuation of a combined system, making all tax-paid uniformed personnel County employees, and the importance of community identification with its fire station/rescue squad.

To address some of the comments in the Red Ribbon Committee Report, the County Executive and the Chairman, FRC, appointed three task forces to further examine the areas of accounting, procurement and tax structure for the fire and rescue services. The three task forces completed their examinations and issued reports in May 1988. Since that time, no further information on these reports has been forthcoming from the Executive branch.

In the opinion of OLO, the findings of the Red Ribbon Committee and the three task force reports should be revisited and decisions should be made regarding implementation or rejection of these findings.



VIII. CONCLUSIONS

Since enactment of Bill 42-87:

A. Overall:

1. The County continues to receive effective fire, rescue and emergency medical services from a combined system of qualified volunteer and County merit system firefighter/rescuers. The County's combined system represents a uniquely successful example of a public-private partnership.
2. The goals and objectives of Bill 42-87 remain valid; however, some require a greater effort by all components of the fire and rescue system before they will be fully achieved.

B. Fire and Rescue Commission:

1. The Fire and Rescue Commission, deriving its authority from and acting on behalf of the County government, is aggressively moving to fulfill its major responsibility of establishing County-wide policies, standards, regulations, plans and programs for the fire and rescue services.
2. In light of the changes in the roles and responsibilities of the fire and rescue components resulting from the enactment of Bill 42-87, there is a need to clarify the authority of the Fire and Rescue Commission.
3. The Fire and Rescue Commission needs its own planning and research capability.
4. The Fire and Rescue Commission needs to take positive steps to dispel the perception by many corporations that its decisions are overly influenced by the Department of Fire and Rescue Services.
5. The Fire and Rescue Commission needs to develop a County-wide policy to assure that the operational performance for selected emergency incidents will be critiqued by the participants and formally reviewed by the Commission.
6. Under the supervision of the Fire and Rescue Commission, the Volunteer Coordinator established by Bill 42-87 has initiated a number of programs and activities to improve volunteer recruitment and retention.

C. The Fire Board:

1. The Fire Board, with some legislated modifications, should continue to be the principal advisory body to the Fire and Rescue Commission on all matters concerning policies, standards, regulations, and especially, operations.

D. The Department of Fire and Rescue Services:

1. The Department of Fire and Rescue Services has effectively fulfilled its overall responsibility to provide support for the County's fire and rescue services.
2. Despite the overall effective performance by the Department of Fire and Rescue Services, there is a need for some improvements, primarily in the areas of training and staffing.

E. The Fire and Rescue Corporations:

1. The fire and rescue corporations continue to effectively fulfill their operational responsibility of delivering fire, rescue and emergency medical services to the citizens of the County.
2. In the period subsequent to Bill 42-87, the corporations report a slight decrease in volunteer membership while data for CY 1988 reflects an upward trend in LOSAP participation.

F. The Cost of Providing Fire and Rescue Services:

1. The cost of providing fire and rescue services has increased significantly in the period subsequent to the enactment of Bill 42-87.
2. While the bulk of the increased cost of providing fire and rescue services is directly related to enactment of Bill 42-87, there are other reasons unrelated to Bill 42-87 for part of the increase in expenditures.

G. Compliance With the Intent of Bill 42-87 to Encourage and Support the Continuation and Expansion of Volunteer Participation, and not to Discourage Qualified Volunteer Participation:

1. Primarily through the Volunteer Coordinator, the County has initiated a variety of formal actions to encourage volunteer recruitment and retention.

2. With one exception, County agencies have not initiated any official action to discourage volunteer participation. The one exception, a limitation on career employees serving as volunteer command officers under certain conditions, has had minimal impact.
3. There have been other actions by County agencies, primarily the Department of Fire and Rescue Services, which have worked against promoting harmony between County merit system career employees and volunteers; and have resulted in reduced corporation identity, involvement, and recognition, and have generally impacted adversely on volunteer participation.



IX. RECOMMENDATIONS

The following are recommended:

A. General:

1. The County continue fulfilling its responsibility for public safety through fire, rescue and emergency medical services with a combined system of public and private resources.
2. Top management of all components of the fire and rescue services reemphasize in their respective organizations the Council's intent that all County officials and employees actively encourage, and not in any way discourage, qualified volunteer participation.
3. All components of the fire and rescue services endeavor to achieve one of the basic goals of Bill 42-87, that is, to promote harmony between County merit system career employees and volunteers, by putting aside the acrimony, suspicion, and insensitivity which have plagued the combined fire and rescue services for too long.

B. The Montgomery County Fire and Rescue Commission:

1. Continue to be responsible for the policy and regulatory framework for the independent fire departments and rescue squads.
2. Request the County Council and County Executive to review and clarify its authority in light of the changes in the roles and responsibilities of the fire and rescue components resulting from the enactment of Bill 42-87.
3. Be authorized its own planning and research capability.
4. Initiate steps to dispel the perception by many corporations that its decisions are overly influenced by the Department of Fire and Rescue Services.
5. Develop a County-wide policy of assuring that the operational performance for selected emergency incidents are critiqued by the participants and formally reviewed by the Commission.

C. The Montgomery County Fire Board:

1. Continue to be the principal advisory body to the Fire and Rescue Commission on all policies, standards, and regulations, especially, fire and rescue operations.

D. The Department of Fire and Rescue Services:

1. Continue to provide personnel and other support services to the various components of the County's fire and rescue services.
2. Review its policies and procedures in the two areas of training and staffing and make improvements where necessary.

E. The Fire and Rescue Corporations:

1. Continue to be responsible for the delivery of fire, rescue and emergency medical services.

X. COMMENTS FROM AGENCIES AND CORPORATIONS

Before submitting this report to the County Council, a draft copy of Part I was sent to the following:

- Chief Administrative Officer and appropriate Executive departments;
- All Fire and Rescue Corporation Presidents and Chiefs;
- Chairman and Members of the Fire and Rescue Commission;
- Chairman, Montgomery County Fire Board;
- President, Local #1664, Montgomery County Fire Fighters Association;
and
- President, Montgomery County Volunteer Fire-Rescue Association, Inc.

Comments were received from the Chief Administrative Officer, and the Presidents of the Chevy Chase and Gaithersburg-Washington Grove Fire Departments and the Montgomery County Volunteer Fire-Rescue Association, Inc. Comments concerning typographical errors and technical data have been included in the final report. Other comments are presented in their entirety beginning on the next page.

December 19, 1989

TO: Andrew Mansinne, Jr., Director
FROM: Lewis T. Roberts, Chief Administrative Officer
SUBJECT: OLO Draft Report No. 89-4, Evaluation of Bill 42-87

Thank you for the opportunity to comment on the above-mentioned draft report. The report is well written and comprehensive. Attached for your information are comments from the County Attorney's Office, OMB, Personnel, and the Department of Fire and Rescue Services. The comments are primarily technical in nature and offer clarification of several factual matters.

The Executive Branch looks forward to discussing the report with the full Council. Again, thank you for the opportunity to comment.

MEMORANDUM

December 18, 1989

TO: Andrew Mansinne, Jr., Director
Office of Legislative Oversight
FROM: Ramon F. Granados, Director
Department of Fire and Rescue Services
SUBJECT: Comments on Draft OLO Report Number 89-4 Dated November 1989

The following are my comments on Draft OLO Report Number 89-4 dated November 1989:

- * 1. Page 9, Section D1, First Paragraph. The Chief Administrative Officer also approved the Classification and Compensation Plan as required by the Personnel Regulations in effect at that time.
- 2. Page 20, Second Paragraph. The report states that, "At worst, it has resulted in units getting lost or delayed in responding to an incident." I believe that it would be more accurate if it stated that, "It has resulted in a few units getting lost..." There have been only a few units that have had the problem of getting lost. In comparison to the total number of incidents responded to by the Department employees the number of units that actually get lost is minute. I am aware of less than ten such cases. Some additional comments about details are appropriate. The details that were required to meet minimum staffing during the immediate post transition period were occasionally disruptive. However, with the extreme vacancy level and other shortages, it could not have been avoided.

As new personnel were hired, personnel were relocated to balance the shifts, stations and districts. Detailing has been reduced to an acceptable level.

Detailing is both necessary and desirable for station staffing. It is necessary to balance the day to day fluctuations between leave use in the stations. It is also a desirable and useful tool for personnel development.

* Note: Page numbers in these comments refer to the draft report and may not correspond to the page numbers in this final report.

Personnel are detailed to busy stations to increase their experience. Personnel in stations that have limited apparatus are detailed to stations with trucks and squads to increase their knowledge of specialized equipment. Detailed personnel increased their knowledge of the geography and special hazards of other response areas. During major emergencies, companies are transferred into the affected area. Personnel in the transfer companies need to have some knowledge of the area into which they have been transferred.

3. Page 20, Third Paragraph. The report states that, "At all other times (nights and weekends,) and for the other pieces of apparatus in the fire station (brush trucks, extrication units, etc.), the volunteer corporations are responsible for providing qualified personnel to meet minimum staffing levels." That statement implies that the staffing in the remaining fourteen fire stations and the Wheaton Rescue Squad during night time and weekend periods is entirely volunteer. The chart in the report shows that many career personnel staff those fourteen stations during the night and weekend hours. The sentence in question needs to be modified to reflect the fact that in many of these stations a significant number of career employees also are assigned nights and weekends.
4. Page 20, Fourth Paragraph. This paragraph references the staffing approach at the Bethesda-Chevy Chase Rescue Squad. The last sentence states that, "At all other times, volunteer totally staff all primary units." It should be noted that, that is not an accurate statement since during most week-day hours and some night and weekend hours paid staff paid for by the Bethesda-Chevy Chase Rescue Squad are assigned to staff units.
5. Page 20, Last Paragraph. This paragraph is a bit harsh against the DFRS position on including volunteers in the work schedules. DFRS has responded to every request made ahead of time to modify the shift schedules to include available volunteer staffing. But DFRS is opposed to making last minute staffing changes. We have asked the corporations to make their staffing plans known in order for staffing schedules to be appropriately adjusted. In fact, the Fire and Rescue Commission met with most corporations asking them to identify staffing that they could guarantee in order for changes to be made in DFRS schedules. Very few corporations were able to provide staffing commitments that allowed for staffing reductions.
6. Page 22, First Paragraph. The second sentence of this paragraph discusses how volunteers may augment personnel riding apparatus. It should be noted that this is a means for providing the desired staffing levels (except in stations where there are no volunteer's, e.g. Bethesda and Chevy Chase) since DFRS only staffs to minimum levels.
7. Page 25, First Paragraph. The last sentence of this paragraph states, "Unfortunately, the in-service drills conducted to-date have been directed almost exclusively to career personnel during the week-day when few volunteers are in the station." Some comment on the Department's in-service training program is appropriate.

It is a program that is separate from the in-service training programs provided by the Corporations to their volunteer members, although volunteers are encouraged to attend. The in-service training programs of the Department and the Corporations have been set up separately. Initially, the Chief's Committee was asked by representatives of DFRS if they wished to be included in the in-service training program development plans that could have lead to a combined in-service training program. The Chief's in attendance indicated that they did not desire to participate in a combined program. For that reason, it has remained a separate in-service training program. Each Corporation has its own assigned volunteer training coordinator and separate drill schedules are developed.

It should be noted that in order to avoid duplication and for planning purposes DFRS provides its quarterly in-service training schedules and any up dates being distributed from time-to-time to all corporation chiefs. That is done in order to alert the chiefs as to the training being provided by DFRS and to allow the chiefs the opportunity to incorporate joint training as they see fit. Contrary to the sentence quoted above the DFRS in-service training schedule includes night time and weekend training activities, in addition to week-day training.

Attached are several documents that have been issued by the Department concerning its in-service training program. You will notice that in several of the memorandums statements that support the Department's desire to work closely together with the Corporations in our mutual training efforts.

Page 34. This and subsequent pages of the report discusses the reasons why expenditures for fire and rescue services increased significantly during the periods of 1986 through 1989. Five reasons are discussed. There are other reasons for the increased expenditures that should be included in the discussion. Those reasons are as follows:

- a. When DFRS assumed responsibility for the career fire/rescue personnel many of these employees had excessively high leave balances. This was true for both annual leave and compensatory leave. To deal with this issue the County Council passed Bill 3-88 that was intended to reduce annual leave balances by providing employees the opportunity to have that leave paid off in accordance with that law. Over \$400,000 in such leave payoff was expended as a result of Bill 3-88.

Also, in an effort to reduce leave balances the decision was made to payoff excess compensatory leave balances shortly after the transition took place. Instead of the excess compensatory leave being converted to sick leave employees were paid for their excess compensatory leave balances.

The final aspect of this leave reduction program was implimented with the Department's adoption of a leave policy that provided for a high percentage of leave slots in comparison to that which would normally be justified by the leave being accrued by employees. The policy included a 13 percent figure in calculating the number of leave slots to be available to personnel on a day-to-day basis. This percentage was recently changed to 9 percent. However, the 13 percent was in effect for two years in order to encourage personnel to take leave and reduce their excessive leave balances.

It should be noted as part of this discussion that the leave balances were allowed to increase to the high levels by the Corporations. DFRS was faced with the need to reduce leave balances when the employees became County employees.

- b. Another reason for the increased expenditures had to do with the grievance payoffs. Many grievances that were in process prior to the transition or that were initiated as a result of the transition or Classification and Compensation Plan were handled and settled by DFRS.
- c. Another cause of the increased fire and rescue services expenditures has to do with administrative staff support. Prior to the transition there was an expectation that since the transfer of uniform employees to County Government would also transfer significant personnel related work load to DFRS some administrative staff would also be budgetarily reallocated from the Corporations to DFRS. This effort was initiated by the Fire and Rescue Commission during FY 89 and FY 90. That transfer of administrative support staffed appeared clearly justified since the Corporations would no longer be responsible for carrying out many administrative support functions dealing with the management and support of the many career uniform employees. As a result of the position taken by Corporations on this matter there was no transfer or reduction of administrative support provided to the Corporations. However, due to the fact that there was a significant increase in administrative work that needed to be performed by DFRS there was a significant increase in administrative staff assigned to DFRS as outlined within the draft OLO Report. The end result in viewing the entire fire and rescue services was a significant increase in administrative staff.
9. Page 44, Third Paragraph entitled, "Mechanics". It should be noted that the Corporations also rely on career employees who are sometimes on overtime to perform maintenance functions on Corporation and County owned apparatus.
10. Page 46, First Paragraph. In item 3 above night and weekend staffing as described in this report was discussed. The comments contained in that previous section of this memorandum apply to this paragraph.
11. Page 47, Second Paragraph. It should be noted in this paragraph that DFRS does support employees transferring from one station to another for them to be able to continue to serve as a volunteer in the station originally assigned. The decision as to whether to submit a request for a transfer is made by the employee. DFRS will grant any transfer request from an employee who wishes to transfer from that station in order to be able to continue to volunteer in that Corporation.

This concludes my comments on Draft OLO Report Number 89-4. If you have any questions or need further information on these comments, please advise.

MEMORANDUM

December 18, 1989

TO: Andrew Mansinne, Jr., Director
Office of Legislative Oversight

FROM: Robert K. Kendal, Director *Robert K. Kendal*
Office of Management and Budget

SUBJECT: OLO DRAFT Report No. 89-4, Evaluation of Bill 42-87

The Office of Management and Budget has reviewed the above referenced draft report, and appreciates the opportunity to comment. The information presented is quite comprehensive and well organized. This office has a few comments that may provide clarity in the final report.

On the subject of overtime, we hope that the evaluation and conclusions to be presented in Part II will break out the types and causes. While it may be difficult to distinguish the causes of overtime due to data inconsistencies, it would be especially helpful to address the impact of two factors: 1) the Classification and Compensation Plan, which resulted in a requirement for more officers than DFRS had available, and therefore required the filling of vacant slots with officers on overtime; and 2) the DFRS implementation of Fire and Rescue Commission policy on minimum staffing. These two factors are intertwined with the transition, and are issues that would have been addressed regardless of the firefighters' employer, and therefore should be distinguished. There are several other factors impacting overtime which you have addressed in Part I that you no doubt will address in Part II.

One of these factors is the loss of volunteers. OMB suggests that as well as addressing the overtime and new position costs of career firefighters required by the loss of volunteers in recent years, your evaluation should discuss new positions required due to the recruitment of volunteers to fill career positions.

You state that, "For FY 90, eight of the corporations have authorized mechanics positions..." (page 44). Only seven corporations have authorized mechanics positions (FY 90 Approved Personnel Complement). Also, LOSAP is first mentioned (page 39) without any definition or citation. In the final report you may wish to spell out the acronym.

My staff is available to provide additional information and answer questions as needed.

MEMORANDUM

December 19, 1989

TO: Andrew Mansinne, Director, Office of Legislative Oversight
FROM: William P. Garrett, Personnel Director *WPG*
SUBJECT: OLO Report #89-4 - Transfer of Career Firefighters

The Personnel Office has reviewed the draft Office of Legislative Oversight report concerning the transfer of firefighters from independent Corporations to the Department of Fire and Rescue Services.

As you are aware, the Personnel Office was integrally involved in the transfer of firefighters, the new classification plan for uniform fire employees, and the reorganization of the Department of Fire and Rescue Services. Because of our involvement, many of our staff members responded directly to you and staff of the Office of Legislative Oversight on these matters.

All of our Division Chiefs and selected staff members have reviewed the OLO report and find it to be both comprehensive and accurate. You have our congratulations as does your staff for having prepared a report of such high quality.

Should you need additional information or clarification from the Personnel Office, do not hesitate to contact us.

MEMORANDUM

December 18, 1989 ~~1989~~ DEC 19 PM 4:18

TO: Andrew Mansinne, Jr., Director
Office of Legislative Oversight
FROM: Tasha Panarites *Tasha Panarites*
Assistant County Attorney
RE: Corrections to Draft Report No. 89-4: An Evaluation of Bill 42-87, the Transfer of Career Firefighters from Fire/Rescue Corporations to the Department of Fire and Rescue Services

Bruce P. Sherman, Senior Assistant County Attorney, and Patricia P. Hines, Assistant County Attorney have reviewed the Draft Report No. 89-4. Generally, it is their opinion that the report is substantially accurate. I have summarized their comments in this memorandum and attached their memoranda hereto.

Ms. Hines believes that the discussion on page 38 of the report concerning the County Attorney opinion provided to the Fire and Rescue Commission should be clarified. Initially it should be noted that the opinion was not a "ruling," or a formal County Attorney opinion. It was an advice of counsel. Her opinion was that because the volunteer firefighters were not County employees, any actions, plans or policies would have to be promulgated as executive regulations. Contrary to what is stated in the first full paragraph, in the third sentence, Ms. Hines did not advise that the then-existing regulations be reissued as regulations. She recommended that they remain in effect but that as they were revised, that they be promulgated as regulations.

Ms. Hines also noted a typographical error on page 11, in the second paragraph under Section V, A. In the second line, the word "then" should be changed to "than."

Mr. Sherman's opinion is that the report should affirmatively indicate that the prohibition on merit system career firefighters acting as volunteer firefighters in the same corporation to which they are assigned is a prohibition imposed by the federal Fair Labor Standards Act and not a policy decision by the County government.



CHEVY CHASE FIRE DEPARTMENT

INCORPORATED
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CHEVY CHASE, MARYLAND 20815

EMERGENCY
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BUSINESS PHONE
652-0707

December 15, 1989

Mr. Andrew Mansinne, Jr., Director
Office of Legislative Oversight
100 Maryland Avenue, Room 225
Rockville, Maryland 20850

Dear Mr. Mansinne:

I have reviewed the draft of Part I of OLO Report 89-4 forwarded by your memorandum of November 13, 1989. My comments below are keyed to the pages of the report:

• Page 7, first complete paragraph, last sentence which begins: "Because the County...": The County did react to the DOL opinion when on May 2, 1986, Personnel Director Garrett informed the firefighter claimants that their status as "otherwise covered and nonexempt employees" in the DOL letter meant "those operational firefighters engaged in commerce, producing goods in commerce, or employed by an enterprise engaged in commerce or producing goods in commerce ... Thus, coverage for firefighters must be based on whether the individual engages in commerce or produces goods in commerce. The burden rests with the employee to show that the requisite participation in commerce exists." Mr. Garrett then went on to note: "This office would be inclined to grant prospective relief to any covered employees if there were a definitive response from federal officials or the courts as to the question of your coverage under the Fair Labor Standards Act as a firefighter with an independent fire corporation in Montgomery County. We have not received such a response nor is there any evidence of record to indicate that this is the case."

County Executive Gilchrist then wrote Council President Hanna on May 5, 1986 stating: "Since we spoke last, the Personnel Office and the County Attorney's Office have completed additional analysis of the issues so that a grievance decision could be made. Mr. Garrett has determined that we have insufficient grounds to conclude that the grievants are entitled to overtime pay under the FLSA...If the Merit Board or the Courts find such an entitlement, I believe the County should act promptly to pay all amounts found due...and to make the firefighters County employees immediately in order to eliminate future overtime costs."

While your facts in the subject sentence are technically correct, there is considerably more to the story and this should be clearly stated in your report. The County reacted very much in the negative to the claims of the firefighters, and the Corporations took the County's advice as governing.

● Page 7, second complete paragraph: The case is entitled: Norman C. Conway, Inc., et. al. vs. Takoma Park Volunteer Fire Department, et. al. (Source: Judge Herbert Murray's Memorandum and Order of July 30, 1987.)

● Page 7, second complete paragraph: The Court has set a trial date of February 12, 1990. Perhaps your report should reflect this fact.

● Page 9, the first paragraph under D.1.: "Firefighter/Recruiter I" should be "Firefighter/Rescuer I".

● Page 13, Table 2: Percentage columns for CY 1987, CY 1988, and CY 1989 add to 102%, 102%, and 101%, respectively. It is suggested that the Explosion/Ruptures and Missing Data lines be shown as 0%.

● Page 16, first line of paragraph C.1.: "Approximately 700 paid operational employees were transferred..." conflicts with the statement on page 22 under paragraph C.4. which states the number was over 600. There is a statistically significant difference between "over 600" and "approximately 700". DFRS must know how many personnel it officially acquired on January 15, 1988.

● Page 37, Added Career Staffing: Does this mean two firefighters were added to each station or one to each station for a total of two? Rewrite paragraph for clarity.

● Page 44, Personnel Support: Twenty-four full-time and 7 part-time positions do not add to the 34 positions cited at the beginning of the first sentence.

● Page 44, Mechanics: If eight corporations have one mechanic, and Bethesda and Kennsington have an additional one each, this is a total of 10. In the Personnel Support paragraph at the top of page 44, only nine mechanics are mentioned.

The Chevy Chase Fire Department appreciates the opportunity to comment on Part I of your report, and looks forward to receiving a copy of the final report.

Sincerely yours,

Robert F. Kidd

Robert F. Kidd
President

cc: Secretary
Presidents' Committee



GAITHERSBURG-WASHINGTON GROVE FIRE DEPARTMENT, INC.

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STATION 28
7272 Muncaster Mill Road
Derwood, MD 20855
(301) 921-9330

Learn Not To Burn

December 28, 1989

Mr. Andrew Mansinne, Jr., Director
Office of Legislative Oversight
100 Maryland Avenue
Rockville, MD 20850

RE: OLO Report #89-4

Dear Andy:

This letter serves three purposes. First, congratulations for a pithy, succinct synopsis of the facts related to the evaluation of Bill 42-87. Second, at the meeting of the Presidents' Committee on December 6, it was agreed that the Presidents' Committee per se would make no comments at this time; rather, comments would be made by the Presidents of the Corporations directly. (A copy of the minutes, suitably highlighted, is enclosed). Third, the following comments on the draft report represent those of the GWGFD Board of Directors.

Page 7, End of First Complete Paragraph - "Because the County did not react ... in the U.S. District Court." This statement inadequately covers the events. In fact, the County ignored the DOL opinion; requests for clarification by some Corporations elicited no response from the FRC or County Attorney's office. It has been rumored that there are written memoranda prepared by the County Attorney's office that suggest that the Corporations should not take action to redress the issue of 40 versus 48 hours. Based on the absence of response, and with the tacit concurrence of the FRC, the Corporations took no action on the DOL opinion. Consequently, the Corporations were sued because they followed the directions of the FRC and other County officials.

Page 7, Second Paragraph - The case is "Norman C. Conway" etc. Also, trial has been set for February 12, 1990; perhaps this should be noted.

Page 9, Second Full Paragraph - Change to read "Firefighter/Rescuer I".

Page 11, 3rd Full Paragraph - Comment: While the Bill did not change the responsibility of the DFRS to support the Corporations, a review of DFRS regulations pursuant to 2-39A.(b)-3 by any

December 28, 1989
Page Two

measure will clearly show that DFRS has intruded into and developed executive regulations that make more difficult or interfere with operations of the Corporations in delivery of fire and rescue services.

Page 13, Table 2 - Suggest you add a note, "Figures do not add to exactly 100 percent because of rounding."

Page 16, First Paragraph - Figure of "over 700" not the same as "over 600" on Page 22, Paragraph C.4.

Page 16, Last Paragraph - Same comment as above.

Page 18, 3rd Paragraph in Section 3 - This discussion and subsequent discussions noted below should also include reference to a significant factor in affecting minimum manning; that is, hiring of casual labor at minimum wage levels. Many Corporations (GWGFD included) hired qualified volunteers at minimal wage or up to \$5.00/hour as casual labor. In addition, qualified volunteers "stood by" for Corporation employees when they went to the PSTA, Montgomery College, or took annual or sick leave. Bill 42-87 changed all that. The County prohibited hiring of casual labor both at a lower rate and by removal of all Corporation operational personnel (essentially by elimination of budgetary funds for casual labor). Thus, a major labor pool for short term fill-in employment as operational personnel was eliminated by 42-87 and actions of the County DFRS in fulfilling its commitment had no choice but to use overtime as a means to maintain minimum manning.

Page 19, 1st Paragraph - You should explore reasons why 40 positions were vacant in January, 1988. In fact, Corporations had to hire from a list prepared and maintained by the FRC. This list was entirely inadequate in terms of affirmative action goals. Because the list was never adequate, nor was there any great effort to recruit minorities and women, Corporations suffered interminable delays in getting positions filled. When 42-87 passed, DFRS personnel took over recruiting and a significant change in speed of hiring and affirmative action occurred. In defense of the FRC, it should be noted that the FRC staff never had funds, time, or personnel to develop an adequate recruitment program; nor did they have any assistance from other County departments.

Page 19, Footnote #1 - This is a good example of DFRS independent action and intrusion into FRC and Corporation operational activities. Why change "desired" to "standard" and "minimum" to "substandard"? The negative connotation was clearly sought with malice of forethought.

December 28, 1989
Page Three

Page 20, Second Paragraph - Although true concerning detailing, the paragraph needs several examples to make clear the extent to which this is a problem.

Page 20, 3rd Paragraph, Costs - See comment on Page 18, 3rd Paragraph, above.

Page 20, Last Paragraph - "When making up the daily shift schedules, DFRS does not consider the occasional availability of volunteers unless there is a pre-agreed arrangement." This should read, "When making up the daily shift schedules, DFRS does not consider the occasional availability of volunteers although there may be a pre-agreed arrangement. ...DFRS does not make scheduling changes to accommodate the presence of fully qualified volunteers." To continue, also should read, "Fully qualified volunteers, even with advance notice, are, as a rule, assigned to backup/secondary positions." There have been occasions when qualified volunteers are present to fill minimum manning positions with their presence or qualifications ignored. As such, a DFRS person was detailed on overtime to the DFRS short manned station thus placing the volunteer in a backup/secondary position.

Page 21, Table 7 - Please check your source; career staffing at Station 8, GWGFD, is 11 days, 10 nights and weekends, not 11 and 11 as listed.

Page 22, 1st Paragraph - For the most part, volunteers augment career personnel or "replace" them only in the sense that they take a position previously assigned to a career person. Once at work and on duty, career personnel either ride apparatus or are reassigned to other stations (a procedure disliked by all parties and a cause for considerable ill feeling between volunteer and career personnel. For example, if qualified volunteers are present, career personnel and volunteer personnel will work out a reasonable solution rather than have a career firefighter be transferred to another station mid-shift.)

Page 22, Last Paragraph - See comment on Page 18, 3rd Paragraph.

Page 35 - See comment on Page 18, 3rd Paragraph. Loss of casual labor is, in fact, Reason #6. The fiscal impacts of the loss of casual labor (paid less than career firefighters or even if paid straight time as a Firefighter I) are significant in terms of impact on overtime. This matter is really a result of poor management borne of inadequate planning or an intentional effort to circumvent the Council's intentions.

Page 36, Bullet #1 - See above comments on this matter. Career employee absences are no longer filled by volunteers because scheduling of DFRS personnel is a fragmented, cost

December 28, 1989
Page Four

inefficient, and ill-coordinated activity. It is essentially done by DFRS personnel below the rank of Sergeant who "hire back" their own fellow firefighters. It is truly a situation out of control.

Page 37, Last Bullet in C - Were two firefighters added (one to each station) or four firefighters (two to each of two stations)?

Page 39, Top Bullet - The GWGFD participated in the Good Counsel High School program in 1989 at the request of the KVFD.

Page 39, End of 2nd Paragraph - You might mention the Presidents' Committee briefly (to complement comment on Page 4, 5th Bullet). The Presidents' Committee was organized in December, 1988. It meets monthly to discuss administrative and managerial issues facing the Corporations. The FRC offered to make the Presidents' Committee a standing committee of the FRC, but the Presidents' Committee, by majority vote, decided to remain an independent body. Thus, while it has its independence, it has no official standing in the County Fire and Rescue System.

Page 41, Top Bullet - Please refer to Chapter 21, Section 21-8. The GWGFD has a Local Fire Board which consists of seven members, of which only two are appointed by the GWGFD. This Local Fire Board reviews and approves all expenditures of tax funds by the GWGFD.

Page 44, Personnel Support - Something askew. 24 full-time and 7 part-time do not add up to 34 positions (Mansinne new math?).

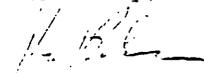
Page 44, Mechanics - Personnel Support states nine mechanics; Mechanics paragraph says 8 have mechanics of which two have two; therefore, $8 + 2 = 10$ (Mansinne new math again?).

Page 45, Last Bullet - Suggest word change to read: "The career staffing is supplemented on weekdays by a few volunteers, usually, but not universally, younger volunteers who either live at the station, are students, or are not otherwise employed."

Page 47, Item 5 - We suggest you explore this further. The County has not "long recognized" the MCVFRA. In fact, the fact that the MCVFRA has no specific legislative status has long been a reason why the DFRS and other County agencies never informed or copied the MCVFRA on matters related to the fire and rescue service. Chief Dwyer, BCCRS, might shed some light on this matter.

We trust these comments will be helpful in completion of the final report. If we can be of further assistance, please advise us. We look forward to receipt of the final OLO report.

Sincerely,



Kenneth D. Fisher
President

KDF/smw
Enclosure

Comments from the Montgomery County Volunteer Fire-Rescue Association

THE MONTGOMERY COUNTY VOLUNTEER FIRE-RESCUE ASSOCIATION, INC.

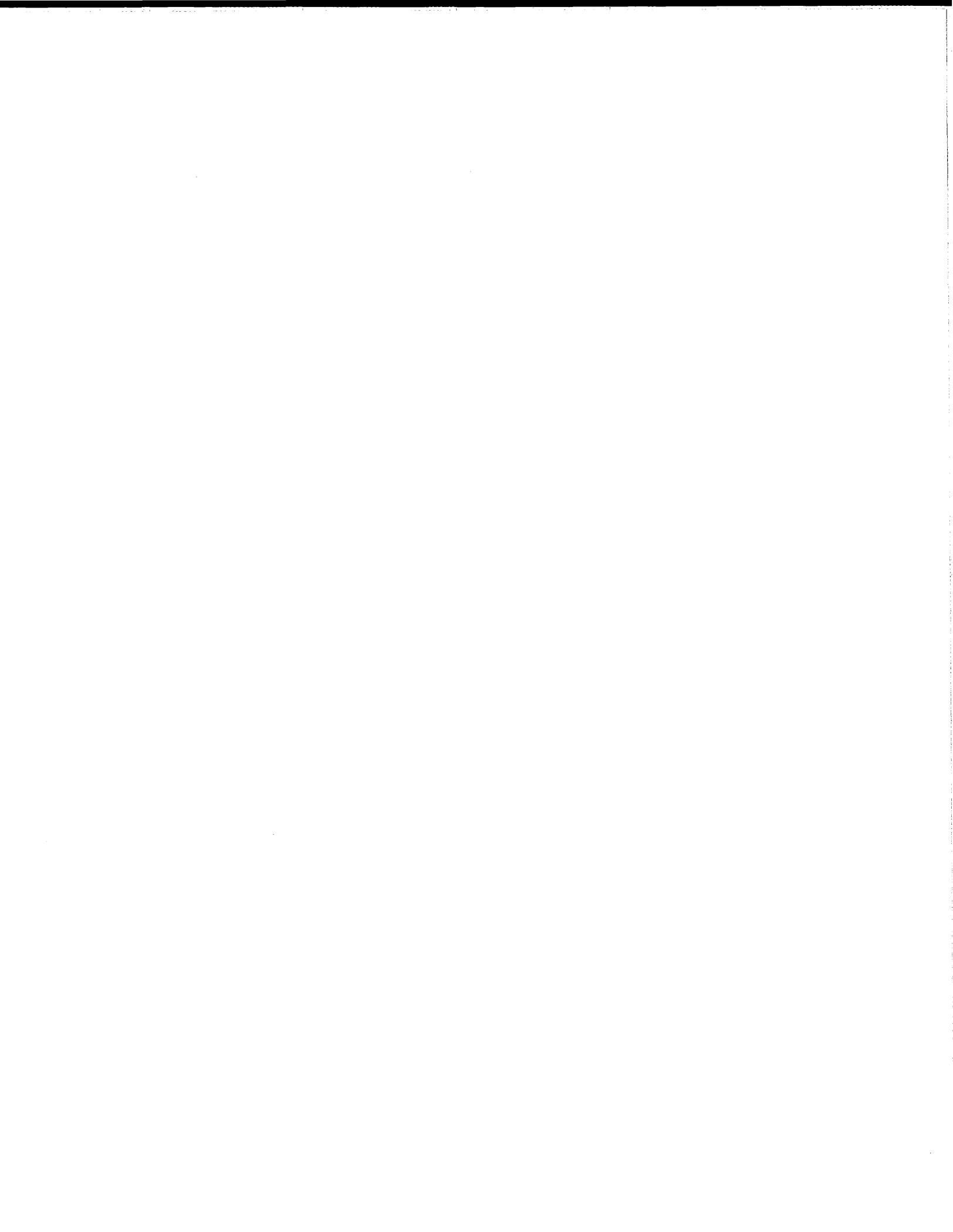
In 1922, the volunteer fire departments in Montgomery formed the MONTGOMERY COUNTY VOLUNTEER FIREMEN'S ASSOCIATION to collectively represent the departments and the volunteer members belonging to those departments. The ASSOCIATION followed the traditions of other volunteer firemen's associations formed in other counties in Maryland and around the nation.

Since its formation, the ASSOCIATION has meet every month on the 3rd Thursday to discuss the betterment of the fire and rescue service and to exchange ideas, methods, experiences and fellowship. Over the years the ASSOCIATION has encouraged the creation of new volunteer fire and rescue departments to serve an expanding population. It promoted the establishment of radio communications for the apparatus in 1940, encouraged the County Government to establish a fire prevention office in 1949, and was the catalyst in forming the Montgomery County Fire Board in 1969.

Recognizing the importance of first-aid and rescue activities the ASSOCIATION changed its name in 1972 to the MONTGOMERY COUNTY FIRE-RESCUE ASSOCIATION, together with placing a stronger emphasis toward the importance of emergency medical services and rescue activities. In 1985, the ASSOCIATION incorporated and with the growing need to encourage volunteer activity the ASSOCIATION added the word VOLUNTEER back into its name in 1988.

The ASSOCIATION interfaces with the National Volunteer Fire Council on the national level, Maryland State Firemen's Association and the Maryland Fire Chiefs Association on the State level and with the other volunteer associations located in other Counties. It maintains a very active role in behalf of the Departments and the volunteer members before the Montgomery County Council, the County Executive and numerous other governmental and public units.

The MONTGOMERY COUNTY VOLUNTEER FIRE-RESCUE ASSOCIATION, INC. is an intricate part of the volunteer structure and the volunteer participation in Montgomery County. It continues to be in the forefront for the betterment of all volunteers. As it has since its inception, the ASSOCIATION represents the interest of the Montgomery County citizen who provides a volunteer service to their neighbors and communities, performed with continued pride and dedication.



Bill No.: 42-37
 Concerning: Transfer of Operational
Firefighters from Corporations to
DFRS
 Draft No. & Date: 4 - 10/20/87
 Introduced: 8/13/87
 Enacted: 10/15/87
 Executive: October 22, 1987
 Effective: October 22, 1987
 Sunset Date: None
 Ch. 14, Laws of Mont. Co., FY 88

COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN EMERGENCY ACT to:

- (1) authorize the Department of Fire and Rescue Services to:
- [[(1)]] (a) Employ, pay and supervise all employees in the firefighter/rescuer occupational series paid by County Government revenues, including fire tax district funds;
- [[(2)]] (b) allocate and assign these employees to the local fire and rescue corporations; and
- [[(3)]] (c) charge personnel costs of employees to fire tax district appropriated funds for the fire district in which the employee is assigned; [[and to]]
- (2) provide for lateral transfer of certain fire and rescue merit system employees to county merit system positions in the department; [[to]]
- (3) authorize the levy of taxes in fire tax districts for the payment of personnel costs in the Department of Fire and Rescue Services for personnel services rendered by employees assigned to the individual or consolidated fire tax districts, and [[to provide authority for]] authorize distribution of such fire tax district [[taxes]] tax receipts to the County for payment of these personnel costs;
- (4) prohibit distribution to or expenditure by the corporations of certain tax funds for certain purposes after [[ninty (90)]][[90 days]][[from the effective date of]][[after this law takes effect,]]January 15, 1988;

- (5) require the fire and rescue commission to supervise the program officer for volunteer recruitment and retention;
- (6) prohibit discrimination against volunteer firefighters in the integrated emergency command structure;
- (7) reserve to county employees the right to volunteer their services to the fire and rescue corporations, with certain exceptions; and
[[to]]
- (8) make certain technical amendments to Chapter 21.

By amending

Section 2-39A, Division 5A, Department of Fire and Rescue Services, of Chapter 2, Administration, and Chapter 21, Fire and Rescue Services, Sections [[2-39A,]] 21-4A, 21-4B, 21-4C, 21-4E, 21-4M, 21-4N, 21-4O, 21-4Q, 21-4R and 21-4S[[,]] of the Montgomery County Code

By adding [[to]]

Chapter 21, Fire and Rescue Services,
Section 21-4M[[, subsection]](1)[[,]] of the Montgomery County Code

EXPLANATION: **Boldface** indicates matter that is a heading or a defined term.
Underlining indicates matter added to existing law by the original bill.
[Single boldface brackets] indicate text that is deleted from existing law by the original bill.
Double underlining indicates text that is added to the bill by amendment.
[[Double boldface brackets]] indicate matter deleted from existing law or the bill by amendment.
* * * indicates existing law unaffected by the bill.

The County Council for Montgomery County, Maryland, approves the following act:

01 Sec. 1. Section 2-39A of Chapter 2 is amended to read as follows:

02 DIVISION 5A. DEPARTMENT OF FIRE AND RESCUE SERVICES

03 2-39A. [[Department of Fire and Rescue Services -]] Functions.

04 The department of fire and rescue services shall have the following
05 functions and responsibilities, in addition to any other assigned by law or
06 by the county executive:

07 (a) * * *

08 (b) Personnel. Consistent with the county merit system, employ, pay,
09 terminate, discipline, assign, promote, transfer and supervise
10 employees in the firefighter/rescuer occupational series, as it
11 may be amended, paid in whole or in part with county government
12 revenues of any kind, [[which shall include]] including fire tax
13 district tax revenues[[, subject to the chain of command
14 established by the integrated emergency command structure [[as
15 provided in]] under section 21-4E; the]],

16 (1) The department may allocate and assign these employees to
17 the corporations, and may charge all personnel costs of
18 [[such]] assigned employees to appropriations to the fire
19 tax district in which the employee is assigned.

20 (2) Employees assigned to the corporations are subject to the
21 chain of command established by the integrated emergency
22 command structure under section 21-4E.

23 (3) The department promulgates executive regulations, after
24 consulting the Fire and Rescue Commission and the fire and
25 rescue corporations, that must provide for integration of
26 corporation management directions into the chain of command.

27 (4) (A) The board of directors of each corporation may

01 authorize in writing one or more officers to give
02 directions on the management of corporate activities
03 and facilities to the senior County merit system
04 firefighter or rescue worker, as the case may be,
05 assigned to that corporation who is on duty at the
06 time.

07 (B) An authorized officer may, with the approval of the
08 board of directors, delegate this authority to a
09 subordinate officer.

10 (C) If more than one authorized corporation officer is
11 present at a particular place and time, the direction
12 of the senior corporation officer controls.

13 (5) (A) The department must notify the corporation to which an
14 employee is assigned of its intent to reassign that
15 employee.

16 (B) The department must consult with the corporation
17 before reassigning the employee.

18 (C) The department must reassign employees in coordination
19 with the local corporations, and with the goal of
20 ensuring adequate staffing levels at each corporation.

21 (D) The department may order emergency reassignments
22 without notice to or consultation with the
23 corporations.

24 (6) (A) The department makes all decisions affecting the hours
25 worked by any employee in the firefighter/rescuer
26 occupational series.

27 (B) A local corporation must not determine the hours

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worked by any such employee.

(7) Any corporation and any other interested person may recommend, or provide information in connection with, disciplinary action, including termination of employment, affecting an employee in the firefighter/rescuer occupational series.

[(b)](c) * * *

[(c)](d) * * *

[(d)](e) * * *

[(e)](f) * * *

[(f)](g) * * *

[(g)](h) * * *

[(h)](i) * * *

[(i)](j) * * *

[(j)](k) * * *

Sec. 2. Section 21-4A of Chapter 21 is amended to read as follows:

[[Sec.]] 21-4A. Statement of intent; definitions.

(a) Legislative intent. It is the legislative intent of the county council, pursuant to section 101 of the charter of Montgomery County, to provide for adequate public safety, health and welfare through a fire, rescue and emergency medical services program that is highly competent, efficiently delivered, equitably administered and which utilizes [both career] county merit system, corporation and volunteer personnel. The council believes that ultimate responsibility for public safety through fire, rescue and emergency services rests with the county government. The council further believes that this program should reflect: maximum

01 cost-effective performance of these services; recognition and
02 promotion of the general, county-wide public interest; adequate
03 accountability for service levels and resource use in a manner
04 required of other public programs; fair representation and
05 communication of all views regarding these services; and adequate
06 response to past and projected growth in the county and its public
07 safety requirements. To achieve these objectives a combined system
08 of public and private resources is essential, including:

- 09 (1) Delivery of fire, rescue and emergency medical services
10 through local corporations for as long as such corporations
11 are willing and able to provide these services, and through
12 the department when local corporations are unwilling or
13 unable to provide these services or as otherwise provided by
14 law;
- 15 (2) Provision of the policy and regulatory framework for the
16 independent fire departments and rescue squads by a fire and
17 rescue commission, deriving its authority from and acting on
18 behalf of the county government;
- 19 (3) Policy advice to the fire and rescue commission by a fire
20 board representing the independent fire departments and
21 rescue squads; and
- 22 (4) Provision of support [services] by the department of fire
23 and rescue services of the county government.

24 The council supports the delivery of fire, rescue and emergency
25 services through the independent fire departments and rescue
26 squads. Such decentralized service delivery must be done within a
27 county-wide context and must be characterized by unity in

01 emergency responses and uniformity in the application of all
02 regulations. The council recognizes and respects the contributions
03 of volunteers over many decades which have resulted not only in
04 the protection of life and property in the county but also vital
05 and generous private support for an essential public activity. The
06 council acknowledges the years of volunteer effort, risk and
07 sacrifice; the provision of time and money towards the purchase of
08 equipment, apparatus and facilities; and the importance attached
09 to the opportunities for public service and fellowship. The county
10 will vigorously support the continuation and expansion of
11 volunteer participation as a means of providing fire, rescue and
12 emergency medical services in the most cost-effective way and
13 encourage citizen participation in community activities. The
14 county council hereby declares its policy intention that all
15 county officials and employees actively encourage, and not in any
16 way discourage, qualified volunteer participation.

17 (b) Purpose. It is the purpose of this chapter to promote the
18 achievement of the following goals with respect to the provision
19 of fire, rescue and emergency medical services:

20 (1) Maximum Protection for Life and Property. Provision of
21 maximum cost-effective, equitable and responsive services to
22 all county citizens, including adequate maximum response
23 times, effective fire and rescue incident supervision,
24 adequate manning, effective distribution of personnel and
25 apparatus and timely adaptation to changing service needs.
26 All organizations and participants comprising the fire,
27 rescue and emergency medical services share the

01 responsibility for improving their effectiveness and
02 efficiency every year. Evidence of this improvement may be
03 requested by the council at any time.

04 (2) Maximum Volunteer Participation. Maintenance and expansion
05 of participation by volunteers in fire, rescue and emergency
06 medical service operations and in policy-making.

07 (3) Optimum Personnel Practices. Promotion of equity and harmony
08 among [both career employees] county merit system,
09 corporation and volunteer[s] personnel; continual
10 improvement in the capabilities of all personnel; effective
11 personnel administration; and job performance and personal
12 conduct of the highest caliber by [career] county merit
13 system, corporation and volunteer personnel.

14 (4) Adequate Accountability. Adequate accountability to the
15 citizens for service delivery, management practices and the
16 use of public funds.

17 (5) Improved Operations and Administration. Minimizing of costs,
18 including administrative overhead, apparatus and other
19 expenses; and effective management of personnel, purchasing,
20 maintenance, training and other programs.

21 * * *

22 Sec. 3. Section 21-4B(n) is added to read as follows:

23 21-4B. Fire and Rescue Commission.

24 * * *

25 (n) The commission must directly supervise the program officer for
26 volunteer recruitment and retention.

27 Sec. [[3]]4. Section 21-4C of Chapter 21 is amended to read as follows:

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21-4C. Fire board.

(a) * * *

(b) Duties, responsibilities and authority. The fire board shall have the following duties, responsibilities and authority:

- (1) Submit to the County Executive a list of volunteer firefighters to be considered for appointment to the fire and rescue commission under section 21-4B(a).
- (2) Actively support, on a continuing basis in coordination with the commission, the maintenance and enhancement of volunteer participation in fire, rescue and emergency medical service.
- (3) Advise the commission on any matters relating to the fire, rescue and emergency medical services.
- (4) Approve commission policies and programs relating to code of personal conduct and volunteer recruitment and retention, including benefits program recommendations to the county council.
- (5) Adopt bylaws detailing its operating rules and regulations and establishing a method for amending its bylaws.
- (6) Establish any committees needed to carry out its duties and responsibilities. Membership on these committees may include fire board members, other volunteers [or career], county merit system and corporation personnel.
- (7) Within ~~[[sixty (60)]]~~ 60 days ~~[[of]]~~ after receipt, review and comment upon any proposal of the commission to adopt policies, rules, regulations, requirements or standards pertaining to the fire or rescue services.
- (8) Perform such other tasks as are delegated by the commission.

* * *

01
02 Sec. ~~[[4]]~~5. Section 21-4E of Chapter 21 is amended to read as follows:

03 ~~[[Section]]~~ 21-4E. Integrated emergency command structure.

04 (a) The commission shall adopt, upon the affirmative vote of ~~[[five~~
05 (5)]] 5 of its members, an integrated emergency command structure,
06 applicable to all corporations and to all fire, rescue and
07 emergency medical service personnel, ~~[both]~~ including volunteer,
08 corporation and [career] county merit system, on all emergency
09 incidents. The commission shall consult with both the fire board
10 and the director. The chief administrative officer shall have an
11 opportunity to comment upon the proposed structure and request
12 modifications thereof prior to adoption; provided, however, that
13 these provisions shall not be construed to diminish the chief
14 administrative officer's approval responsibility for disaster
15 plans provided for in section 21-4F. The integrated emergency
16 command structure shall be adopted and approved within ~~[[nine~~
17 (9)]] 9 months after assignment of initial staff to the
18 commission. The chief administrative officer shall specify in
19 writing requests for modification. The integrated emergency
20 command structure shall be reviewed and updated annually in the
21 same manner as the original process. The integrated emergency
22 command structure shall be effective immediately after adoption.

23 (b)

* * *

24 (c) The integrated emergency command structure must retain and
25 actively encourage volunteer participation at all levels of the
26 chain of command. Volunteers who meet the minimum requirements
27 and standards of experience and training must be eligible to

01 advance to all levels of the chain of command and must not be
 02 treated differently from merit system employees of equal rank in
 03 the integrated emergency command structure.

04 Sec. ~~[[5]]~~6. Section 21-4M ~~[[is amended and subsection]]~~ (1) is
 05 added~~[[,]]~~ to read as follows:

06 21-4M. Personnel administration - For career employees of corporations.

07 * * *

08 (1) Transfer of fire and rescue merit system employees in the
 09 firefighter/rescuer occupational series.

10 (1) ~~[[For]]~~ ~~[[ninety (90)]]~~ ~~[[90 days after the effective date of~~
 11 this law,]] Until January 15, 1988, any fire and rescue
 12 merit system employee~~[[s]]~~ in the firefighter/rescuer
 13 occupational series ~~[[as of]]~~ on ~~[[September]]~~ October 15,
 14 1987, may laterally transfer to a vacant position in the
 15 department.

16 [[a.]] (A) Leave balances are not affected by the transfer.

17 [[b.]] (B) The probationary or disciplinary status of an
 18 employee is not affected by the transfer.

19 (C) The grade and increment level are not affected
 20 by the transfer, regardless of any changes in
 21 work hours or methods of calculating hourly
 22 rates.

23 (D) Fringe benefits must be paid in accordance with
 24 current county fire and rescue policies that
 25 apply to such positions.

26 (E) Premium pay and all other pay differentials must
 27 be paid in accordance with the duty assignment

01 performed. Educational salary differentials are
 02 not affected by the transfer.

03 (2) [[After the]] [[ninety (90)]][[90 day period,]] Starting
 04 January 15, 1988, [[the transfer authorized in this
 05 subsection may occur]] a fire and rescue merit system
 06 employee in the firefighter/rescuer occupational series may
 07 transfer to a vacant position in the department only with
 08 the [[consent]]approval of the corporation and the director.

09 Sec. 7. Section 21-4N(d) is added as follows:

10 21-4N. Same - For volunteers.

11 ***

12 (d) The County must not prohibit or discourage any county employee
 13 from providing volunteer services for a corporation, except (1) a
 14 corporation to which the employee is assigned, or (2) to the
 15 extent the services are prohibited by the conflict-of-interest
 16 provisions of Chapter 19A.

17 Sec. [[6]]8. Section 21-40 of Chapter 21 is amended to read as follows:

18 21-40. Training requirements and certification standards.

19 (a) After permitting the fire board a sixty-day period for review and
 20 comment, the commission shall adopt uniform certification
 21 standards and procedures and uniform minimum training requirements
 22 to be met by all active fire, rescue and emergency medical
 23 services personnel. Also included shall be uniform standards and
 24 procedures and uniform minimum training requirements to be met for
 25 eligibility to the various officer ranks. These standards and
 26 training requirements shall be applied similarly to volunteer,
 27 [and career] corporation and county merit system personnel

01 engaging in similar duties, shall be compatible with all other
02 provisions of the personnel regulations especially those relating
03 to positions classification, and shall be consistent with federal
04 uniform guidelines on personnel selection. The commission shall
05 consult with the director prior to adoption. These standards shall
06 be adopted within ~~[[fifteen (15)]]~~ 15 months after assignment of
07 initial staff.

08 * * *

09 (c) Standards and requirements adopted pursuant to this section shall
10 apply immediately to all new fire, rescue and emergency medical
11 services personnel [of the local corporations, both], including
12 volunteer, corporation and [career] county merit system personnel.
13 Application of these standards and requirements to existing
14 personnel[, both volunteer and career,] shall be subject to such
15 time schedules as are promulgated under administrative regulations
16 proposed by the commission, adopted by the county executive, and
17 approved by the county council.

18 Sec. ~~[[7]]~~9. Section 21-4Q of Chapter 21 is amended to read as follows:

19 21-4Q. Budget preparation.

20 * * *

21 (d) The county council shall appropriate funds for fire, rescue and
22 emergency medical services for the ensuing fiscal year in the
23 manner prescribed by the charter. No tax funds shall be encumbered
24 or expended in excess of appropriations. All distributions to the
25 corporations of appropriations are conditional upon the local
26 corporations being subject to and complying with the provisions of
27 this chapter.

01 Sec. ~~[[8]]~~10. Section 21-4R of Chapter 21 is amended to read as follows:

02 21-4R. Taxation.

03 * * *

04 (b) Tax levy. For each individual fire tax district, the county
05 council shall levy a tax on all property assessed for county tax
06 purposes at a rate sufficient to provide funds for operating,
07 maintaining and equipping the corporation in that district and for
08 personnel costs incurred by the department for personnel providing
09 service in that fire tax district. In the consolidated district, a
10 single uniform tax shall be levied on all property assessed for
11 county tax purposes at a rate sufficient to provide funds for all
12 corporations in the consolidated district and for personnel costs
13 incurred by the department for personnel providing service in that
14 district. All fire taxes shall be levied and collected in the
15 manner that other county taxes are presently levied and collected
16 or may hereafter be levied and collected and shall have the same
17 priority rights, bear the same interest and penalties, and in
18 every respect be treated the same as other county taxes.

19 Sec. ~~[[9]]~~11. Section 21-4S of Chapter 21 is amended to read as follows:

20 21-4S. Fire Tax Funds.

21 (a) Distribution. Fire tax funds designated for county payment under
22 the code provisions of sections [2-39A(b)(4)] 2-39A(e), [and]
23 21-4M(a)(3) and 2-39A(b), including personnel costs of the
24 department for personnel providing services in the fire tax
25 districts, shall be retained by the county for such purposes.
26 After ~~[[ninety (90)]]~~[[90 days]]~~[[from]]~~[[after the effective date
27 of this law,]] January 15, 1988, tax funds may not be expended or

11 distributed for payment of personnel costs for personnel employed
12 by the corporations in the firefighter/rescuer occupational
13 series, as it may be amended. All other fire tax funds shall be
14 paid at least on a monthly basis by the county to the respective
15 treasurers of the corporations within the consolidated and
16 individual fire tax districts in accordance with a projected
17 monthly schedule or approved budget submitted by each corporation
18 prior to the start of the fiscal year, unless at the request of
19 any corporation the county, as a service to that corporation,
20 shall retain, disburse and account for any fire tax funds so
21 authorized.

22 * * *

23 Sec. 12. Evaluation.

24 By October 15, 1989, the Office of Legislative Oversight must evaluate
25 the validity of the goals and objectives of this law, the effectiveness by
26 which those goals and objectives have been accomplished, and the efficiency
27 with which fire, rescue and emergency services have operated under the
organizational changes enacted in this law.

28 Sec. [[10]]13. Effective date.

29 The council declares that an emergency exists and that this legislation
30 is necessary for the immediate protection of the public health and safety.
31 This Act takes effect on the date on which it becomes law.
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Approved:

Rose Crenca

Rose Crenca, President, County Council

October 20, 1987

Date

Approved:

Sidney Kramer

Sidney Kramer, County Executive

October 22, 1987

Date

This is a correct copy of Council action.

Kathleen A. Freedman

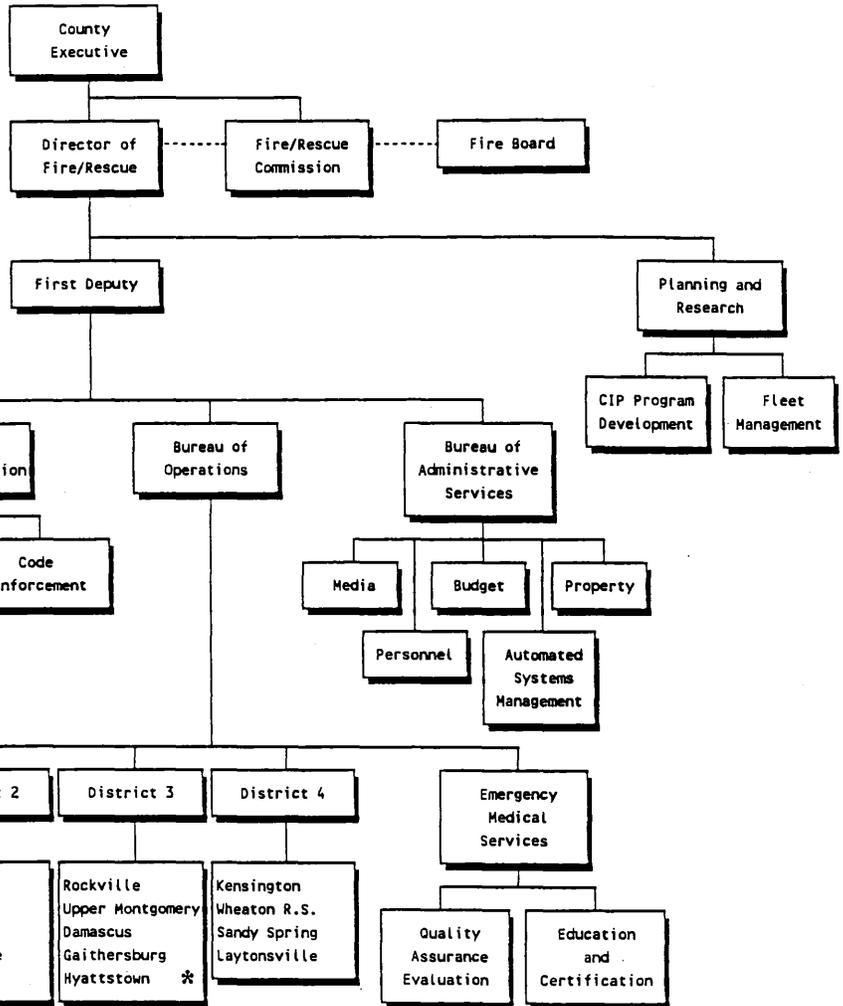
Kathleen A. Freedman, Secretary, County Council

October 26, 1987

Date



ORGANIZATION
DEPARTMENT OF FIRE/RESCUE SERVICES
 MONTGOMERY COUNTY, MARYLAND



SEPTEMBER 6, 1989

—— = Command & Control
 - - - - = Advise & Coordination

* As of October 1, 1989, also includes Germantown VFD.

FIRE AND RESCUE SERVICES
CORPORATIONS AND STATIONS

<u>Corporations/Stations</u>			<u>Stations/Corporations</u>	
<u>CORPORATIONS</u>	<u># OF STATIONS</u>	<u>STATION #</u>	<u>STATION #</u>	<u>CORPORATIONS</u>
Bethesda FD	3	6 20 26	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 23 24 25 26 28	Silver Spring Takoma Park Rockville Sandy Spring Kensington Bethesda Chevy Chase Gaithersburg Hyattstown Cabin John Glen Echo Hillandale Damascus Upper Montgomery Burtonsville Silver Spring Laytonsville Kensington Silver Spring Bethesda Kensington Rockville Hillandale Kensington Bethesda Gaithersburg
Bethesda-Chevy Chase RS	1	R1	29	Germantown
Burtonsville VFD	1	15	30	Cabin John
Cabin John VFD	2	10 30		31 33
Chevy Chase FD	1	7		40 R1 R2
Damascus VFD	1	13		
Gaithersburg/ Washington Grove FD	2	8 28		
Germantown VFD	1	29		
Glen Echo FD	1	11		
Hillandale VFD	2	12 24		
Hyattstown VFD	1	9		
Kensington VFD	4	5 18 21 25		
Laytonsville VFD	1	17		
Rockville VFD	4	3 23 31 33		
Sandy Spring VFD	2	4 40		
Silver Spring VFD	3	1 16 19		
Takoma Park VFD	1	2		
Upper Montgomery VFD	1	14		
Wheaton RS	1	R2		
Totals:	19	33		

As of October 1, 1989

(Corporations) (Stations)