

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

EXPEDITED FIRE AND RESCUE SERVICES – CREDITED SERVICE FOR BILL 21-23: GROUP G MEMBERS

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Expedited Bill 21-23 will have a minimal, negative impact on racial equity and social justice (RESJ) in the County, as it would potentially reallocate \$2.6 to \$3.6 million annually in funding for programs benefitting all residents to Montgomery County Fire and Rescue Services (MCFRS) employees who are disproportionately White. OLO offers one policy option for Council consideration to improve the RESJ impact of this Bill.

PURPOSE OF RESJ IMPACT STATEMENTS

The purpose of RESJ impact statements (RESJIS) is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.²

PURPOSE OF EXPEDITED BILL 21-23

The Employees' Retirement System (ERS) is one of five retirement plans offered to County employees.³ The ERS is a defined benefit plan, which provides a fixed, pre-established benefit for employees at retirement.⁴ Within the County ERS, Group G employees include paid firefighters, paid fire officer, and paid rescue service personnel.⁵

The goal of Bill 21-23 is to implement provisions in the Memorandum of Agreement negotiated between the County Executive and the Montgomery County Career Fire Fighter Association, International Association of Fire Fighters, Local 1664, AFL-CIO (IAFF). If enacted, the Bill would make the following changes to retirement plans:⁶

- Increase the Optional Retirement Plan and Integrated Retirement Plan pension multipliers in Group G of the ERS. Pension multipliers, which are set by law at a fixed percentage, are one of several factors used in determining the amount of an employee's pension.
- Modify the sick leave benefit credit for certain Group G employees to correct an oversight in previous legislation submitted to the Council.
- Amend the cost-of-living adjustment (COLA) provided to certain Group G members. The COLA adjusts pension benefits annually to keep up with inflation.

The proposed changes would increase County expenditures by approximately \$2.6 million in FY24, increasing annually to \$3.6 million by FY29. County revenues would not be impacted.⁷

Expedited Bill 21-23, Fire and Rescue Services – Credited Service for Group G Members, was introduced by the Council President on behalf of the County Executive on April 11, 2023.

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In August 2022, OLO published a RESJIS for Bill 23-22, Personnel and Human Resources – Pension Amount – Group G. OLO builds on Bill 23-22’s analysis for this RESJIS.

FIRE PERSONNEL AND RACIAL EQUITY

While civil service positions can offer a pathway to economic stability and mobility, inequitable policies and practices have put careers in public safety particularly out of reach for many Black, Indigenous, and Other People of Color (BIPOC).⁸

Historically, societal beliefs in White supremacy contributed to the concept that White men were most suited for firefighting because they best demonstrated the traits of manliness, bravery, and nobility.⁹ These beliefs extended to perceptions of the prototypical firefighter, despite a rich history of Black firefighting heroes going back to the early 19th century.^{10,11} Post-segregation, racial discrimination in firefighting was reinforced through nepotism and cronyism, and through training and testing requirements that hindered BIPOC applicants. Meanwhile, White male recruits often received special mentoring and reduced scrutiny in hiring.¹² Similar exclusions also prevented women from entering firefighting professions.¹³ A Washington Post article from 1987 highlights how the underrepresentation of BIPOC and women in fire services has been a persistent problem in the County.¹⁴

Policies and practices rooted in historical racial inequities have resulted in the underrepresentation of BIPOC and overrepresentation of White people among public safety professionals today, including police and fire service personnel. In terms of fire personnel, national data demonstrates that among employed people 16 years or older:¹⁵

- 6.7 percent were Asian compared to 1.5 percent of firefighters.
- 12.6 percent were Black compared to 9.9 percent of firefighters.
- 77.0 percent were White compared to 85.5 percent of firefighters.
- 18.5 percent were Latinx compared to 15.2 percent of firefighters.

Local data also demonstrates that BIPOC are underrepresented among Montgomery County Fire and Rescue Service (MCFRS) personnel, while White people are overrepresented. Specifically, among constituents 18 years or older:^{16,17}

- 15.9 percent were Asian compared to 2.2 percent of uniformed MCFRS personnel.
- 17.7 percent were Black compared to 9.2 percent of uniformed MCFRS personnel.
- 43.4 percent were White compared to 72.6 percent of uniformed MCFRS personnel.
- 18.6 percent were Latinx compared to 7.0 percent of uniformed MCFRS personnel.

ANTICIPATED RESJ IMPACTS

Bill 21-23 would effectively increase pension benefits for certain Group G members in the County ERS. To consider the anticipated impact of Bill 21-23 on RESJ in the County, OLO recommends the consideration of two related questions:

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- Who are the primary beneficiaries of this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

For the first question, OLO considered the demographics of uniformed MCFRS personnel in the County, as they would benefit from the increased pension proposed in this Bill. As previously described, local data suggests White people are overrepresented among uniformed MCFRS personnel, while BIPOC are underrepresented.

For the second question, OLO considered how the Bill could affect representation in firefighting, given the pervasive underrepresentation of BIPOC in the profession. While the increased pension could generally attract more people to firefighting roles in the County – absent changes to recruitment strategies, hiring and promotion practices, and organizational culture – it is unlikely this incentive alone would attract/retain sufficient BIPOC to reduce existing disparities.

Taken together, OLO anticipates Bill 21-23 will have a negative impact on RESJ in the County, since it would disproportionately benefit White MCFRS employees and likely not address existing racial disparities among MCFRS personnel. Given the estimated cost of the Bill, OLO anticipates the negative RESJ impact will be minimal.

RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.¹⁸ OLO anticipates Expedited Bill 21-23 will have a negative impact on RESJ in the County. Should the Council seek to improve the RESJ impact of this Bill, the following policy option can be considered:

- **Review findings from MCFRS comprehensive equity assessment and implement necessary policy changes/investments for diversifying the MCFRS workforce and addressing other RESJ concerns.** During FY22, MCFRS contracted with the National Academy of Public Administration (NAPA) to conduct a comprehensive equity assessment, including “a review of existing and proposed policies, practices, programs, and services for disparate outcomes based on gender, race, religion, sexual orientation, and other socioeconomic factors.”¹⁹ The Council could use findings from the report to identify and implement policy solutions/investments for diversifying the MCFRS workforce and addressing other RESJ concerns that may arise from the assessment. Per Council staff, the report was completed in September 2022.²⁰

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

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CONTRIBUTIONS

OLO staffer Janmarie Peña, Performance Management and Data Analyst, drafted this RESJ impact statement.

¹ Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools. <https://www.racialequitytools.org/glossary>

² Ibid

³ About Montgomery County Employee Retirement Plans, Montgomery County Employee Retirement Plans.

<https://www.montgomerycountymd.gov/mcerp/about.html>

⁴ Defined Benefit Plan, Internal Revenue Service, Updated June 15, 2022. <https://www.irs.gov/retirement-plans/defined-benefit-plan>

⁵ Summary Description for Sworn Fire Personnel in Retirement Group G, Montgomery County Employee Retirement Plans, August 2022. https://www.montgomerycountymd.gov/mcerp/Resources/Files/9_2022%20GroupG%20Sworn%20Fire.pdf

⁶ Introduction Staff Report for Expedited Bill 21-23, Montgomery County Council, Introduced April 11, 2023.

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2023/20230411/20230411_8C.pdf

⁷ Ibid

⁸ Ginger Adams Otis, “Why So Few of New York’s Bravest are Black,” The Atlantic, June 6, 2015.

<https://www.theatlantic.com/politics/archive/2015/06/black-firefighters-matter/394946/>

⁹ Clarence Taylor, “Black Firefighters and the FDNY,” Book review of David Goldberg, Black Firefighters and the FDNY: The Struggle for Jobs, Justice, & Equity in New York City, New York Labor History Association, 2021.

http://newyorklaborhistory.org/web/?page_id=1714

¹⁰ Addington Stewart, “I Was a Firefighter for 35 Years. Racism Today is as Bad as Ever.” The New York Times, September 12, 2018.

<https://www.nytimes.com/2018/09/12/opinion/the-racism-inside-fire-departments.html>

¹¹ “Inspired by the Past, Driven in the Present and Energized for the Future,” U.S. Fire Administration, January 20, 2023.

<https://www.usfa.fema.gov/blog/ci-021722.html>

¹² Stewart

¹³ Otis

¹⁴ Jo-Ann Armao, “Minorities, Women are Rare in Montgomery Fire System,” The Washington Post, October 6, 1987.

<https://www.washingtonpost.com/archive/politics/1987/10/06/minorities-women-are-rare-in-montgomery-fire-system/d4272084-9cf1-4fb0-8c03-4f26a6830da7/>

¹⁵ Employed persons by detailed occupation, sex, race, and Hispanic or Latino ethnicity, Bureau of Labor Statistics, U.S. Department of Labor, 2022. Note: Latinx people are included in multiple racial groups for this data point. <https://www.bls.gov/cps/cpsaat11.htm>

¹⁶ Table P4: Hispanic or Latino, and Not Hispanic or Latino by Race for the Population 18 Years and Over, 2020 Decennial Census, Census Bureau. Note: for comparison, Latinx people are not included in other racial groups for this data point.

¹⁷ OLO analysis of unpublished Office of Human Resources (OHR) data as of May 6, 2022. Note: OHR tracks Latinx as a distinct racial category, thus Latinx people are not included in other racial groups for this data point.

¹⁸ Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council

¹⁹ Memorandum from Susan Farag to Public Safety Committee, “MCFRS Audit” in Worksession: FY23 Operating Budget Montgomery County Fire and Rescue Service (PDF page 12), Montgomery County Council, Montgomery County, Maryland, April 15, 2022.

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2022/20220420/20220420_PS3.pdf

²⁰ Staff Report for Public Safety Committee Worksession, Montgomery County Council, April 21, 2023.

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2023/20230421/20230421_PS1.pdf