

MEMORANDUM

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst

SUBJECT: Office of Inspector General Report – Fire

PURPOSE: To be briefed on the OIG Report

The Committee will review the results of the Office of Inspector General Report on *Overtime Costs and Redundancies in the MCFRS EEO/Diversity Office, #OIG-20-009*

Those expected to brief the Committee include:

Megan Limarzi, Inspector General
Scott Goldstein, Fire Chief, Montgomery County Fire and Rescue Service (MCFRS)
Rachel Silberman, Office of Management and Budget (OMB)

Inspector General Report

The OIG’s report is attached at ©1-27. A summary of the report can be found at ©3. The OIG conducted this review in response to complaints it received during calendar year 2019, which expressed concern regarding the use of overtime within the Montgomery County Fire and Rescue Service (MCFRS) Equal Employment Opportunity (EEO)/Diversity Office.

Background

MCFRS has had a structural overtime issue since FY17. While the use of overtime is both fiscally and operationally prudent in many circumstances, particularly in operations that require 24/7 staffing, there is an appropriate balance between sufficient staffing and strategic overtime use. Underbudgeting overtime has contributed to the structural budget deficiency, but understaffing has also fueled significant overtime expenditures. The most recent CountyStat performance dashboard (June 2018) indicates that "MCFRS meets service levels on straight time to the extent possible. The largest driver of overtime is the number of personnel on the payroll. When the budget funds additional recruits, the need for overtime is reduced. In its recent analysis of Net Annual Work Hours, CountyStat states that the Department needs 180 additional career firefighter positions to achieve minimum staffing requirements without the use of overtime.

Added Positions: Twenty new firefighter positions were added in the FY20 operating budget. These positions will begin to have an impact on reducing overtime in FY21. The FY21 County Executive Recommended budget included 20 additional Paramedic Training positions. These were not approved by Council since the Council adopted a continuity of services budget in the face of severe revenue deficits related to the COVID-19 Pandemic.

Overtime Cost Overruns (in \$ millions)				
Fiscal Year	Budgeted Overtime	Actual Overtime	Difference	
FY19	\$16.2	\$25.8	(\$9.6)	
FY18	\$16.2	\$24.2	(\$8.0)	
FY17	\$15.9	\$24.6	(\$8.7)	
FY16	\$15.6	\$17.5	(\$1.9)	
FY15	\$16.4	\$17.1	(\$0.7)	
FY14	\$16.4	\$17.4	(\$1.0)	

EEO/Diversity Office: The OIG report focuses on one aspect of overtime overruns, the EEO/Diversity Office that was staffed with two positions – a Captain position and a Lieutenant. The OIG review focused on costs within the EEO/Diversity Office as well as an analysis of time charged to other programs over which the two staff members detailed to the EEO/Diversity Office had responsibility. The MCFRS EEO/Diversity Office had no approved positions assigned to it. Instead, the two positions which were technically assigned to operational positions, were instead detailed to the office. There were several other MCFRS staff who worked for the office intermittently.

OIG Findings

OIG’s findings include:

1. Approximately \$900,000 (10%) of the FY 2019 overtime cost overrun for MCFRS was attributable to programs not included in the approved MCFRS budget.
2. The MCFRS EEO/ Diversity Office routinely exceeded overtime limitations established by the Fire Chief.
3. The MCFRS EEO/Diversity Office lacks transparency, particularly in the assignment of overtime.
4. OIG identified multiple programs within MCFRS and the County whose responsibilities overlap with or could be leveraged to accomplish the work of the EEO/Diversity Office.
5. The MCFRS EEO/Diversity Office and Recruitment Section maintain social media websites that have not been added to the County’s Social Media Directory, as required by the County Administrative Procedure governing social media.

Recommendations:

1. MCFRS should seek approval through the County appropriations process prior to committing resources to programs not included in their budget.
2. (a) MCFRS should take steps to ensure that overtime by project code is routinely reviewed with established limitations enforced.
(b) Managers who approve overtime in excess of limitations established by the Fire Chief should be held accountable.
3. MCFRS should establish a more transparent mechanism to make non-operational overtime opportunities available to all qualified staff.
4. (a) MCFRS should establish a mechanism to maximize the use of operational personnel working their regular shifts to perform the work previously scheduled by the MCFRS EEO/Diversity Office.
(b) MCFRS should leverage all resources available to help meet the goals of the former EEO/Diversity Office and avoid duplication of effort.
(c) MCFRS should leverage the CRR mobile app to create, schedule, and assign tasks for all three units who are conducting outreach into the community: the EEO/Diversity Office, the Recruitment Section, and the CRR Section.
5. MCFRS should take steps to ensure that all social media sites maintained by MCFRS personnel are included on the County's Social Media Directory and otherwise adhere to the policies and practices outlined in AP 6-8.

Reorganization of Community and Diversity Outreach: The OIG report also questions whether MCFRS should continue the EEO/Diversity Office as outlined in its report. The Chief Administrative Officer instructed the Fire Chief to cease operation of the office. And the OIG report states that by January 2020, the two staff members had returned to their operational positions.

The Fire Chief reconstituted the Diversity and Community Outreach functions in a new form, staffed with three FTE and a pool of overtime hours. It will also use staff at local fire stations to help staff community events and other outreach functions.

Chief Administrative Officer's Response: The CAO's response is provided in whole on ©25-27.

Potential Discussion Issues

1. The Committee may wish to ask the Chief about the composition and function of the newly reconstituted diversity and community outreach function. Has this been implemented, or has it been delayed due to other operational needs and/or social distancing restrictions during COVID? How does the new model of community outreach impact participation in the MCPS School Mentoring Program?
2. Council staff has concerns about diversity and community outreach in general and considers this departmental function in the context of racial equity, providing one

method of recruiting a more diverse workforce. The Fire Chief had asked for positions in the operating budget process to conduct this type of work, but none were approved. Does the department plan to request similar positions for FY21?

3. How does the use of on-duty staff at fire stations impact the ability to attend community events and be available to run calls?
4. How has the procedure changed to make non-operational overtime opportunities available to all qualified staff?
5. What is the status of the CRR app?
6. What is the status of MCFRS-related social media websites?



OFFICE OF THE INSPECTOR GENERAL
MONTGOMERY COUNTY MARYLAND

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INSPECTOR GENERAL

Overtime Costs and Redundancies in the MCFRS
EEO/Diversity Office

Montgomery County Fire & Rescue Service (MCFRS)

OIG Publication # OIG-20-009

MARCH 26, 2020

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EXECUTIVE SUMMARY

Why We Did This Review

We conducted this review in response to complaints the Office of the Inspector General (OIG) received during calendar year 2019, which expressed concern regarding the use of overtime within the Montgomery County Fire and Rescue Service (MCFRS) Equal Employment Opportunity (EEO)/Diversity Office.

What We Found

1. Approximately \$900,000 (10%) of the FY 2019 overtime cost overrun for MCFRS was attributable to programs not included in the approved MCFRS budget.
2. The MCFRS EEO/ Diversity Office routinely exceeded overtime limitations established by the Fire Chief.
3. The MCFRS EEO/Diversity Office lacks transparency, particularly in the assignment of overtime.
4. We identified multiple programs within MCFRS and the County whose responsibilities overlap with or could be leveraged to accomplish the work of the EEO/Diversity Office.
5. The MCFRS EEO/ Diversity Office and Recruitment Section maintain social media websites that have not been added to the County's Social Media Directory, as required by the County Administrative Procedure governing social media.

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BACKGROUND

From fiscal years (FY) 2016 through 2019, systematic imbalances in staffing and the use of overtime have caused Montgomery County Fire and Rescue Service (MCFRS) to significantly exceed budgeted overtime. (See figure 1.) FY 2017 through 2019 were particularly significant, as MCFRS overtime exceeded budgeted amounts by 50% (over \$8 million per year).

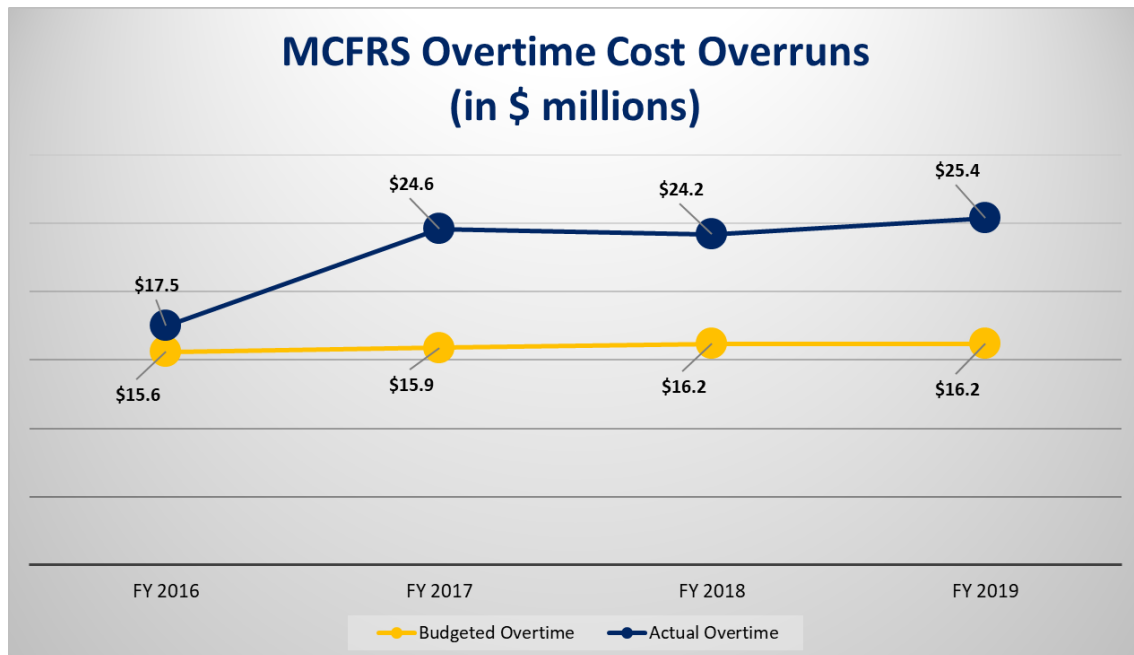


Figure 1: MCFRS Overtime Cost Overrun by fiscal year

In at least one case, MCFRS overtime spending led the County Executive to recommend service cuts to help balance the MCFRS budget.¹ Revenue shortfalls caused the County to implement savings initiatives in three of the four years during which MCFRS overtime cost overruns occurred.²

The use of overtime can be both fiscally and operationally prudent, particularly in public safety organizations that must provide 24/7 coverage while meeting minimum staffing requirements. When an operational employee is not present to work their shift, whether on leave, in training or detailed to other activities not contributing to minimum staffing requirements, that position must be filled by another staff member, often through the use of overtime. It is important that a balance be reached between proper staffing and the strategic use of overtime.

¹ The Council did not approve these cuts in service.

² The Council and Executive implemented savings plans in FY 2016, 2018, and 2019.

In their report entitled, *MCFRS Net Annual Work Hour Update FY15-FY17*, CountyStat³ concluded that MCFRS regularly needed overtime to meet minimum coverage requirements. Furthermore, CountyStat reported an additional 180 career firefighters would be needed to cover nearly all MCFRS minimum staffing requirements without overtime.

The Executive's FY 2020 recommended operating budget made attempts to address the operational structural deficiencies leading to budget overruns in the use of overtime by MCFRS. The County increased the MCFRS overtime budget by \$2 million and funded an additional 20 firefighter positions beginning in May 2020.

Our review focuses on a separate structural concern within MCFRS that may also significantly contribute to the chronic overtime cost overruns at MCFRS, the MCFRS Equal Employment Opportunity (EEO)/Diversity Office.⁴ During calendar year 2019, the Office of the Inspector General (OIG) received several complaints expressing concern regarding the use of overtime within the MCFRS EEO/Diversity Office.

The MCFRS Vision statement states:

*"The Montgomery County Fire and Rescue Service vision is to enhance public safety and support quality of life through **direct immersion in our communities, effectively blending outreach and education**, and by leveraging our career and volunteer workforce to deliver exceptional services and improve our resiliency to meet increased challenges."*
(Emphasis added.)

The Fire Chief has expressed that the MCFRS EEO/Diversity Office plays a key role in implementing that vision.

Until January 2020, MCFRS EEO/Diversity Office staff was⁵ responsible for the administration of a variety of MCFRS programming including:

1. EEO functions related to career and volunteer firefighters
2. Community Engagement
3. MCPS School Mentoring Program
4. MCFRS Recruit Physical Training (PT) Program⁶
5. MCFRS Candidate Physical Ability Test (CPAT) Mentoring Program⁷

³ CountyStat is the performance management and data analytics team for Montgomery County Government.

⁴ Although the MCFRS EEO/Diversity Office is not officially established in the budget and has no permanent FTE's assigned to it, nonetheless, it operated as a separate unit of MCFRS with staff detailed and a substantial overtime costs related to its activities until January 2020.

⁵ The EEO/Diversity Office ceased operations in early January 2020.

⁶ The EEO/Diversity Officer is also the Recruit PT Coordinator.

⁷ The other staff member detailed to the EEO/Diversity Office also serves as the Officer in Charge of the CPAT Mentoring Program.

Objectives, Scope, and Methodology

The objective of the review was to assess the adequacy of controls in place and use of best practices to control costs and curb abuse of overtime within the MCFRS EEO/Diversity Office. Our review focused on costs within the EEO/Diversity Office as well as an analysis of time charged to other programs over which the two staff members detailed to the EEO/Diversity Office had responsibility.

The review was limited to examining the use of specific overtime project codes and the processes and procedures utilized by the MCFRS EEO/Diversity Office for FY 2018, FY 2019, and the first half of FY 2020.

Our review was conducted between October 2019 and January 2020 in accordance with the Association of Inspectors General, *Principles and Standards for Offices of Inspector General* (May 2014).

FINDINGS AND RECOMMENDATIONS

When the OIG initiated this review, the MCFRS EEO/Diversity Office had no approved positions assigned to it. Rather, the office was staffed with two full-time staff members, a captain and a lieutenant. Each were technically assigned to operational positions⁸ within MCFRS but had been detailed to the Office of the Fire Chief on a full-time basis to carry out the work of the MCFRS EEO/Diversity Office. Additionally, a number of other MCFRS staff members worked for the office on a sporadic basis, either using overtime, while being paid compensatory leave in exchange for their work hours, or while on a temporary detail to support the office.

During discussions with MCFRS, we learned that the same staff members that were on a full-time detail to the MCFRS EEO/Diversity Office were responsible for the scheduling and assignment of overtime related to the MCFRS Recruit Physical Training (PT) program and the MCFRS Candidate Physical Ability Test (CPAT) Mentoring program, a physical fitness program designed to help candidates prepare for the CPAT. We learned that many of the firefighters that assist with Recruit PT and/or the CPAT Mentoring Program also assist with EEO/Diversity outreach.

The EEO/Diversity Officer or the Deputy EEO/Diversity Officer schedules the work of the office, assigns overtime to staff, and signs off on the use of the project codes categorizing work administered by the EEO/Diversity Office. A MCFRS employee primarily assigned to an operational position documents the work of the office including Recruit PT, the CPAT Mentoring Program, and community engagement using a google calendar and keeps track of the outputs (metrics) related to the community engagement and school mentor functions of the office.

We were unable to obtain metrics related to the EEO function of the office, such as complaints received, reports written, or referrals made to MCFRS management or the County Office of Human Resources, Equal Employment Opportunity Compliance & Diversity Management Division. Staff members interviewed agreed that the EEO/Diversity Office was not engaged in formal investigations, but rather engaged in “fact-finding” and training regarding EEO matters and complaints.

⁸ Both detailed employees were officially assigned to operational positions within a MCFRS Battalion.

Cost of MCFRS Programs Administered by the EEO/Diversity Office

Finding 1: Approximately \$900,000 (10%) of the FY 2019 overtime cost overrun for MCFRS was attributable to programs not included in the approved MCFRS budget.

While the work of the MCFRS EEO/Diversity Office may fulfill a need in the community and in MCFRS, there is still a requirement to spend tax dollars in an equitable and efficient way, in accordance with County law, regulation, and policy. During the FY2018 budget season, MCFRS requested, but did not receive, an additional captain position to focus on EEO concerns. The FY18 MCFRS Department Head packet provided to the Office of Management and Budget (OMB) states:

The department has been increasing their focus on EEO concerns. A small group of uniform personnel led by a captain has been providing EEO training department-wide and addressing emerging EEO matters in the field, rather than waiting for complaints to come to headquarters. The training that's been provided and the ease with which EEO concerns can now be raised, discussed, and addressed has resulted in far more EEO matters coming to light. This improves the culture of the department, but the work does require the focus and commitment of a full-time position. (Italics added.)

The Fire Chief told the Inspector General and her staff that although this request was denied by the OMB, he continued with the program because he believed it to be critical. Since then, he has detailed two employees full-time to the work of the office, neither of which is an approved position.

We estimate the total resources dedicated to programs administered by the EEO/Diversity Office in FY 2019 were \$919,000.⁹ Approximately \$908,000 of that amount was charged in overtime in FY 2019, and the remainder was charged as compensatory leave. (See figure 2.) This constitutes a significant portion of the \$9.2 million MCFRS overtime cost overrun in FY 2019.

In order to meet minimum staffing requirements, MCFRS staff assigned to operational positions who are “detailed off the floor”¹⁰ are frequently backfilled with another MCFRS staff member, usually using overtime. Both employees detailed to the Office of the Fire Chief to perform the work of the EEO/Diversity Office told OIG staff that their operational positions were backfilled. Similarly, employees who were awarded compensatory leave in lieu of overtime for hours worked

⁹ This includes costs associated with programs administered by the staff detailed to the EEO/Diversity Office including the project codes for EEO Activities, EEO Community Activities, the Program Candidate Physical Agility Test (CPAT), Program Incumbent Personnel Evaluation (IPTE), Recruit Physical Training (PT), and the Summer Rise Program.

¹⁰ MCFRS uses the term “detailed off the floor” to refer to hours spent on-duty, but when the employee is assigned to a task that takes him or her away from fulfilling minimum staffing requirements.

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in support of the EEO/Diversity Office, will likely generate additional overtime costs for MCFRS, when they use that leave, as their operational positions will also likely be backfilled using overtime.

Compensatory leave is potentially costly, as staff may be paid compensatory leave at 1.5 times the number of hours worked. When the leave is taken, another staff member may then be paid overtime at a rate of 1.5 times their normal salary to backfill the position of the MCFRS member using the compensatory leave. Therefore, one hour of time worked wherein an employee is granted compensatory leave, may result in 1.5 hours overtime paid at a rate of time and a half to backfill the position. (i.e. One hour of work in exchange for compensatory leave could cost the County up to 2.25 hours in pay)

Expense Category	Hours	Cost
Estimated Backfill of Detailed ¹¹ Staff Using Overtime	4,765	\$336,175
Additional Overtime	10,004	\$572,365
Total Compensatory Leave Earned	63	\$10,973
Total FY2019	14,832	\$919,513

Figure 2: Estimated Cost of Programs Administered by the EEO/Diversity Office in FY 2019¹²

We calculated the estimated cost of compensatory leave earned under the project codes used by the EEO/Diversity Office using the average cost of the overtime that will be paid to backfill staff operational positions when the compensatory leave earned is used (using the FY 2019 MCFRS average overtime rate).

Recommendation 1

MCFRS should seek approval through the County appropriations process prior to committing resources to programs not included in their budget.

¹¹ This includes a calculation based on the gross annual work year of each of the detailed staff (2080 hours) plus an additional 605 hours for other staff sporadically detailed to complete the work administered by the EEO/Diversity Office.

¹² This includes costs associated with programs administered by the staff detailed to the EEO/Diversity Office including the project codes for EEO Activities, EEO Community Activities, the Program Candidate Physical Agility Test (CPAT), the Program Incumbent Personnel Evaluation (IPTE), Recruit Physical Training (PT), and the Summer Rise Program.

Overtime Limitations Established by Fire Chief

Finding 2: The MCFRS EEO/ Diversity Office routinely exceeded overtime limitations established by the Fire Chief.

The Fire Chief placed limitations on the amount of overtime that the EEO/Diversity Office could assign to staff performing EEO and community engagement activities.

In May 2018, the Fire Chief limited the EEO/Diversity Office to 40 hours of overtime for each project code associated with EEO¹³ and community engagement activities¹⁴. In November 2019, the Fire Chief increased the limitation to 50 hours per pay period.

The OIG obtained overtime hours charged to the community engagement and EEO activities project codes for 41 pay periods following the establishment of overtime limitations by the Fire Chief.

A. For the community engagement project code, the overtime threshold was exceeded in 78% of the pay periods tested by the OIG.

For 32 of 41 pay periods tested, the established overtime limitation for community engagement activities was exceeded by the EEO/Diversity Office. For 12 of those pay periods, over 100 hours of overtime was charged to the project code, with the two highest pay periods having 251 and 322 hours of overtime charged to community engagement activities.

B. For the EEO activities project code, the overtime threshold was exceeded in 48% of the pay periods tested by the OIG.

For 32 of 41 pay periods tested, the established overtime threshold was exceeded by the EEO/Diversity Office. For all but one of the tested pay periods, which had 214 hours charged to this project code, less than 100 hours of overtime was charged to the EEO activities project code.

We note that in addition to the overtime charged to each of these project codes, compensatory leave was also charged, which will likely result in additional overtime costs for MCFRS when the leave is utilized. The MCFRS EEO/Diversity Officer told OIG staff that "compensatory leave did not count" towards the limitations set by the Fire Chief.

¹³ FRS077EC Office of the Fire Chief (OFC)-EEO Community Activities

¹⁴ OFC-EEO Activities

Recommendation 2

- (a) MCFRS should take steps to ensure that overtime by project code is routinely reviewed with established limitations enforced.

- (b) Managers who approve overtime in excess of limitations established by the Fire Chief should be held accountable.

Equitable Assignment of Overtime

Finding 3: The MCFRS EEO/Diversity Office lacks transparency, particularly in the assignment of overtime.

The OIG received information regarding the lack of transparency within the EEO/Diversity Office. For example, we obtained a document purporting to be a reporting of sentiments of MCFRS operational staff concerning the MCFRS EEO/Diversity Office. The document concludes that the “EEO Team” is viewed as causing “division/disruption in the department”; “untouchable/beyond reproach”; lacking “interaction with all people in a station”; and ignores “most people in the field”.

A former MCFRS staff member told OIG staff that the EEO/Diversity Officer has complete freedom to work and assign overtime at his discretion, it was common knowledge within MCFRS that the work of the EEO/Diversity Office was an “overtime scam”, and it was not communicated how overtime was assigned for that unit. Another MCFRS staff member told the OIG that he believed that there had been numerous occurrences where EEO/Diversity Office representatives working overtime appeared at events that were already being handled by MCFRS staff during their normal shifts. That staff member questioned the use and abuse of overtime by the EEO/Diversity Office. In a third communication to the OIG, a MCFRS staff member questioned the use of overtime and events attended by those assigned to the EEO/Diversity Office.

A cross-check of the employees listed on the MCFRS EEO/Diversity Office website with publicly¹⁵ available information concerning the 2018 highest paid County employees and the 2018 County employees receiving the greatest amount of overtime indicated that employees serving key roles in the MCFRS EEO/Diversity Office were earning significantly more overtime than most County and MCFRS employees. (See figure 3.)

¹⁵ The OIG utilized DataMontgomery information.

Designated Role ¹⁶	2018 Gross Pay	2018 Overtime Pay	Overtime as a % of Annual Salary
EEO/ Diversity Officer	\$303,828	\$174,008	142%
EEO/ Diversity Coordinator	\$280,229	\$140,835	107%
EEO/ Diversity Deputy Officer	\$214,203	\$111,807	106%
EEO/ Diversity Deputy Officer	\$186,486	\$85,511	87%

Figure 3: Key Staff Members of MCFRS EEO/ Diversity Office Earning Substantial Overtime in 2018

All three of the career employees¹⁷ included on the of MCFRS EEO/Diversity Office website as either the EEO/Diversity Officer or one of his deputies appear on a list of 20 County employees with the greatest amount of overtime pay in 2018. At the same time, in 2018, the MCFRS EEO/Diversity Officer was the second highest paid County employee and an employee listed as an MCFRS EEO/Diversity Coordinator was the fourth highest paid County employee, buoyed by overtime.

While we did not investigate or obtain any evidence suggesting that any MCFRS staff member performing work on behalf of the EEO/Diversity Office received overtime pay for events or activities not worked or related to the mission of the office, the work and assignment of the staff and overtime within the EEO/Diversity Office could be more transparent. The EEO/Diversity Office was responsible for the assignment of a great deal of overtime, much of which went to a small number of employees. During our review, the Inspector General and Fire Chief discussed the establishment of an equitable method to offer non-operational overtime opportunities to everyone in service at MCFRS, and the Fire Chief acknowledged that this could be done.

MCFRS operational overtime is assigned through Telestaff, a scheduling system used by Montgomery County public safety organizations. Telestaff has a call out feature which provides for the automatic, equitable assignment of overtime based on criteria set by the using department.

Overtime related to the EEO/Diversity Office is not scheduled through Telestaff. Since Telestaff, a system already in place at MCFRS, is highly configurable and able to transparently and equitably assign overtime, MCFRS should explore the possibility of scheduling overtime for non-operational

¹⁶ According to the MCFRS Website as reflected on September 11, 2019.

¹⁷ There is a fourth MCFRS member listed as an EEO/Diversity Deputy Officer. That employee is a volunteer member of MCFRS.

project codes through that system or another system which allows all qualified staff to volunteer for non-operational overtime opportunities, both related to the mission of the EEO/Diversity Office and in other areas of MCFRS.

Recommendation 3

MCFRS should establish a more transparent mechanism to make non-operational overtime opportunities available to all qualified staff.

Alternatives to Accomplish Goals of EEO/Diversity Office

Finding 4: We identified multiple programs within MCFRS and the County whose responsibilities overlap with or could be leveraged to accomplish the work of the EEO/Diversity Office.

The OIG review examined the functions of other MCFRS units and offices to determine whether there were other resources that could be leveraged to assist MCFRS in efficiently accomplishing the functions of the MCFRS EEO/Diversity Office.

The OIG identified several groups within the County or MCFRS whose mission, at least in part, appeared similar to the work performed by the MCFRS EEO/Diversity Office. We reviewed documentation and conducted interviews with key staff members of those groups to determine whether there existed an opportunity to leverage these existing resources to accomplish the work of the MCFRS EEO/Diversity Office with fewer resources. Our discussion highlights key areas in which we identified opportunities to combine the efforts for amplified effect or to avoid duplication of effort for potential cost savings. In some cases, MCFRS has already taken steps to leverage those resources.

Equal Employment Opportunity Compliance and Diversity Management Division

The County Office of Human Resources (OHR), Equal Employment Opportunity Compliance and Diversity Management Division (County EEO) is an established County office that works to ensure the County government's compliance with EEO laws, provides related training, and participates in local diversity programs and events. County employees may submit EEO complaints directly to this unit. County employees also have the option to go directly to County, state, or federal enforcement agencies, such as the US Equal Opportunity Commission, the Maryland Commission on Civil Rights, or the County Office of Human Rights.

MCFRS Office of Investigative Programs

The MCFRS Office of Investigative Programs website indicated that the office has three main areas of responsibility including:

1. Internal Affairs Investigations
2. Applicant Background Investigations
3. Safety and Security – access card program

The Office of Investigative Programs is responsible for the investigation of gross misconduct and criminal matters. EEO matters can also be misconduct and referred to this office.

Fire and Rescue Training Academy

The CPAT mentoring and Recruit PT programs are scheduled and administered by staff detailed to the EEO/Diversity Office but take place at the Fire & Rescue Training Academy, which has a full-time Recruit Training Coordinator responsible for the scheduling and assignment of recruit training programs.

The Fire & Rescue Training Academy led by the MCFRS Training Chief offers multiple accredited training programs related to the MCFRS mission.

As discussed, the two staff members previously detailed to the EEO/Diversity Office also administer the CPAT mentoring and Recruit PT programs, including the assignment and approval of program overtime. The EEO/Diversity Officer is also the Recruit PT Coordinator, and the Deputy EEO/Diversity Officer indicated that he was also the Officer in Charge of the CPAT Mentoring Program. Both of these programs take place at the Fire & Rescue Training Academy.

According to the MCFRS Training Chief, the Recruit PT program is under a Fire & Rescue Training Academy cost center code and falls under the umbrella of his organization. Additionally, the academy staff includes a Recruit Training Coordinator who maintains academy training calendars. The MCFRS Training Chief could not explain why Recruit PT, a Fire & Rescue Training Academy program, had a separate coordinator assigned to it who was assigned to a position outside the

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academy, when the academy staff already included a Recruit Training Coordinator who was assigned to the academy on a full time basis.

Currently, the CPAT Mentoring Program is assigned to a cost center code outside the Fire & Rescue Training Academy. However, it is not clear why that is the case, as the training occurs at the academy. It may be more efficient for MCFRS to relocate the scheduling and approval of overtime related to the CPAT mentoring and Recruit PT programs to the Fire & Rescue Training Academy.

According to the Fire Chief, the significant sources of MCFRS overtime assigned outside of the Telestaff scheduling system are those programs formerly administered by the EEO/Diversity Office and overtime assigned by the MCFRS Training Chief for programming at the Fire & Rescue Training Academy. As MCFRS works to establish more equitable and transparent mechanisms of overtime assignment for non-operational overtime, it may make sense to consolidate the programs that result in such overtime.

MCFRS Recruitment Section

Both the EEO/Diversity Office and the Recruitment Section participate in community events, visit schools, and play a role in the recruitment of diverse, qualified MCFRS candidates.

MCFRS has a separate Recruitment Section, managed by a Captain, who utilizes other staff, often on overtime to assist in the recruitment of qualified staff to MCFRS. The unit also uses social media and electronic communications to promote MCFRS and answer questions regarding the recruitment process.

The Recruitment Captain provided the OIG with a document summarizing his job description. Included in his list of tasks was:

- Educate the Community regarding MCFRS mission and vision,
- Outreach/Community Events – Faith based, veterans’ organizations, community, meetings, County and Council events, recruiters from other organizations, and career events,
- Recruitment of firefighters,
- Cadet program, and
- School/Colleges – recruitment pipeline.

The Recruitment Captain stated that there was significant overlap between the Recruitment and the EEO/Diversity Office. According to the Recruitment Captain, he routinely spoke with the members of the EEO/Diversity Office to try to prevent redundancy in scheduling, but no centralized scheduling system was in place that could reliably prevent a duplication of efforts.

MCFRS Community Risk Reduction Section

Both the EEO/Diversity Office and the Community Risk Reduction Section participate in community events, visit schools, and schedule events in the community.

The Community Risk Reduction (CRR) section uses data analytics to prevent and reduce loss and provides resources, education, training, and leadership to promote public awareness. CRR maintains a central calendar that reflects all CRR events and staff assignments. Programs range from large group presentations to one-on-one interactions including the:

- Home safety and smoke alarm program,
- “After the Fire” door-to-door outreach program,
- Premier Child Safety Car Seat program,
- Senior Outreach program,
- Fire safety and curriculum-based programs in schools and summer camps,
- Community outreach and education events,
- “Safety In Our Neighborhood” programs (i.e. bicycle safety), and
- Montgomery County’s SafeKids Coalition.

We found considerable overlap in the community engagement and school mentoring functions of the EEO/Diversity Office, and the Recruitment and CRR sections. Additionally, the units do not appear to have a formalized mechanism to communicate regarding their respective schedules. However, a new mobile application (app) developed by the CRR Section has the potential capability to address these concerns.

The CRR section has leveraged internal and external resources to provide services with limited overtime charges. CRR has also utilized other MCFRS staff assigned to light duty and solicits help from and schedules events that are handled by MCFRS operational staff during their regularly scheduled shifts. Additionally, CRR has a small pool of overtime available for the Child Car Seat Safety Program. However, MCFRS volunteers also participate in this program and are given priority to participate in events prior to overtime being authorized. The CRR manager reported that she has also had success in obtaining grants to fund departmental items and programs.

MCFRS Community Risk Reduction Section Mobile Application (app)

Recently, MCFRS obtained a grant from the Federal Emergency Management Agency (FEMA) to develop a CRR mobile app which MCFRS has been piloting for several months. The app allows an administrator to create, schedule, and assign community activity tasks to firefighters in the field. Assigned tasks are visible on the firefighter’s app and are also emailed to the firefighter who can access and share handouts and other materials from the app.

The CRR Manager reported that the CRR mobile app was constructed to be flexible and could be adapted to include a recruitment or community engagement portal without any added investment. At the same time, the app enables MCFRS to gather consistent data, share information, engage in flexible reporting, and analyze events and impact, potentially allowing MCFRS to more strategically deploy its limited resources for community outreach, community engagement, and recruitment.

Recommendation 4

- (a) MCFRS should establish a mechanism to maximize the use of operational personnel working their regular shifts to perform the work previously scheduled by the MCFRS EEO/Diversity Office.**
- (b) MCFRS should leverage all resources available to help meet the goals of the former EEO/Diversity Office and avoid duplication of effort.**
- (c) MCFRS should leverage the CRR mobile app to create, schedule, and assign tasks for all three units who are conducting outreach into the community: the EEO/Diversity Office, the Recruitment Section, and the CRR Section.**

MCFRS Social Media Sites

Finding 5: The MCFRS EEO/ Diversity Office and Recruitment Section maintain social media websites that have not been added to the County's Social Media Directory, as required by the County Administrative Procedure governing social media.

Social media platforms can be a cost-efficient and effective option to communicate within an organization and with the public. While traditional public outreach is expensive, social media gives the government the potential to exponentially amplify its message and communication with a dramatically lower cost. Social media presents an opportunity to expand an organization's reach and effectively gather information and feedback. Both the MCFRS EEO/ Diversity Office and Recruitment Section have made efforts to leverage social media platforms to collect information and communicate with their target audience.

While social media is a preferred method to engage with the public, the content and handling of social media posts and commenting must be carefully managed. A negative social media post that turns viral can cause substantial damage to the reputation of a government entity.

Montgomery County Administrative Procedure (AP) No. 6-8, *Social Media*¹⁸ provides guidance on the use of social media, including blogs, message boards, wikis, podcasts, photo and video sharing and similar. The policy applies to all County employees who use social media as a part of their job duties or when otherwise acting as a representative of the County. While a department head determines a department's official participation and is responsible for the content of social media sites, the County Public Information Office (PIO) must be notified of a decision to have a departmental presence on a social media site and retains a list of sites used by County departments. Naming conventions on social media for official County sites must be approved by the PIO who has the right to develop new standards for naming conventions, visual consistency, and credibility of social media sites.

The PIO keeps a Social Media Directory which includes a list of social media sites retained by County departments. As of January 14, 2020, the Social Media Directory includes an MCFRS Facebook, twitter, YouTube, blog and Flickr photo site. All appear to be the department-wide social media pages for MCFRS. None of the social media sites established by the MCFRS EEO/Diversity Office or the MCFRS Recruitment Section appeared in the Social Media Directory provided by the PIO.

It is important that County social media sites are monitored and adhere to the requirements of AP 6-8. We did not expand the scope of our review to determine whether the MCFRS social media sites we identified which were not included in the Social Media Directory complied with other aspects of AP 6-8, which outlines additional policy concerning the use of social media.

Recommendation 5

MCFRS should take steps to ensure that all social media sites maintained by MCFRS personnel are included on the County's Social Media Directory and otherwise adhere to the policies and practices outlined in AP 6-8.

¹⁸ Approved on August 10, 2012

Dissolution of EEO/Diversity Office

While performing important work, given the current fiscal climate and escalating overtime costs at MCFRS, we question whether the County could continue to sustain the efforts of the MCFRS EEO/Diversity Office at the rate and cost outlined in this report. This is evidenced by recent instructions the Fire Chief received from the County Chief Administrative Officer (CAO) to cease operation of the MCFRS EEO/Diversity Office. Near the conclusion of our field work, in January 2020, both MCFRS staff members detailed to the EEO/Diversity Office returned to their operational positions at MCFRS and the office was effectively dissolved. The Recruit PT and CPAT Mentoring functions scheduled by the formerly detailed staff members appear to continue.

The Fire Chief communicated changes to MCFRS staff including the retraction of overtime and placing a greater emphasis on getting units from fire stations to engage in events in their areas. However, the Fire Chief also proposed to the CAO a new unit, staffed with three FTE and a pool of overtime hours for these EEO and Community Engagement Activities. It is unclear to what extent operational personnel at the fire stations will continue to be leveraged for these activities should that unit be established. Given that staff at fire stations have down time, and that MCFRS policy allows operational staff activity to include public education and community outreach, we recommend that MCFRS maximize the use of operational staff as they redesign and redistribute the work of the EEO/Diversity Office.

OIG COMMENTS TO CHIEF ADMINISTRATIVE OFFICER RESPONSE

The County Chief Administrative Officer's response to our report is included in its entirety in Appendix A. The response notes general concurrence with the OIG's recommendations. Nothing in the response caused us to alter our report.

We agree that some programs, such as the Recruit PT and CPAT Mentoring program, administered by staff previously detailed to the EEO/Diversity Office are a part of the recruit training and hiring process. Our report, however, notes the overlap between the recruitment and EEO/Diversity Office functions and also recommends that MCFRS more equitably assign non-operational overtime. As stated in the objectives, scope, and methodology section of our report, our review focused on costs within the EEO/Diversity Office as well as an analysis of time charged to other programs over which the two staff members detailed to the EEO/Diversity Office had responsibility. As the staff members detailed to the EEO/Diversity Office were responsible for the administration of these programs and the assignment of overtime for these project codes, they were also included in our review.

Additionally, there are aspects of the response that we believe will require further monitoring and detail. We expect specifics of stated actions and plans to be included in the Internal Auditor's report on corrective actions which is expected in September in accordance with County Code §2-25A (Council Bill 11-19).

In particular, we have the following comments related to specific responses to recommendations 2(a), 3, 4(a), and 4(b):

OIG RECOMMENDATION 2 (a): MCFRS should take steps to ensure that overtime by project code is routinely reviewed with established limitations enforced.

- **CAO Response to recommendation 2(a):** We concur with this recommendation. Expenditures by Reason Code are reviewed biweekly by the Fiscal Management Division and the appropriate Division Chief. In addition, effective April 1, 2020, MCFRS will put spending limitations in writing so there is no misunderstanding by anyone involved.
- **OIG Comment to CAO Response to recommendation 2(a):** We appreciate that MCFRS intends to document spending limits and has taken steps to review expenditures. We encourage them to particularly focus on overtime expenditures and incorporate an enforcement strategy into their procedures.

OIG RECOMMENDATION 3: MCFRS should establish a more transparent mechanism to make non-operational overtime opportunities available to all qualified staff.

- **CAO Response to recommendation 3:** We concur with this recommendation. MCFRS has identified several transparent mechanisms for the equitable distribution of overtime. For example, the Administrative Services Section, which oversees the firefighter hiring and promotional processes, has a 25% new personnel rule. This rule requires that every year, as employees are brought in on overtime to assist with firefighter hiring and promotional processes, 25% of such employees must not have been involved in such processes the prior year. This practice fosters fresh faces and new perspectives, while balancing the opportunity to learn new skills and earn non-operational overtime. Nonetheless, MCFRS will reiterate by April 1, 2020, with its managers the importance of identifying the manner in which overtime is made available so that there is greater understanding among the employees, and less likelihood that there is an appearance of being a closed shop.
- **OIG Comment to CAO Response to recommendation 3:** We encourage MCFRS to implement a standardized process for ensuring equity in the availability and assignment of non-operational overtime. We urge MCFRS to codify these processes and communicate them to employees.

OIG RECOMMENDATION 4(b): MCFRS should leverage all resources available to help meet the goals of the former EEO/Diversity Office and avoid duplication of effort.

- **CAO Response to recommendation 4(b):** We concur with this recommendation. As noted above, the CRR Section, with assistance of the Fire Chief's office, has assumed and is beginning to schedule many of the activities in which the EEO/Diversity Office had been involved.
- **OIG Comment to CAO Response to recommendation 4(b):** We encourage MCFRS to also leverage other available resources for the recruitment, EEO, and training functions previously conducted by the EEO/Diversity Office. We further recommend MCFRS make appropriate changes to division responsibilities and written procedures to clarify roles and account for the shifted priorities.

APPENDIX A: CHIEF ADMINISTRATIVE OFFICER (CAO) RESPONSE



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

Andrew W. Kleine
Chief Administrative Officer

MEMORANDUM

March 20, 2020

TO: Megan Davey Limarzi
Inspector General

FROM: Andrew W. Kleine 
Chief Administrative Officer

SUBJECT: Inspector General Confidential Draft Report, *Overtime Costs and Redundancies in the MCFRS EEO/Diversity Office*, OIG Publication #OIG-20-XX

Thank you for the opportunity to respond to your March 6, 2020, confidential final draft report concerning your review of the Montgomery County Fire and Rescue Service (MCFRS) and the adequacy of controls in place and use of best practices to control costs and curb abuse of overtime with the MCFRS EEO/Diversity Office.

As your report points out, part of MCFRS's mission is to enhance public safety and support quality of life through direct immersion in our communities, effectively blending outreach and education. The MCFRS EEO/Diversity staff helped educate the department about EEO policies and laws, and cultivated and nourishing important relationships with diverse parts of the Montgomery County community. Fostering these relationships gave MCFRS greater credibility with respect to its ability to deliver its services with the highest level of public trust.

The report also noted inherent structural deficits in firefighter positions, the result of which was that MCFRS had to rely on overtime to adequately conduct business on a day-to-day basis. In his first year as County Executive, he successfully secured 20 additional budgeted firefighter positions and an additional \$2 million dollars in overtime to address this situation.

There is one clarification we would note regarding the draft report's statement regarding activities in which the MCFRS/EEO Diversity Office engaged and the amount of overtime employees in that office worked. Specifically, the EEO/Diversity Office oversaw training and education regarding EEO policies/EEO law, Community Engagement, and the MCPS School Mentoring Program. The Recruit PT and CPAT Mentoring Programs were not part of the EEO/Diversity Office. Instead, such programs were part of recruit training and the hiring process. Although some personnel assigned to the MCFRS/Diversity Office were also

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involved with the CPAT Mentoring and/or Recruit PT Programs, those personnel had been involved in those programs before they became involved in the EEO/Diversity Office. To the extent these personnel worked overtime hours performing CPAT Mentoring and/or Recruit PT Programs, such overtime should be attributed to recruit training and the hiring process and not to the EEO/Diversity Office.

Regarding your findings and recommendations, MCFRS understands the importance of oversight and accountability and thus appreciates all suggestions as to how the Department can better attend to the community it serves.

Recommendation 1: MCFRS should seek approval through the County appropriations process prior to committing resources to programs not included in their budget.

CAO Response: We concur with this recommendation. The MCFRS EEO/Diversity Office was restructured in 2015 with the retirement of the former EEO officer.

Recommendation 2(a): MCFRS should take steps to ensure that overtime by project code is routinely reviewed with established limitations enforced.

CAO Response: We concur with this recommendation. Expenditures by Reason Code are reviewed by-weekly by the Fiscal Management Division and the appropriate Division Chief. In addition, effective April 1, 2020, MCFRS will put spending limitations in writing so there is no misunderstanding by anyone involved.

Recommendation 2(b): Managers who approve overtime in excess of limitations established by the Fire Chief should be held accountable.

CAO Response: We concur with this recommendation. The Fire Chief has assured that appropriate actions will be taken to address any manager who approves overtime in excess of authorized limitations.

Recommendation 3: MCFRS should establish a more transparent mechanism to make non-operational overtime opportunities available to all qualified staff.

CAO Response: We concur with this recommendation. MCFRS has identified several transparent mechanisms for the equitable distribution of overtime. For example, the Administrative Services Section, which oversees the firefighter hiring and promotional processes, has a 25% new personnel rule. This rule requires that every year, as employees are brought in on overtime to assist with firefighter hiring and promotional processes, 25% of such employees must not have been involved in such processes the prior year. This practice fosters fresh faces and new perspectives, while balancing the opportunity to learn new skills and earn non-operational overtime. Nonetheless, MCFRS will reiterate by April 1, 2020, with its managers the importance of identifying the manner in which overtime is made available so that there is greater understanding among the employees, and less likelihood that there is an appearance of being a closed shop.

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Recommendation 4(a): MCFRS should establish a mechanism to maximize the use of operational personnel working their regular shifts to perform the work previously scheduled by the MCFRS EEO/Diversity Office.

CAO Response: We concur with this recommendation. MCFRS already places significant emphasis on using on-duty personnel to interact with residents at community events. MCFRS's Community Risk Reduction (CRR) Section, with assistance of the Fire Chief's office, has assumed and is beginning to schedule many of the activities in which the EEO/Diversity Office had been involved.

Recommendation 4(b): MCFRS should leverage all resources available to help meet the goals of the former EEO/Diversity Office and avoid duplication of effort.

CAO Response: We concur with this recommendation. As noted above, the CRR Section, with assistance of the Fire Chief's office, has assumed and is beginning to schedule many of the activities in which the EEO/Diversity Office had been involved.

Recommendation 4(c): MCFRS should leverage the CRR mobile app to create, schedule, and assign tasks for all three units who are conducting outreach into the community: the EEO/Diversity Office, the Recruitment Section, and the CRR Section.

CAO Response: We concur with this recommendation. The CRR mobile app is being assessed to see if it is a viable option for scheduling and assigning tasks. MCFRS expects this assessment will be completed and a decision made on potential implementation by July 1, 2020.

Recommendation 5: MCFRS should take steps to ensure that all social media sites maintained by MCFRS personnel are included on the County's Social Media Directory and otherwise adhere to the policies and practices outlined in AP 6-8.

CAO Response: We concur with this recommendation. MCFRS has started this process and expects to complete it by July 1, 2020.

cc: Fariba Kassiri, Deputy Chief Administrative Officer, Office of the County Executive
Scott Goldstein, Chief, Montgomery County Fire and Rescue
Bill Broglie, Internal Audit Manager, Office of the County Executive