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THE COUNTY SHOULD DOUSE FIREFIGHTER OVERTIME PAY

SUMMARY

The Contra Costa County Fire Protection District provides fire protection and emergency services for a major part of the central and western county. The district's chief reports to the County's Board of Supervisors. There are 30 fire stations within the district's geographic boundaries.

In recent years, significant increases in salaries and benefits have placed a strain on the district's finances. Salaries and benefits account for 85% of the district's General Fund Budget, which leaves little money for new equipment and other budget categories. Overtime pay is a major part of personnel costs. Unlimited and continuous overtime by individuals is not only costly it is unsafe.

Overtime costs have steadily increased since 1999, to approximately \$9 million in 2006. Increases in overtime are attributed to large numbers of retirements since liberal retirement packages were negotiated with the firefighters' union, an average absenteeism rate of approximately 15%, and hiring practices that prolong the recruiting, testing, screening, and training process.

In the past, the County's Board of Supervisors has approved union contracts that supported a trend of generous compensation packages and accommodating working conditions. These contracts hinder management's ability to control costs and administer the district.

The complete report is available on the Contra Costa County's Grand Jury web site:
www.cc-courts.org/grandjury.

CONTRA COSTA COUNTY GRAND JURY REPORT 0705

THE COUNTY SHOULD DOUSE FIREFIGHTER OVERTIME PAY

**TO: Contra Costa County Board of Supervisors
Contra Costa County Fire Protection District**

BACKGROUND

The Contra Costa County Fire District (“District”) ranks among the 14 largest metropolitan fire agencies in the state. It provides fire and emergency medical services to nine cities and certain unincorporated areas in Contra Costa County (“County”), serving a population of 600,000 across a 304 square-mile area. It also provides service to business and industry, including several petroleum refineries and chemical manufacturing plants. The District’s total operating budget for fiscal year 2006-2007 is \$95.8 million. The District is staffed by 406 full-time employees (344 uniformed personnel and 62 civilians).

In 2006, District personnel responded to 40,841 service calls, of which 28,982 (72%) involved medical emergencies. Approximately 1,900 service calls were fire related. The District's communications center provides dispatch services for the East Contra Costa, Moraga-Orinda, Crockett-Carquinez, and Rodeo-Hercules Fire Protection Districts, as well as the City of Pinole Fire Department. Within the County, the District also maintains 470 miles of fire trails.

FINDINGS

1. A crew of three – a captain, an engineer, and a firefighter – staff each of the District’s fire engines. Twenty-eight of the 30 crews for the District have at least one member who is a trained paramedic. There are three shifts, each made up of a complement of 93 fire fighting personnel (90 firefighters and 3 battalion chiefs) and five dispatchers. This staffing level is defined in the Memorandum of Understanding between the County and United Professional Firefighters of Contra Costa County, Local 1230.
2. A firefighter’s regular workweek averages 56 hours. The work schedule is made up of approximately ten 24-hour work shifts per month. Compensation includes base pay, overtime pay, vacation and holiday pay, uniform allowances, fire recall/standby incentives, and educational/training/ longevity incentives.

3. The District pays three of the 56 work hours as “scheduled” overtime at the rate of time-and-a-half, citing the Federal Fair Labor Standards Act as its authority for this practice. All non-management shift workers are also paid 12 hours of overtime for each of 13 holidays, whether they are working or not. All other overtime is classified as "unscheduled" overtime.
4. An average of 15% of each shift’s personnel are routinely absent due to vacations, sick leave, personal leave, training, or work-related injuries.
5. Relief staff (when available), or recalled staff, cover vacant positions and absences on an unscheduled overtime basis, at time-and-a-half. Relief staff members are permanent employees who are not assigned to a fire station. The Board of Supervisors, in negotiating with the union, has agreed to limit the number of relief staff members to 12 per shift, or a total of 36 firefighter positions. Currently, there are no relief staff members. As a result, overtime is used to cover both vacant positions and daily absences.
6. Approximately eighty-five percent of the District’s General Fund Budget is dedicated to salaries and benefits. In 2006, unscheduled overtime pay totaled approximately \$9 million, which represented 34% of total regular base pay.
7. Unscheduled overtime costs of \$9 million in 2006 have increased by more than 70% since 1999. In 2006, more than 98% of firefighter personnel were paid for unscheduled overtime:
 - 128 fire personnel received more than \$30,000 in unscheduled overtime
 - 32 of the 128 fire personnel received more than \$50,000 in unscheduled overtime
 - 11 of the 32 fire personnel received more than \$70,000 in unscheduled overtime
 - 3 of the 11 fire personnel received more than \$100,000 in unscheduled overtime

One firefighter received over \$138,000 in unscheduled overtime pay, which resulted in total one-year compensation of over \$232,000.

8. Improvements to retirement benefits negotiated in 2002 led to a spike in the number of retirements in 2005 and 2006. The change in service credits from 2% to 3% per year at age 50 has increased the need for overtime because of the high number of vacancies created by retirements. This problem is made worse by the lack of adequate notice of impending retirements, typically less than 30 days. The District has no policy to encourage early notification of firefighters’ intended retirements. As of February 2007, the District had 50 unfilled firefighter positions, of which 49 were attributed to retirements.

9. The District's policy is to manage overtime costs through the effective use of relief staff rather than overtime personnel. The cost savings resulting from this practice vary, depending on the positions to be filled, the number of vacancies, and the number of relief staff members. Annual savings range from \$13,000 to \$40,000 per year per position, depending upon the job classification (e.g., captain, engineer, and firefighter).
10. Unlike some other safety agencies, for example, the Los Angeles County Fire District and the California Highway Patrol, the District currently has no limit on the number of continuous hours a firefighter may work.
11. Section 23 of the labor contract between the District and the International Association of Fire Fighters Local 1230 reads, "The District shall expend every effort to see to it that the work performed under the terms and conditions of this Memorandum of Understanding is performed with maximum degree of safety consistent with the requirement to conduct efficient operations."
12. The Centers for Disease Control and Prevention and the Institute for Occupational Safety and Health have identified problems with shift work and excessive hours. Their studies have shown that fatigue is associated with decreased alertness, lowered cognitive functions, declining vigilance in physical task performance and increased injuries, and illness. Sleep loss can affect job performance. It can also make it easier to fall asleep at inappropriate times, endangering safety workers and those they serve.
13. A District firefighter's normal shift is 24 continuous hours (8am to 8am). They work three 24-hour shifts within a nine-day work cycle. Many firefighters routinely work for 72 consecutive hours or more. In the past, the District has proposed a limit on continuous work hours but failed to successfully negotiate this with the union.
14. A key element in the need for overtime is the large number of vacant firefighter positions. The latest hiring list of firefighter candidates was exhausted in 2005. Inadequate planning for staffing needs by the District, coupled with the requirements administered by the County's Human Resources department (e.g., a consent decree resulting from a past lawsuit against the County), have created long delays in establishing a new list of qualified candidates.
15. Hiring procedures have added to the vacancy crisis that results in the increased use of overtime. Past hiring cycles have taken up to a year-and-a-half before a single firefighter was hired. In the most recent cycle, the District did not ask the Human Resources department to begin the hiring process for new candidates until the current list no longer included any acceptable candidates. The District delayed its request despite the knowledge that the previous list had taken over a year to develop.

The current cycle began November 1, 2005, and proceeded as follows:

11/05/05	District asks Human Resources to begin process
3/20/06	Human Resources announces exam

4/3/06 - 4/7/06	Applications accepted by Human Resources
5/6/06	Written test administered
7/06	List of eligible candidates published
7/9/06	District requests certification of eligible candidates
7/17/06	District receives a list of 395 candidates from Human Resources
8/11/06	District mails candidate interview notices (Round 1)
8/15/06	Human Resources provides applications to the District
8/28/06-9/12/06	District conducts Round 1 interviews

From September to November, an internal Merit Board complaint investigation concerning alleged bias in candidate screening filed by two candidates resulted in an additional delay. The allegations were later determined to have been unfounded.

11/13/06	District mails candidates interview notices (Round 2)
11/13/06	District mails regret notices to unsuccessful candidates
12/4/06-12/8/06	District conducts Round 2 interviews with 78 candidates
Jan / Feb 2007	Background investigations conducted

16. As of March 2007, 16 months following the November 2005 request to begin the hiring process, no new firefighters had been hired. Because of the length of the current hiring cycle, the District is incurring over \$60,000 per month in additional overtime costs, based on the number and mix of vacant openings.
17. After completing the hiring process, candidates must pass psychological evaluations and physical examinations. Recruits must complete a 16-week District training program prior to assignment. Therefore, the current hiring cycle results in a minimum of 20 months before the first new firefighter reports to work.
18. The District trains all new hires at its academy. Classes do not begin until there is a minimum of 10 recruits with a maximum of 25. These limitations have caused training delays. Generally, the academy is limited to the District's recruits.
19. There are private companies with extensive experience in screening fire service candidates. Use of such a service could reduce staff time required by the in-house hiring process and provide the District with a list of qualified candidates. The San Ramon Valley Fire Protection District makes use of one such private company to pre-screen its firefighter candidates.
20. Of the more than 2000 firefighter applicants, over 1,400 candidates took the District's examination given on May 6, 2006.

CONCLUSIONS

1. Poor personnel planning by the District has delayed the hiring process for new firefighters to replace those who have retired since the increase in retirement benefits was approved.
2. The District hiring cycle, completed in conjunction with the Human Resources department, is excessively long.
3. Since existing staff members are called on to fill in for absences and vacant positions, firefighters often work many consecutive hours that are paid as overtime. This practice is both costly and unsafe.
4. Anticipating the personnel needs, streamlining the hiring process, and expediting the training of firefighters will save money, and create a safer working environment for firefighters and the public.

RECOMMENDATIONS

1. Continue to use relief crews in covering for absent firefighters. Negotiate the removal of the 12 per shift limitation that applies to firefighter relief staffing, and leave the relief staffing level to the discretion of the District.
2. Negotiate a change to the Memorandum of Understanding that would limit continuous work to 72 hours and require that an employee must have at least 24 hours off after a 72-hour continuous segment. Exceptions may be made if emergency activities require extended duty.
3. Propose that personnel give 90 days notice prior to retirement. Develop a monetary incentive program to encourage early retirement notification.
4. Whenever possible, require that training for current firefighters be conducted without incurring overtime.
5. Institute a structured, periodic staffing plan to better anticipate the on-going staffing needs of the District.
6. Develop and maintain an active candidates list based on a plan which can be accomplished by one or more of the following options:
 - The District, in conjunction with Human Resources, streamlines the hiring cycle to reduce its length.
 - The District investigates alternatives, such as the District assuming responsibility for the entire hiring process.
 - The District researches the possibility of outsourcing all or part of the hiring process to a private company.

7. Pursue the possibility of establishing an on-going, regional fire academy to accelerate basic training of candidates.

REQUIRED RESPONSES

Findings:

Contra Costa County Board of Supervisors: 1-20
Contra Costa County Fire District: 1-20

Recommendations:

Contra Costa County Board of Supervisors: 1-7
Contra Costa County Fire District: 1-7