**Staff Report**

**By Gary Yearsley, MVCSD Director of Operations**

**12/12/2021**

**Background/Purpose:** The purpose of this staff report is to explain the urgent needs of the Morongo Valley Community Services District (MVCSD) to ensure the health and safety of the Morongo Valley Community and the MVCSD fire department employees.

Because FLSA does not explicitly state that more than eight hours in a day would constitute overtime, OSHA does not limit the number of hours per day an employee can work, nor does OSHA have a regulation for consecutive days worked (<https://www.oshaeducationcenter.com/articles/employee-overtime/>). However, OHSA/FSLA impose safety regulations that must be followed by all employers in the United States as well as more specialized regulations for specific industries. Employers who do not comply with these regulations can face fines.

Fatigue increases a worker's likelihood of making a mistake because it reduces the worker's following capacities:

* Judgment
* Perception
* Reaction time
* Attention to detail

Employers must think carefully about how long shifts will impact employee productivity and proclivity for mistakes that can lead to serious accidents. (Meta-analysis from Forrest M. Craig, Division Chief, Novato Fire Protection District, Novato, California).

1. **There are a total of 24 hours x 7 days a week in any week = 168 hours.**

The MVFD Paramedic has been on for 25 consecutive days. Normally, a full-time paramedic would work two (2) full days and then be off for four (4) full days. This means the paramedic would have worked only 8 days during this 25-day period. Therefore, he has rendered 17 days of overtime at 1.5 times his normal rate of pay, which is normally $14/hr, but at 1.5 times is $21/hr = 24 hours x $21/hr x 17 days = **$8,568** in overtime pay, plus additional payroll/workers’ compensation taxes. These payroll/workers’ compensation taxes for the MVFD Paramedic (not including medical insurance benefits) are calculated at 18.5% (Medicare/Social Security 7.65%, State Disability Insurance 6.2%, and Workers’ Compensation 4.65%). $8,568 x 18.5% is **$1,585.** Total Paramedic overtime costs for 17 days equals **$10,153**.

The MVFD Engineer has been on for 30 consecutive days. Normally, a full-time engineer would work two (2) full days and then be off for four (4) full days. This means the engineer would have worked only 10 days during this 30-day period. Therefore, he has worked 20 days of overtime at 1.5 times his normal rate of pay, which is normally $15/hr, but at 1.5 times is $22.50/hr = 24 hours x $22.50/hr x 20 days = **$10,800** in overtime pay, plus additional payroll/workers’ compensation taxes. These payroll/workers’ compensation taxes for the MVFD Engineer (not including medical insurance benefits) are calculated at 18.5% (Medicare/Social Security 7.65%, State Disability Insurance 6.2%, and Workers’ Compensation 4.65%). $10,800 x 18.5% is **$1,998.** Total Engineer overtime costs for 20 days equals **$12,798**.

This overtime pay for two staff members totals **$22,951** for about a month of overtime services. The **$22,951** does NOT include the costs of the regular non-overtime pay. Regular non-overtime pay for the 8 paramedic days x $14/hr x 24 hrs is $2,688 x 18.5% taxes totals **$3,185.28**. Regular non-overtime pay for the 10 engineer days x $15/hr x 24 hrs is $3,600 x 18.5% taxes totals **$4,266**.

Duty Officer coverage costs MVFD $100 a day for 24 hours a day Mon-Thurs and $150 a day for 24 hours a day Fri – Sun x 4.33 weeks in a month is $3,680/month) for a total cost per month including overtime of **$26,631.** The county can provide 24/7 ALS/BLS services, fire protection, incidents on Highway 62, etc. along with in-district nearby Duty Officer response for an all-inclusive rate of **$18,000** per month. The County can provide **TEMPORARY** services for up to 90 days.

**HISTORICAL NOTE:** Back in 2016 when the community was considering a flat fire assessment tax, which would have increased the MVCSD fire department revenue to a total of about $900,000 from the existing assessment fees of about $356,000 a year (originally about 2,601 parcels x about $11.40 per month average x 12 months is about $137 per parcel per year = $355,817). The new assessment would have cost an average of about $28.83 per parcel per month and among the plans, was to increase firefighter/paramedic salaries to improve employee retention. The measure failed by 67%. A quote was obtained from San Bernadino County Fire at that time for full county services from our fire station. The quote at that time was $2.2 million or $183,333 per month indicating the extreme generosity of County Fire to assist MFVD on a short-term **TEMPORARY** basis for up to 90 days for an all-inclusive cost of **$18,000** a month.

2. The MVCSD has a very limited budget that is also going to be impacted by an increase in minimum wage starting in January 2022.

3. Although the position of Duty Officer was removed by the Union from the final MOU with the Local Union #5028 dated/signed 7/20/2020 because a Duty Officer is a management employee and not part of the Union, the standard operating procedure for any professional fire department is to maintain a 24/7 Duty Officer coverage. We must have a Duty Officer in district because the Duty Officer serves as the Incident Commander and the Duty Officer is the employee/contractor who provides the written incident reports to for example, insurance companies/private parties involved in the incident, and commands the scene especially with large-scale accidents and residential/wildland fires. Recent large-scale incidents/fires have included: a law enforcement pursuit with shootings involving life-threatening injuries, active shooter in a barricaded house, large multi-car/commercial truck accidents including fatalities, large wildland/residential fires, etc. In the past, MVFD was dispatched to a crash of a small airplane in the foothills in the Morongo Grade.

There have been suggestions that County Fire and/or CAL Fire can simply respond to calls under mutual aid agreements like they normally do, which wouldn’t cost the district any money. This is **inaccurate** because the only time, no-cost mutual aid is rendered is when our fire department is **on shift as the first responding team**. If we do not have staff to cover shifts, then County Fire or CAL Fire would be the first responder team assigned to the incident and therefore, this assistance does not fall under the category of mutual aid because they would now be categorized as the first responders. The table below depicts how mutual aid works when MVFD **is staffed on all shifts**. With only two team members and a Duty Officer at the present time (since [four] 4 employees were recently hired on at higher paying fire agencies), MVFD can now only run five 48/96 shifts in 28 days **without incurring overtime costs.**

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| **When MVFD is First Responder Team (e.g., when there is a team in the MVFD Station & MFVD Has a Duty Officer in District to Serve as Incident Commander of Large-Scale Scenes)** | **County Fire Mutual Aid**  **Station 41 (Yucca)**  **Stations 36/37 (DHS in Riverside County)** | **CAL Fire Mutual Aid**  **Sphere of Influence is WILDLAND FIRES** |
| MVFD gets dispatched | Assists MVFD with large car accidents such as multi-car accidents, cars engulfed in flames | Shrubs/Brush |
| MVFD sizes up Crisis | Large residential fires | Grass/Vegetation |
| MVFD proceeds to Render Aid or Calls in Mutual Aid | ALS/BLS of multiple patients | Trees |
| Ambulance services are dispatched on EMS calls. MVFD can request additional ambulance services available from MBA (Joshua Tree), if needed. | If the 9-1-1 call to dispatch indicates a large-scale incident, then the County and Cal FIRE may be dispatched at the same time as MVFD. County and Cal FIRE do not automatically get dispatched when MVFD is available. | Goes on smoke checks with the MVFD team in case there is vegetation on fire around the residence |
| MVFD also reciprocates by rendering mutual aid when the County or CAL Fire requests the help (e.g., car accidents/fires on the Morongo Grade) | There have been times in large-scale scenarios when all stations are dispatched simultaneously. Nov. 2021, Yucca Station 41 arrived on scene before our local team (e.g., Lanning Lane residential fire) | EMT for BLS |
|  |  | **CAL Fire DOES NOT PROVIDE services for:** |
|  |  | Residential fires unless nearby vegetation catches on fire |
|  |  | Automobile accidents |
|  |  | ALS |
|  |  | Only occasional BLS by an EMT |

4. All MVCSD fire department personnel will continue to work their normal shifts, which are a rotating 48 hours on shift/96 hours off shift. **There will be no MVFD layoffs. In accordance with the Union MOU, the Union will be given 10-day notice about any changes in overtime.**

5. SDRMA has reviewed our insurance policies and the polices are 100% in alignment to satisfy the county contract for **TEMPORARY** 24/7 ASL/BLS services including 24/7 Duty Officer coverage. There will be zero extra charge for insurance. Confirmation letter dated: 12/9/2021 at 4:08 p.m. by Wendy Tucker, Member Services Manager at SDRMA.

6. The MVCSD Board of Directors must give reasonable advance notice to the MVFD Union Local #5028 prior to any final vote for or against any County contract. At the 12/10/2021 Special Board meeting, the MVCSD Board requested that the MVFD Union Local #5028 meet with Directors Brook and Gorke on Monday, December 13, 2021, to meet and confer about a potential **TEMPORARY** County contract at 3:00 p.m. that day. Since that time, the Union and the two Directors agreed to move the meeting to Tuesday, December 14, 2021 at 6:00 p.m. or 7:00 p.m. This **TEMPORARY** County contract would **NOT** result in any MVFD layoffs, **NOR the closure of the MVFD.**

The following are a list of reasons why recent firefighter and paramedic candidates were not offered employment at MVCSD/MVFD. Minimum MVFD employment requirements include: written job application completed, show proof of current/valid EMT certification, show proof of current/valid Firefighter I certification with Fire Academy diploma, pass background/reference checks completed by our fire department, written test, skills test, and a alcohol/drug test.

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| **Candidate Confidential #** | **Date of Review** | **Conclusions** |
| #1 | 10/26/2021 | Candidate has a current EMT certificate, but had not worked in the fire services since 2008. Reference checks with previous employers were not positive. |
| #2 | 10/31/2021 – 12/8/2021 | Candidate does not have current EMT certification including CPR nor First Aid certification, nor current/valid Paramedic certification. Candidate also does not have a medical clearance to work. Candidate was offered the opportunity to bring certifications current, but candidate was unable to provide current certifications. |
| #3 | No current application on file. Letter to Board President submitted 11/6/2021. | Candidate cannot provide full-time paramedic services. The current contract/MOU with the MVFD Local Union #5028 states that only full-time 48/96 paramedics can be hired. The Local Union #5028 MOU also states that MVCSD/MVFD cannot hire temporary employees. |

Note: Since 11/1/2021 two additional reserves have been hired for the MVFD.

7. **Conclusion/Summary:**

a. With the retirement of Chief Yearsley upcoming on 12/31/2021 (who has been providing 24/7 Duty Officer coverage except for when he is on vacation or out sick in which case Chief James Brakebill had been covering those duties), the to-be-hired Interim Director of Operations will work with the MVCSD Ad Hoc Committee members, Directors Klimowicz and Tolbert, to identify and interview potential Director of Operations candidates effective immediately. The annual compensation for the Director of Operations is $78,000 per year as per the current contract. It is recommended that the MVCSD Board of Directors discuss and approve an updated salary range for the Director of Operations position. A separate contract agreement is completed for Duty Officer compensation.

b. The MVCSD/MVFD recently had four team members take higher paying jobs and so the MVCSD/MFVD needs time to rebuild its team. A **TEMPORARY** contract with San Bernardino County Fire would ensure 24/7 community fire protection and ALS/BLS services until the local MVFD is once again fully staffed. The cost of the **TEMPORARY** county contract is less than the cost of local overtime and the long continuous local shifts rendered by two MVFD team members that includes higher risk for a propensity of accidents/liability discussed above. The **TEMPORARY** contract for assistance would also include 24/7 in-district Duty Officer coverage.

c. **Traditional MVFD Work Schedule** – With the four staff members taking higher paying jobs and leaving at the same time, only Shift A can be covered **without overtime duty**.

Section 2.1.1 AND 4.1.2 of the Current Local Union 5028 MOU designates 10, 24-hour periods also known at 5, 48-hour shifts every 28 days (48/96 schedule)

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| Sunday | Monday | Tuesday | Wed | Thurs | Friday | Saturday |
| A | A | B | B | C | C | A |
| A | B | B | C | C | A | A |
| B | B | C | C | A | A | B |
| B | C | C | A | A | C | C |