

Personnel Board

September 8, 2004

Mayor Tom Bates and the Members of the Berkeley City Council
2180 Milvia Street
Berkeley, California 94704

Re: Fire Prevention Manager Classification

Dear Mayor Bates and the Members of the Berkeley City Council:

At its meeting held on September 7, 2004, the Berkeley Personnel Board voted unanimously to send you this letter concerning the Fire Prevention Manager Classification that will appear as a Consent Item on your September 21, 2004 agenda. The Personnel Board believes that this new job classification should not be adopted without a great deal of thought, discussion and considered judgment on all of your parts.

The City Manager has recommended that you adopt a Resolution that would 1) eliminate the current Office of Emergency Services and consolidate it into the Fire Prevention Division, 2) eliminate the position of Emergency Services Manager and consolidate its duties with those of the Fire Marshal and 3) civilianize the position of Fire Marshal.

The Personnel Board reviewed this recommendation first at its regular meeting held on July 6, 2004 and then again at a special meeting held on August 9, 2004. Present at those meetings were the Fire Chief, Deputy Fire Chief, officers and members of Firefighters Local 1227 and Human Resources Department staff. Budget issues were fully discussed as were Local 1227's concerns.

Based on these deliberations, the Personnel Board believes that insufficient consideration has been given to the effects of this recommendation upon several vital City functions and goals.

Specifically we are concerned about how this reorganization would affect:

- 1) Berkeley's preparations for both natural and man-made disasters;
- 2) fire code enforcement and modifications as well as fire investigations;
- 3) our Fire Department's ability to fight multi alarm fires;
- 4) the career ladder within the Fire Department and the promotion of minorities.

We also are not convinced that the senior managers of the Fire Department have evaluated enough other options that would accomplish the same budget objectives.

- 1) Berkeley's preparations for both natural and man-made disasters

We would like you to consider the current position of Emergency Services Manager. That individual has the following responsibilities and duties:

“...[P]lans, organizes and directs the work of implementing and maintaining a comprehensive emergency management and disaster mitigation program for the City of Berkeley; provides expert professional assistance to City management staff...

... This single position class has division level responsibility for the direction and administration of the City’s emergency management program, including a special emphasis on disaster prevention and reduction... [T]he incumbent is responsible for all four phases (mitigation, preparedness, response and recovery) of emergency management, including formulating policy, developing goals and objectives, supervising staff, administering the division’s budget and directing the day-to-day operations. Assignments allow for a high degree of administrative direction in their execution with the goal of a proactive emergency management program, which will reduce the risk of injury and loss of life and will support sustainable recovery from a natural or man-made disaster.

... Plans, organizes, directs and evaluates emergency management functions and programs; directs and maintains a community-based comprehensive hazards risk assessment...;

... Maintains liaison with federal, state and local offices; staffs and serves on committees with City departments, agencies, commissions and other emergency management groups; coordinates the activities of the programs with other divisions, departments and agencies concerned with emergency management;

Confers with state and federal emergency management representatives in supporting City emergency management activities; assures conformity of City emergency management programs with federal and state requirements;

... Promotes citizen and community hazards awareness and disaster education programs; provides self-help programs on emergency planning and preparedness, as well as hazard identification and risk assessment, to neighborhoods, school districts, and business and industry;

Plans, directs and critiques disaster training exercises to test all elements of the City’s emergency plan; provides related training for City employees; participates in professional peer review of City’s emergency management programs;

Equips, stocks and maintains an Emergency Operations Center (EOC); schedules regular testing procedures to insure operational efficiency; activates sections of the emergency plan at the direction of the Fire Chief or City Manager;

Promotes and maintains effective relations with a variety of community organizations, groups and other individuals to encourage citizen participation and positive relations for assigned services and programs that includes public recognition and reward for disaster safety efforts; and

Works to foster Citywide integration of disaster resistant community goals with those of sustainable development.”

(Emergency Services Manager Specification dated September, 2001)

We quote the above job specification at such length to point out the vital and varied responsibilities and duties currently performed by the Emergency Services Manager. The Office of Emergency Services was created after the events of September 11, 2001 and has been authorized at 2.5 Full Time Equivalent employees (Emergency Services Manager, Associate Management Analyst and Office Specialist III [.5].)

At our August 9, 2004 special meeting the Personnel Board was informed by Human Resources staff and the Fire Chief that the new Fire Prevention Manager will be devoting between 75% to 80% of their time to fire prevention issues and the management of the Fire Prevention/OES Division. The remaining 20% to

25% would be devoted to the functions of the Office of Emergency Services. (Memorandum from Nicki Spillane to Personnel Board dated August 9, 2004) Effectively, the vital emergency preparedness functions now performed by a full-time manager, and 1.5 other employees, will be relegated to 20% to 25% time. We were all startled by this news.

We were also startled by two other statements we heard at our special August meeting:

- 2) Fire Department management feels "most of the OES work plan is done."
- 3) Local 1227 feels their members can perform the OES functions.

The Personnel Board is extremely mindful of the City's budget situation. However, disaster preparedness, both "natural and man-made", at this time in our history, we feel, deserves careful and thoughtful review. We are very mindful that our City lies across one of the world's most significant earthquake faults. We remember that our City has suffered the effects of wildfire more than once. And, we suspect, that our City probably has at least one terrorist target within its limits.

We are not at all sure that one person can fulfill the important duties of the Fire Marshall and also provide the high level of disaster and emergency preparedness that are required today. This is especially true when only 20% to 25% of the manager's time will be devoted to emergency preparedness.

In the "Example of Duties" only 2 of the 16 items deal with disaster planning and preparation. In the Qualification section only 2 of 14 "Knowledge" items directly deal with "emergency disaster services" and none of the 14 "Skill" items mention emergency or disaster. Only "two (2) years of professional experience" is cited and "emergency disaster preparedness services" is only one of the four areas of experience.

The Personnel Board is afraid that this is a classification whose responsibilities it may be impossible to fulfill.

This is especially important since the City of Berkeley has a demonstrated commitment to emergency preparedness. The Office of Emergency Services has made great strides in preparing the City and its citizens to respond to an emergency or disaster. In the November, 2000 election the citizens of Berkeley passed Measure Q which provides for a \$9, 750, 000 bond for the purchase and placement of a mobile disaster fire prevention system. The Disaster Council has worked diligently to educate the public and City staff on the necessity of emergency preparedness. We do not think the threat is less grave today.

At its meeting held on May 26, 2004 the Berkeley Disaster Council voted unanimously to send a letter to the City Manager and to the Mayor and City Council saying:

"In response to the difficult budget situation of the City, the Fire Department and the City Manager are proposing to combine various Office of Emergency Services (OES) personnel positions, and transferring various tasks to other Departments. The Disaster Council wishes to highlight the following issues facing a talented City staff. We hope that long term planning and coordination of disaster preparedness activities continue at the current high level of staff expertise. Especially **OES personnel have been exemplary at identifying and applying for preparedness grants.** In this difficult budget situation it is **imperative that grants continue** to be explored as a revenue source. We encourage the City to continue these vital preparedness tasks."

(Minutes, Disaster Council meeting on May 26, 2004.)

At our August meeting we were informed that the Disaster Council has taken a position opposing the consolidation. This information differed from the verbal statement by management that the Disaster Council "would prefer" a full time OES Director but is "okay" with this proposal.

2) Fire code enforcement and modifications as well as fire investigations.

During our meetings in July, August and September the Personnel Board also spent time discussing the issue of civilianization of the Fire Marshal position which is opposed by Firefighter's Local 1227.

Among the many questions that we discussed were:

- 3) Can a civilian have the same understanding of a fire situation as a sworn officer, who has fought many fires?
- 4) How many civilians have the necessary understanding of code and fire behavior to form a qualified hiring pool?
- 5) Might there be a problem having sworn, uniformed firefighters report to a civilian manager in the Prevention Division?
- 6) Is technical knowledge of the current code more important than understanding why Berkeley's Code exists in its current form?
- 7) Can a civilian truly understand and appreciate the subtleties of fires?
- 8) Is a background in "Fire Engineering" plus Certification courses equivalent to experience fighting fires?
- 9) Does this new managerial position truly meet State of California standards?
- 10) Can a civilian recommend changes in Fire Code with the same authority as a sworn officer?

We received conflicting answers on most of these question from Fire Dept. management and Local 1227.

Consequently we were unable to reach an informed conclusion on the effect of civilianizing the Fire Marshall position.

3) Our Fire Department's ability to fight multi alarm fires.

This is another issue we were unable to resolve. Local 1227 and Department management expressed major differences about the importance of having the Fire Marshall also serve as a Command Officer in a major fire.

4) The career ladder within the Fire Department and the promotion of minorities.

This is a major issue for all the members of the Personnel Board, the Human Resources Dept., the Black Firefighters Union, Local 1227 and the senior management of the Fire Department.

Right now the Berkeley Fire Department is at parity in its employment goals for minorities. Due to retirements that will be happening during the next several months it will probably fall out of parity and compliance. During the next recruitment cycle the Fire Department and the HR Department will make every possible effort to keep Berkeley at parity .

Mayor & City Council/September 8, 2004
Page 5

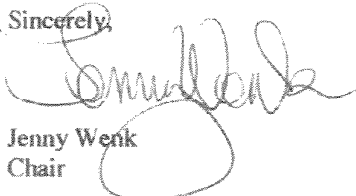
A question that was raised during our three meetings on this issue, and was never fully answered, was whether civilianizing the Fire Marshall position would remove a possible career step for sworn officers, most especially minorities.

In conclusion, because of the unquestioned importance of disaster preparedness, the forecast reduction of disaster preparedness management to 20% to 25% time and the Disaster Council's expressed concerns we believe that the City Manager's proposal should be pulled from the Consent Calendar, discussed by the Mayor and City Council and carefully evaluated. We also believe the Mayor and City Council should also address the issues of code formation and enforcement, fighting multi alarm fires and the career ladder within the Fire Department.

The Personnel Board stands ready to assist you and the City Manager in any way that you see fit.

On behalf of the Berkeley Personnel Board,

Sincerely,



Jenny Wenk
Chair



Isaiah Roter
Vice-Chair

Cc: Phil Kamlarz, City Manager
David W. Hodgkins, Acting Director of Human Resources
Reginald Garcia, Fire Chief
David Orth, Deputy Fire Chief
Mark Mestrovich, President, Berkeley Fire Fighters Association/I.A.F.F. Local 1227
Gil Dong, First Vice-President, Berkeley Fire Fighters Association/I.A.F.F. Local 1227
Disaster Council of the City of Berkeley