



Idyllwild Fire Protection District
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Wednesday, February 12, 2014

Riverside County Clerk-Recorder
2720 Gateway Drive
Riverside CA 92507

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CLERK-RECORDER
WARD
By *P. Mallette* P. Mallette
Deputy

RE: Response to Riverside County Grand Jury Report

The following is the Idyllwild Fire Protection District's response to the 2013-2014 Grand Jury Report:

Background:

While the District is not asked nor required to respond to the Background found in the Grand Jury Report, the District feels compelled to respond due to the number of inaccuracies presented by the Grand Jury in the Background of the Report.

At the time of the Grand Jury Investigation and Report:

- The District employed 1 Administrative Captain; and 2 Shift Captains. 1 additional Shift Captain position is open due to a retirement.
 - The District has 2 Paramedics that are Reserves.
 - The District has 8 EMT's that are Reserves.
 - The District does not employ a Mechanic.
 - The Idyllwild Volunteer Fire Company (IVFC) 621 has 12 members
 - The IVFC 621 has Squad 621 and no engines.
 - The District provides Ambulance Service for the following zones:
 - Zone I – The Idyllwild Fire Protection District
 - Zone II – Pine Cove Area
 - Zone III – Area north of Pine Cove extending to area of Vista Grande
- * Zone I is served by the District through the District's "201 rights".
* Zone II and Zone III are served by the District through a contract with Riverside County Health Department.

Findings:

1. The Administrative Captain is the highest paid firefighter based on salary and overtime.

Response:

The District disagrees partially with the finding.

The Administrative Captain is not the highest paid firefighter based on salary. The Administrative Captain is paid at an Engineers Base Salary, not that of a Shift Captain, at a savings for the IFPD.

The District agrees that the Administrative Captain is the highest paid firefighter based on overtime. Please see response to Recommendation #1 below.

2. Sworn testimony revealed IFPD Firefighters have attended political forums while in uniform.

Response:

The District agrees with the finding.

Note – By the Grand Jury's own Finding, IFPD Firefighters "attended" political forums. The District takes exception that "attending" such an event is "participating" in such an event.

3. On the 2012 Compensation Report, vacation time is not a separate line item.

Response:

The District disagrees partially with the finding.

The District's utilizes the California State Controller's Office, Division of Accounting and Reporting Special Districts – Local Government Compensation Report form as required for its Compensation Report. Vacation time is not differentiated on said form. The District is not responsible for the format that a State agency sets forth for the required reporting.

Recommendations:

1. Both the Board and the Fire Chief shall reassign some Administrative Captain Duties to other paid staff. This would reduce the excessive use of overtime for the Administrative Captain.

Response:

The Recommendation will not be implemented because it is not warranted.

The Recommendation is based on incorrect conclusion(s) in Finding #1. While the Administrative Captain position did receive the most in pay, the majority of that pay is the result from overtime accrued while out of District on campaign fires; not as a result of administrative duties assigned to the position. Additionally, the overtime wages earned as a result of responding to campaign or mutual aid fires is reimbursed to the District by the agencies responsible for that particular fire or incident.

It is important to note that currently the Administrative Captain is the only certified Engine Boss working for the IFPD, and therefore required to go out on every campaign fire as this position is required for such a response. The District is working on correcting this issue, with several members working towards obtaining their Engine Boss certification.

While it appears that the Grand Jury noted in its report that the Administrative Captain has been working at an Engineers Base Salary, not that of a Shift Captain; the Grand Jury failed to take that fact into account that savings for the IFPD in its findings and recommendations.

There is a plan in place to eliminate the position of Administrative Captain should the individual serving in that capacity be promoted to Shift Captain at some point in time in the future.

2. The IFPD shall conform to California Government Code §3206 by not participating in political activities of any kind while in uniform.

Response:

The IFPD does and will continue to make the California Government Code, including 3206 available to its employees.

While an argument can be made that simply attending a "political forum" is political activity, it is the opinion of the Districts' legal counsel, that the better argument is that attending a neutral forum and simply standing in the back and listening (not participating or clapping, etc.), is not a violation of the statute. "Activity" is defined in Black's Law Dictionary as the opposite of "passive". When the employees appear to be more passive than engaging in "political activity" there is no violation.

The District also do not believe that there is a violation of the statute when District employees attend District Board meetings in uniform to observe the meeting or are involved in a presentation at the Board meeting. This practice is common throughout California at both cities and special districts. There is very little case law on this subject.

3. The IFPD Board shall look into hiring Career firefighters outside the District who would be paid straight time wages, during campaign fires and for vacation relief. This would save the IFPD overtime expenses.

Response:

The Recommendation will not be implemented because it is not reasonable.

It is not reasonable for the IFPD to hire "Career Firefighters" from outside of the District; outside being those firefighters not career, Reserve, or volunteer members of the District. The Grand Jury's Recommendation does not take into consideration that the IFPD has a collective bargaining unit, the Idyllwild Career Firefighters Association (ICFA), which has a Memorandum of Understanding (MOU) that outlines when career staff can be supplanted by personnel that are not members of the ICFA.

Additionally, all personnel serving as Career Firefighters, even those hired "per diem" are subject to the Fair Labor Standards Act (FLSA), which requires when overtime is paid and how said overtime is calculated. In the case of firefighters, overtime is paid on hours over 56 hours per work week.

The Grand Jury's Recommendation, while on its face and possibly applicable to private sector businesses, is interesting, has serious safety issues when applied to firefighting. A lack of familiarity with the District, its operations, its apparatus and equipment all create safety issues for not only the substitute personnel, but those regular employees and members of the public as well. The training and maintaining that training and roster of per diem employees is both time and cost prohibitive to both the employee and the District. Furthermore, there is no guarantee that any per diem employee is going to be available at any given time if needed, for the unknown period of time needed, as it is assumed that per diem employees are either looking for full-time employment elsewhere or would have to maintain employment elsewhere to survive.

The District utilizes its relationship with the Idyllwild Volunteer Fire Company 621 and its cadre of Reserve Firefighters to offset its staffing when and where applicable, understanding when those personnel may or may not be available.

4. The IFPD Board shall put vacation time as a separate line item on the IFPD Compensation Report.

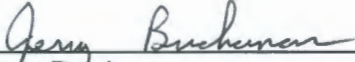
Response:

The Recommendation will not be implemented because it is not warranted and it is not reasonable.


The District's utilizes the California State Controller's Office, Division of Accounting and Reporting Special Districts – Local Government Compensation Report form as required for its Compensation Report. Vacation time is not differentiated on said form. The District is not responsible for the format that a State agency sets forth for the required reporting.

The District utilizes internal controls to track vacation time as required due to the liability, under the generally accepted accounting practices and standards set upon governmental entities, specifically local government. Additionally, any deficiencies with the internal controls or the reporting of any financial liability are addressed through the required annual audit of the District's finances; and the IFPD Board of Commissioner's response(s) to the recommendations brought forward in that audit.

Submitted on behalf of the Idyllwild Fire Protection District Board of Commissioners by:



Jerry Buchanan
Board President



Patrick Reitz
Fire Chief

CC: Mark A Cope Presiding Judge
Riverside County Grand Jury