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**El Dorado County Grand Jury  
2010 - 2011**

**Front row left to right (sitting): Ann Lee; Jerry McMahon; Valerie Stevens; Ted Long; Vera Doettling; David Keneller**  
**Standing back rows, left to right: Steve Baker (Foreman); Don Williams; Cliff Cova; Greg Wood; Dick Tipton (Pro Tem); Kyle Crangle; Richard Crouch; Bruce Tellardin; Michael Barrett; Jim Allsup; Ginger Cockcroft; Harris Holler; (not pictured-Barbara Haukedalen). Photo by Keely Giovannoni**



**GRAND JURY**  
**El Dorado County**

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June, 2011

To: Citizens of El Dorado County

Re: Final Report of the 2010-2011 El Dorado County Grand Jury

Dear Fellow Citizens:

I am happy to report that the hard work of the El Dorado County Grand Jury is complete for this session. For one very eventful year nineteen of your fellow citizens have spent hundreds of hours of their time to investigate the issues contained in this report. Through hours of interviews with county officials and others, and additional hours of research, review of documentation and thoughtful analysis and discussion, your Grand Jury has indeed acted upon the key charge to all Grand Juries...to act as the citizen watchdog on your county government.

Not all of the work of your Grand Jury is popular or endearing to county officials or officials of the political subdivisions of the county like cities and special districts. But it is the job of your Grand Jury to inform and educate citizens about what they need to know, not necessarily what those officials would like you to hear or know.

You have reason to be proud of the work of this Grand Jury. It has focused on some issues that heretofore have not been popular, politically correct or even visible. But each report herein has been carefully investigated. Key findings and recommendations have been diligently and thoughtfully considered and offered.

It is an amazing idea when you think about it. Gather nineteen good citizens like yourselves together for a year, put them in a room and charge them with being your Grand Jury...a citizen watchdog on anything and everything to do with county government. Have them interview key witnesses high and low, gather and analyze relevant documentation, debate and discuss the issues, then report their findings and recommendations to the public. Then have them get the word out through any means appropriate, through the print and electronic media, community meetings, the web, through hard copies...even word of mouth.

Does it work? You bet it works! Does it make a difference? Sometimes the effects are immediate, and huge changes result. Other times the changes sparked by the Grand Jury reports unfold more quietly and take some time. But the ripple effects of a good Grand Jury report serve to put issues on the front burner, lend them credibility and visibility, and provide the public airing they richly deserve.

This Grand Jury has done its part by speaking truth to power. You would have it do no less. Now, good citizens, it is your turn to hold your public officials accountable.

Warm Regards

A handwritten signature in blue ink, appearing to read "S. Baker".

Steve J. Baker  
Foreman, 2010-2011  
El Dorado County Grand Jury



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF EL DORADO**

**495 Main Street  
Placerville, California 95667**

**(530) 621-6451  
Fax: (530) 622-5729**

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May 27, 2010

Dear Grand Jury Members:

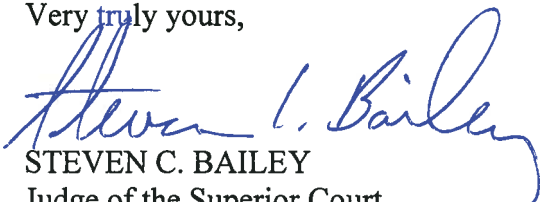
As Supervising Judge of the 2010/2011 Grand Jury, and on behalf of the El Dorado County Superior Court, I want to express my thanks to all of you for your hard work, dedication, and accomplishments.

Grand Jurors always assume a great deal of responsibility whenever they agree to be a part of a year's panel. They willingly do this as volunteers without any purpose together than to insure that governmental agencies and individuals are properly performing their duties. Your hard work has helped fulfill the Grand Jury's goal of better government for all the citizens of El Dorado County.

Special thanks to Mr. Steve Baker, Foreperson of the 2010/2011 Grand Jury. Steve has been a hard-working and able leader in this time-consuming position. It is due largely to his leadership skills that your work was conducted harmoniously and well.

In closing, I applaud each member of this Grand Jury and congratulate you on your 2010/2011 Grand Jury service.

Very truly yours,

  
STEVEN C. BAILEY  
Judge of the Superior Court



## **GRAND JURY El Dorado County**

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## **Notice to Respondents**

California Penal Code Section 933.05 mandates specific requirements for responding to grand jury reports. You are advised to carefully read the pertinent provisions below and prepare your official response accordingly. Please pay particular attention to required explanations and time frames. Incomplete or inadequate responses are likely to prompt further investigative inquiries by the grand jury and/or the court.

### **RESPONSE TO FINDINGS**

The responding person or entity shall indicate one of the following:

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

### **RESPONSE TO RECOMMENDATIONS**

The responding person or entity shall report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation. It is the expectation of the grand jury that the timeframe be specific and reasonable.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report. It is the expectation of the grand jury that recommendations be responded to as required by items 1, 2, or 4.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

## **RESPONSES**

There are two different response times set forth in the Penal Code essentially depending upon whether the respondent is elected or not elected.

### **1. Public Agencies**

The governing body of any public agency (also referring to a department) must respond within 90 days from the release of the report to the public. The response must be addressed to the Presiding Judge of the El Dorado County Superior Court as indicated in the Response Section of each report.

### **2. Elective Officers or Agency Head**

All elected officers or heads of agencies/departments are required to respond within 60 days of the release of the report to the public. Responses must be sent to the Presiding Judge of the El Dorado County Superior Court, as specified in the Response Section of each report, with a copy to the El Dorado County Board of Supervisors.

## **FAILURE TO RESPOND**

Failure to respond as required to a grand jury report is in violation of California Penal Code Section 933.05 and is subject to further action. Such action is likely to include further investigation on the subject matter of the report by the grand jury.



## **EL DORADO COUNTY GRAND JURY 2010 - 2011**

### **EL DORADO COUNTY SHERIFF'S OFFICE INCENTIVE PAY**

Case Number GJ10-011

#### **REASON FOR REPORT**

In February 2010, a candidate for El Dorado County Sheriff dropped out of the race after newspaper stories alleged that his college degree was not issued by an accredited college or university.

In April 2010, the interim El Dorado County Sheriff ordered an internal investigation to determine whether any employees of El Dorado County Sheriff's Office (EDCSO) receiving Educational Incentive Pay (EIP) had degrees from questionable sources. At that time, it was determined that of the 194 sworn personnel on duty, 79 were receiving EIP. Additionally, there were eighteen Correctional Officers of the EDCSO receiving EIP who were not included in this audit.

EDCSO Internal Affairs reviewed the training files of all 79 sworn personnel receiving EIP. Each file documented the type of degree held and the college or university attended. The 79 files also contained either the college transcript, a copy of the diploma or both.

The EDCSO Internal Affairs investigation determined that two Deputies, two Sergeants and one Lieutenant were receiving EIP based upon degrees issued by unaccredited institutions, which did not require appropriate levels of coursework when issuing diplomas. The matter was turned over to the District Attorney's Office for further investigation.

Pending the results of the District Attorney's investigation, EDCSO Internal Affairs suspended its administrative investigation. EDCSO also modified its procedure for receiving EIP, requiring a copy of the diploma. However, the controlling document is the

labor agreement in force between El Dorado County and the two bargaining units representing EDCSO sworn personnel. EIP provisions in these agreements do not require applicants to provide diplomas from accredited colleges and have no requirements for validating the legitimacy of the degrees.

On May 28, 2010, an anonymous letter was sent to the Board of Supervisors (BOS) and to the Grand Jury alleging that EDCSO had awarded EIP based upon degrees issued by “diploma mills”. Webster’s Third New International Dictionary defines a diploma mill as *“an institution of higher education operating without supervision of a state or professional agency and granting diplomas which are either fraudulent or because of the lack of proper standards worthless.”*

## **BACKGROUND**

On December 15, 2009 the El Dorado County Board of Supervisors (BOS) signed Resolution NO. 270-2009 stating that an impasse had been reached in negotiating a good faith labor agreement with the Deputy Sheriff’s Association Law Enforcement Unit. The resolution adopted a Modified Last Best Final Offer that remains in effect currently and is subject to renegotiation. In addition, the agreement with the El Dorado County Law Enforcement Manager’s Association expired on June 30, 2010 and is also subject to renegotiation.

EDCSO sworn personnel are represented by two different bargaining units. Deputies and Sergeants are represented by the Deputy Sheriff’s Association, Law Enforcement Unit. Lieutenants and Captains are represented by the El Dorado County Law Enforcement Manager Association. While both agreements provide longevity pay as a benefit for extended service, the amounts available differ, as illustrated below:

<u>Longevity Pay</u>	
<u>Deputies and Sergeants:</u>	<u>Lieutenants and Captains:</u>
5 Years = 2.5% of Base Pay	10 Years = 5.0% of Base Pay
15 Years = 5.0% of Base Pay	15 Years = 10.0% of Base Pay
20 Years = 7.5% of Base Pay	20 Years = 13.0% of Base Pay
	25 Years = 15.0% of Base Pay
	30 Years = 18.0% of Base Pay

In 2001, the Memorandum of Understanding (MOU) for both bargaining units was modified to include incentives for achieving California Peace Officers Standards and Training (POST) Certificate awards.

POST Certificates are available to law enforcement personnel, based upon a combination of law enforcement experience, POST training points and education. POST requires that all college degrees or college unit courses shall be by a national or regional accrediting body that is recognized by the Secretary of the United States Department of Education.

Degrees or course credits not issued by an accredited institution, as described above, are only allowed if they are accepted and recorded on transcripts of a college that is accredited.

Certificates are awarded by POST for multiple levels of education and service in law enforcement. POST Certificate incentive pay was included in the MOU as an alternative to longevity pay. Personnel could elect to receive either incentive, but not a combination of the two. The election to take either POST Certificates incentives or longevity pay is irreversible. The incentive pay for POST Certificate awards is different for each of the two bargaining units, as illustrated below:

<u>POST Certificates</u>	<u>Deputies and Sergeants</u>	<u>Lieutenants and Captains</u>
Intermediate POST	6.5% of Base Pay	5.0% of Base Pay
Advanced POST	12.5% of Base Pay	10.0% of Base Pay
Supervisory POST	N/A	12.0% of Base Pay
Management POST	N/A	13.0% of Base Pay
Executive POST	N/A	15.0% of Base Pay

The POST requirements for certificate awards are illustrated below:

Intermediate Certificate (with Basic Certificate)

<u>Degree or Ed. Points</u>		<u>Law Enforcement Experience</u>		<u>Training Points</u>
Bachelor's Degree	(and)	2 years	(plus)	0
Associate Degree	(and)	4 years	(plus)	0
45 Ed Points	(and)	4 years	(plus)	45
30 Ed Points	(and)	6 years	(plus)	30
15 Ed Points	(and)	8 years	(plus)	15

Advanced Certificate (with Intermediate Certificate)

<u>Degree or Ed. Points</u>		<u>Law Enforcement Experience</u>		<u>Training Points</u>
Master's Degree	(and)	4 years	(plus)	0
Bachelor's Degree	(and)	6 years	(plus)	0
Associate Degree	(and)	9 years	(plus)	0
45 Ed Points	(and)	9 years	(plus)	45
30 Ed Points	(and)	12 years	(plus)	30

Education points achieved through college course work and training points awarded for completion of POST training modules may be combined to achieve POST certificates without completion of an Associate or Bachelor degree.

Supervisory POST Certificates require possession of, or eligibility for, an Intermediate POST Certificate plus a minimum of 60 college semester units, completion of a POST-

certified Supervisory Course and a minimum of two years law enforcement experience as a permanent first-level supervisor or higher.

Management Certificate awards require possession of or eligibility for a POST Advanced Certificate, plus completion of a POST- certified Management Course and two years experience in law enforcement as a permanent middle manager or higher.

Executive POST Certificates include the same requirements as a Management Certificate, plus a minimum of two years law enforcement experience as a permanent department head with the current employing agency. The department head for the Sheriff's Office is the Sheriff, an elected official who is not eligible for incentive pay. Consequently, the MOU for the El Dorado County Law Enforcement Manager's Association contains a benefit for which no one is eligible.

In addition to incentive pay for POST Certificates, the County added EIP to the labor contracts issued in 2001. Unlike POST Certificates, EIP can be combined with longevity pay and does not require degrees or college course credits to be issued from an accredited college or university. The MOU does not require applicants to provide sealed transcripts with the diploma when applying for EIP.

While POST Certificate Incentive Pay cannot be combined with longevity pay, it can be combined with EIP. The only differences between the requirements for POST Certificates and the County requirement for EIP is that POST requires accredited degrees and two years of law enforcement experience. Consequently, an individual with a POST Certificate is also qualified for EIP and can combine either POST with EIP or EIP with longevity pay. A Captain, for example, with a Management POST Certificate may receive an incentive equal to 13% of base pay for POST and another 5% incentive for EIP. This 18% increase in total pay may be earned in much less time than the 30 years of service that would be required for the 18% available in longevity pay. As a result of these benefits, a Captain with a base pay of \$144,441 is paid as much as \$170,044. This \$26,000 in benefits is PERS eligible and would be worth over \$500,000 to the employee over the course of a 20-year retirement.

It should be noted that at the time EIP was added as a provision of the EDCSO Labor Agreements, "Catalog Colleges" were commonplace and Internet "Diploma Mills" had also become available. Furthermore, the minimum qualifications specified in the job classifications for all EDCSO sworn personnel state that, "*Where college degrees and/or college course credits are required, degrees and college units must be obtained from an accredited college or university.*" Nevertheless, the MOU provided in the labor agreements does not specify that college degrees must be issued by accredited colleges or universities. The MOU only specifies a "four year Bachelor degree" or a "two year Associate degree" as the requirement for EIP. The determination of the types of degrees acceptable for EIP is left to the discretion of the Sheriff or his command designees.

The lack of a defined standard in the MOU for acceptable institutions issuing degrees complicates the process of auditing the legitimacy of an applicant's diploma. Had the MOU specified a degree from a college or university accredited by a governing body

recognized by the Secretary of the United States Department of Education, a simple web search could easily validate the legitimacy of the institution. Alternatively, the MOU could have specified a “state approved college or university.” The California Private Postsecondary Education Act of 2009 (AB48) established a regulatory agency for institutions approved by the State of California. Either governing authority provides easy verification that the institution granting the degree is not a “diploma mill.”

As a means of remaining competitive for recruitment purposes, other local law enforcement agencies offer POST Certificate Incentives and Educational Incentives. In Folsom, for example, Police Officers and Sergeants may apply for either an Educational Incentive or a POST Certificate, but not both. The Folsom Police Department provides a 5% incentive for an A.A. Degree or an Intermediate POST Certificate and a 10% incentive for a B.A. Degree or a POST Advanced Certificate.

Placerville Police Department provides an Educational Incentive of \$125 per month for possession of a POST Intermediate and/or AA Degree or \$400 per month for a POST Advanced Certificate and/or a BA/BS Degree.

The City of Roseville provides Police Officers and Sergeants with a 5% incentive for either a POST Intermediate Certificate or an Associate Degree or a 10% increase in pay for a Police Officer or Sergeant with a POST Advanced Degree or Bachelor Degree.

It is noteworthy that these three cities do not allow Officers and Sergeants to combine POST incentives with EIP. All three cities provide personnel with a choice of POST or EIP and none offers a maximum benefit greater than 10%. It is also noteworthy that Lieutenants and Captains are not eligible for incentive pay.

As a result of vague language in the current EDCSO Labor Agreements, two deputies, two sergeants and one lieutenant of EDCSO received EIP after providing Bachelor degrees from universities that are currently being investigated by the United States Attorney General as “Diploma Mills.” Richardson University, also known as Hamilton University, has been under investigation for selling college diplomas. Hamilton University was first established in Hawaii as American State University and then moved to Evanston, Wyoming. The school issued degrees based upon “life experiences.” Candidates obtained degrees after answering a few questions from a booklet and submitting a paper of approximately 2,000 words.

In 2004, CBS News reported that Hamilton University was operated by Rudy Marn, who pled guilty to tax fraud in 2008 and was sentenced to two years in federal prison. Hamilton University has since changed its name to Richardson University and moved its “campus” to the Bahamas.

The District Attorney’s Office is concluding its criminal investigation into the EIP awarded to the five individuals in the Sheriff’s Office. The investigation revealed the five officers in question have received a total of \$166,459.72 in additional pay since their application for EIP was approved. One officer applied for entrance into Richardson

University on August 20, 2004, and graduated with a Bachelor's Degree in Criminal Justice only 27 days later, after completing 22 classes.

Only one of the five individuals investigated agreed to be interviewed by the District Attorney's investigator. This deputy stated that the Lieutenant under investigation encouraged him to obtain a degree from Hamilton University. The investigation also revealed that all five of the applications for EIP were approved by the EDCSO command staff. These approvals for EIP were granted even though the "four year degrees" were earned in as little as four weeks.

As of this writing, the District Attorney has not determined there is sufficient evidence to prosecute for the following reasons:

- The MOU was the controlling document for EIP and the wording in this document was vague.
- At least one Deputy was encouraged by his superior officer to attend Hamilton University, and all of the EIP applications were approved by EDCSO Commanders.
- Many of the actual admission records of the institutions in question had been destroyed and the difficulty in obtaining admissible evidence that could prove guilt beyond a reasonable doubt made successful prosecution questionable.

## **METHODOLOGY**

Interviews were conducted with the following officials:

- El Dorado County Director of Human Resources
- El Dorado County Auditor-Controller
- El Dorado County Sheriff
- El Dorado County Sheriff's Office Internal Affairs
- District Attorney's Investigator, and
- Staff of the EDC Payroll Department.

The Grand Jury reviewed the following websites and documents:

- El Dorado County Human Resources document, *Employee Count by Position for Sheriff's Department*, pages 9-10, not dated.
- EDCSO document, *Education List Sworn*, EDCSO Internal Affairs, pages 1-2, April 28, 2010
- El Dorado County Website, [www.edcgov.us/Government/HumanResources/Labor](http://www.edcgov.us/Government/HumanResources/Labor)
- El Dorado County Website, [www.edcgov.us/sigma/jobclass](http://www.edcgov.us/sigma/jobclass), Minimum Qualifications, page 4.

- Memorandum of Understanding Between City of Folsom and Folsom Police Officers Association, *Educational Incentive Pay*, article V (e), pages 11-13, July 1, 2010.
- Resolution NO. 7432 of the City of Placerville and the Memorandum of Understanding by and Between Placerville Police Officers Association and the City of Placerville, *POST/Educational Incentive Maintenance*, article 17, pages 12 & 14, September 26, 2006.
- Memorandum of Understanding for El Dorado County Law Enforcement Manager's Association, *Education Incentive*, article 10, section 7, page 18 dated June 30, 2010.
- Modified Last Best Final Offer for El Dorado County Sheriff's Association, Law Enforcement, article 6, (d, e & f), *Longevity Pay/POST Certificate Pay/Education Incentive Pay*, pages 7-8, dated 12/15/2010
- Memorandum of Understanding for Roseville Police Officer Association, chapter 2, article III, *Educational Incentive*, page 3, October 8, 2009 – December 31, 2012.
- POST Administrative Manual, *Certificate Terminology and Policy*, § 9070 (c-k), chapter 7, pages 3-8.

## **FINDINGS**

1. According to sworn testimony given to the Grand Jury, EDCSO Internal Affairs audited the degrees of EIP recipients in 2002 and found one individual with a degree from Hamilton University. This individual did not appear to warrant EIP. Internal Affairs reports directly to the Under-sheriff and does not conduct investigations without direction from or approval by the Under-sheriff or Sheriff. Testimony indicated that when approached by Internal Affairs, the Under-sheriff ordered Internal Affairs to cease any further investigation. However, when Internal Affairs was interviewed by the District Attorney's investigator, this audit was said to have been conducted in 2008.
2. A simple Web search provided information that Hamilton University was operated by a convicted felon. Hamilton University changed its name to Richardson University and relocated to the Bahamas after Hamilton University was shut down by authorities.
3. In 2010, the issue of questionable degrees resurfaced. An Internal Affairs investigation revealed three individuals with diplomas from Hamilton or Richardson University and two other individuals with degrees from other questionable institutions. Internal Affairs turned the matter over to the District Attorney's office to determine if criminal charges should be brought against these five sworn personnel. Internal Affairs did not obtain statements from the accused officers before turning the matter over to the District Attorney.

4. The District Attorney's Office spent eight months investigating the issue but has elected not to prosecute any of the individuals involved, due to a lack of sufficient evidence.
  - Four of the accused deputies declined to provide statements to the District Attorney's Office.
  - The District Attorney's investigation revealed that the five officers in question received a total of \$166,459.72 in additional pay after the EDCSO Commanders approved their application for EIP.
  - The investigation revealed that the "four year degrees" were approved by EDCSO Commanders even though they were obtained in as little as four weeks of coursework.
5. EDCSO Internal Affairs delayed any administrative investigation while the District Attorney's investigation was ongoing. During this time, two of the individuals in question retired and the other three have remained employed.
6. The Modified, Last, Best and Final offer for the EDCSO Deputy Sheriffs Association, Law Enforcement Unit and the El Dorado County Law Enforcement Manager's Association are the two labor agreements currently in force between El Dorado County and the sworn personnel of the Sheriff's Office. Both agreements are subject to renegotiation.
7. Both labor agreements provide incentives for longevity pay, POST Certificate Awards and Educational Incentive Pay. POST incentives are available as an alternative to longevity pay and these two incentives may not be combined. However, EIP may be combined with either POST incentives or longevity pay. A Captain, for example, receiving the maximum benefit for EIP and longevity pay could receive nearly \$32,000 in additional pay.
8. In 2010, the County paid in excess of \$300,000 in EIP to EDCSO personnel. At the current rate, this incentive program will cost the County in excess of \$3,000,000 over the next ten years.
9. Neither labor agreement provides a standard for evaluating the legitimacy of college degrees and diplomas. The language of the agreements does not specify either "accredited colleges" or "State approved" colleges as a means of identifying legitimate institutions.
10. Two deputies, two sergeants and one lieutenant received degrees from unaccredited institutions that are being investigated by the U.S. Attorney General as "diploma mills." All five of these individuals applied for and received EIP. Applications were approved by EDCSO Commanders.

11. There is no requirement for personnel applying for EIP to provide a duplicate diploma and/or sealed transcripts to the El Dorado County Human Resource Department for independent verification.
12. The District Attorney's investigation confirmed that the five employees investigated were the only then current sworn personnel receiving EIP based upon degrees issued by questionable institutions.
13. Other local law enforcement agencies offer EIP and POST but the incentives cannot be combined, are currently limited to a maximum benefit of 10% of base salary, and are not available to command rank (Lieutenants and above).
14. The EDCSO reviewed the training files of 79 sworn personnel in 2010 to determine the legitimacy of college degrees. However, there were an additional 18 Correctional Officers receiving EIP who were not included in that review.

## **RECOMMENDATIONS**

1. As provisions of the EDCSO labor agreements are renegotiated, the provision for providing EIP should be modified to include a standard for measuring the legitimacy of the institutions providing the qualifying degrees. Either "accreditation by a governing body recognized by the Secretary of the United States Department of Education" or "State Approved Colleges" recognized by the bureau established by the California Private Postsecondary Education Act of 2009 provides easy verification of the legitimacy of the institutions.
2. Accreditation by a governing body recognized by the United States Department of Education would be preferred because it is consistent with the standards required by POST.
3. A memorandum from the Sheriff should be sent to all employees clarifying that the current MOU language means "two year" or four year" degrees must be Associate and Bachelor degrees from colleges or universities which are accredited by an accrediting agency recognized by the Secretary of the United States Department of Education.
4. Any future applications for EIP by sworn personnel should include sealed transcripts and a diploma from the accredited college or university. Copies of these documents should be provided to both the Under-sheriff for approval and the Director of El Dorado County Human Resources for independent review.
5. An administrative investigation by EDCSO Internal Affairs should determine whether any of the five sworn officers investigated for EIP abuse were culpable of any violation of department policy that would warrant administrative

penalties. Appropriate penalties including termination or demotion should be enforced if justified.

6. The El Dorado County Department of Human Resources should be required to verify the accreditation status of any college or university granting degrees for which EIP is currently being paid or for which an application is submitted. No payment should be made for EIP or POST Award certificates without pre-specified evidence of eligibility from both the Sheriff's Office and the El Dorado County Human Resource Director.
7. In order that the paid compensation of the EDCSO is consistent with other local law enforcement agencies, the CAO should direct the Department of Human Resources to periodically conduct compensation reviews of those other local agencies to ensure that the compensation is consistent and competitive with local standards.
8. In addition to the EDCSO the personnel files of all past and present County, City and Special District employees receiving EIP should be reviewed by an independent auditor to evaluate the legitimacy of all degrees on file.

## **RESPONSES**

Responses to both numbered findings and recommendations in this report are required in accordance with California Penal Code §933 and §933.05. Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

This report has been provided to the El Dorado County Sheriff, the El Dorado County Human Resources Department and the El Dorado County CAO for response.

Elected officials under statute are given 60 days to respond, and non-elected officials are provided a 90-day response period from the release date of this report.



## **EL DORADO COUNTY GRAND JURY 2010-2011**

### **SHERIFF'S OFFICE OPERATIONS BUDGET ANALYSIS**

Case Number GJ010-015

#### **REASON FOR REPORT**

The El Dorado County Sheriff's Office (EDCSO) accounts for approximately 20% (\$41 million) of the County's General Fund. This investigation examines the historical and current Sheriff's Office Operations budget, including cost and revenue implications, with the goal of determining how and where cost savings are possible. The Grand Jury's emphasis was to identify potential cost savings through means other than staff reductions.

#### **BACKGROUND**

*The Mission Statement of the EDCSO states that "The Sheriff's Office is responsible for law enforcement in the unincorporated areas of the County, liaison, coordination and cooperation with other law enforcement agencies at the local, State and Federal levels; court security and inmate transportation; service of Civil processes and warrants; operation of the County's adult detention facilities. The Sheriff also functions as the County Coroner and Public Administrator."*

The EDCSO is made up of three Divisions; Custody, Patrol-Investigative Services, and Support Services. The Department is headed by the Sheriff and Undersheriff. According

to the EDCSO, as of January 2011, there are 364.5 allocated positions, of which 20 are vacant and 180 are sworn deputies.

The EDCSO has experienced substantial budget reductions over the past three years and operates at reduced staffing levels. This report demonstrates there are significant budget reduction opportunities.

Comparative data for El Dorado and Placer Counties:

	<u>Placer County</u>	<u>El Dorado County</u>
Total Population	348,432	178,447
Incorporated Population	236,439 (6 cities)	34,409 (2 cities)
Unincorporated Area Population	112,000	144,038
Square miles	1,404	1,711
Allocated positions	451	364.5
Sworn positions	212	180

The population of Placer County is almost twice as large as EDC but its geographical area is about 20% smaller. The Placer County Sheriff's 2010-2011 budget is \$83 million which represents 13% of their General Fund. It is important to note that there are six cities in Placer County. Placer County Sheriff's Office provides law enforcement services in two of these cities (Colfax and Loomis) on a contract basis. There are approximately 6.5 deputies assigned to contract duties (2 in Colfax, 4.5 in Loomis). Contract patrol service is divided into beat areas which overlap adjacent unincorporated County land. Since these deputies provide service in both contract and unincorporated areas they are included in the number of sworn positions for Placer County listed above.

## **METHODOLOGY**

The Grand Jury interviewed the following persons:

- The immediate past El Dorado County Sheriff
- El Dorado County Undersheriff
- Placer County Undersheriff
- Sheriff's Captains
- Sheriff's Lieutenants
- Correctional Lieutenant
- Chief Administrative Officer (CAO) analysts
- Sheriff's Dispatch Manager
- El Dorado County Sheriff's Financial Manager
- Placer County Sheriff's current and former Financial Managers

- Sheriff's Financial Technician

The Grand Jury reviewed the following documents:

- 2008 South Lake Tahoe Patrol Allocation Study (March 31, 2010 by Lt. Marc Adams)
- 2009 Patrol Allocation Study West Slope Patrol (undated document)
- Budget Reduction Impacts to Sheriff's Office from former Sheriff Fred Kollar (11/1/2010)
- CAO memorandum to Board Of Supervisors Re: Agenda Item #10-0990 FY 2011-2012 Budget Reduction Plan (October 29, 2010)
- CAO recommendation for 2011-2012 Budget Reductions dated 10/18/2010
- Computer generated list from EDCDOT showing EDCSO vehicle usage and maintenance data for F/Y 2009-2010 (3 pages, undated document)
- Computer generated list of all EDCSO Vehicles (93) and marked Take Home (63) or At Office (30) (undated document)
- Cook/Chill introduction information from "Victory" web site, printed from web March 25, 2011 (no URL or page numbers available)
- EDCBOS Special Meeting Agenda For Law and Justice Departments (November 1, 2010)
- EDCSO Ten Year budget history (fiscal years 2001-2002 to 2010-2011)
- El Dorado County Crime Statistics for 2007 (Criminal.com website 11/17/2010)
- El Dorado County Crime Statistics for 2007 (historical data from 1998-2006)
- FBI news story "Some Good News" (from the FBI website 01/12/2009)
- Patrol Staffing and Deployment Study (International Association of Chiefs of Police – undated)
- Placer County Annual Report from 2009
- Placer County Sheriff's Office Strategic Plan (January 1, 2006)

## **FINDINGS**

During this investigation the Grand Jury focused on the areas listed below.

1. **Salaries:** Salary schedules were reviewed for Sheriff's Departments in the following Counties: Amador, El Dorado, Placer, and Yolo. Some of these agencies report actual base salaries, while others show salaries including incentives. For comparison purposes the lowest and highest base salaries of each agency were used and compiled to form a median salary, which was \$5,264 per month. The median salary for El Dorado County deputies is \$5,420. While El Dorado County is slightly above the median (\$156), the variables mentioned

indicate El Dorado County deputy salaries are in line with those in several nearby jurisdictions.

2. **Overtime:** EDCSO achieved a substantial reduction in overtime. It is reported that at the end of Fiscal Year 2007-08, overtime costs were \$4,095,143. In the third quarter of Fiscal Year 2009-2010, overtime costs were \$2,015,511. When extrapolated to a full year, that number is \$2,687,348, a reduction of \$1,407,795, or approximately 34%.
3. **Budget:** The CAO budget proposal for F/Y 2010-2011 provides a ten year history of Sheriff's Office financials and staffing patterns. In F/Y 2001-2002 the Sheriff had 362 Full Time Equivalent (FTE) positions and a budget of \$22.5 million. The budget and staffing peaked in F/Y 2007-2008 at 399 FTE and a budget of \$43.3 million. During the three intervening years since F/Y 2007-2008, the Sheriff's Office had to adapt to substantial reductions in budget and staff, with staffing reduced from 399 FTEs to 377, and the budget reduced from \$43.3 million to \$40.5 million, a \$2.8 million reduction.
4. **Position classifications:** Sworn deputy sheriffs are the front line for law enforcement responsibilities. Sworn positions have a rank structure including deputy sheriff, sergeant, lieutenant, captain, undersheriff, and sheriff (an elected official). The majority of jail personnel are non-sworn correctional personnel, but also have a rank structure including correctional officer, sergeant, and lieutenant. Many other civilian personnel are assigned who perform financial, dispatch, and other administrative support functions throughout the Department.
5. **Patrol Staffing:** It is incumbent on law enforcement to deploy their limited resources in the most efficient and cost-effective manner possible. The EDCSO deploys patrol personnel based on a nationally recognized Patrol Allocation and Deployment Study developed by the International Association of Chiefs of Police (I.A.C.P.). This study is a workload-based analysis using information produced by the Computer Aided Dispatch system (CAD). The computer captures raw data and compiles it in ten different categories of officer status. The predominant category is dispatch related activity which includes calls for service, report writing, and time spent at the jail resulting from an arrest. Also factored into the equation are vacation, sick time and training. The compilation of this data is used to make staffing decisions for the number of deputies required in each of the EDCSO patrol zones. The Patrol Allocation Study indicates the South Lake Tahoe patrol zone has three to four more positions than are justified by the workload. These figures were affirmed by the former Sheriff in printed material used in his budget presentation to the EDCBOS November 1, 2010. The Patrol Allocation Study contrasts sharply with the historical method of making decisions based on one officer per 1,000 population. This had been the historic method used in making patrol deployment decisions and is still used in many patrol

jurisdictions. The CAD based patrol staffing and deployment approach is a superior method in making sound personnel and geographic patrol coverage decisions.

- 6. Vehicle “take home” policy:** Currently, all EDC Sheriff’s detectives, managers above the rank of sergeant, and selected other positions are authorized take home County vehicles without restriction. This policy represents significant cost to the County and does not appear to be in line with current trends in law enforcement. The ability for employees to take EDC vehicles home seems to fall somewhere between operational need and a departmental perk, depending on the position. There are approximately 63 EDC Sheriff’s Office take home vehicles being driven by staff.

A vehicle summary prepared in January, 2011 showed the following costs associated with the 63 take home vehicles:

Fuel	\$134,883
<u>Maintenance</u>	<u>\$346,500</u>
Total	\$481,383

In addition to the above costs, three vehicles listed as “take home” are unassigned (two in narcotics, one in detectives). A Ford F350 crew-cab diesel truck for boat patrol is listed as “take home.” This is a particularly expensive commute vehicle.

Recently, Placer County Sheriff’s Office restricted the practice of “take home” vehicles and saved approximately \$500,000.

- 7. Fleet Management of Patrol Vehicles:** Until recently deputies assigned to patrol were not assigned a particular vehicle for their shift, but would obtain a vehicle based on personal preference. This practice was not a good model for fleet management. EDC Department of Transportation (EDCDOT) and EDC Sheriff’s Office informed the Grand Jury this practice has changed. Vehicles are now being assigned to and shared by one officer on day shift and another on night shift. It is reported that in addition to the obvious benefits of improved accountability, maintenance, and damage tracking, the vehicles are receiving better care as the assigned officers tend to take greater pride in assigned equipment they feel is “theirs.”
- 8. Institutional Food:** Food served to inmates meets State standards for nutrition and quantity. It is currently prepared on site by a combination of county employees and inmates.

The South Lake Tahoe Jail Facility runs a model culinary program in partnership with the local community college. In addition to preparing food for inmates and staff, food is prepared for community events on a contract basis.

A significant cost reduction of \$12,000 per year for inmate food was achieved recently by shifting the cost of condiments from the County to the inmate population through the commissary program.

9. **New Personnel:** Two key vacant positions have been filled in the EDCSO since January 1, 2011, which will potentially contribute significant improvement in the organizational development and management of the EDCSO, particularly as it relates to financial and operational controls.

First, the new Undersheriff brings qualifications and experience to the agency which will allow him to employ effective management of day to day operations, and apply discipline to financial controls. Second, the appointment of a new financial manager brings a background in financial management to the Department, gained as a senior staff member for the Los Angeles County Board of Supervisors. Both of these individuals bring what has been missing in the management of the Sheriff's Office, and both fill critical positions that have been vacant for more than one year. The fact that both are new to the department and neither is tied to the past in the organization is a major plus.

## **RECOMMENDATIONS**

1. It is imperative that future cost cutting be achieved through careful analysis, rather than simply eliminating staff by across the board cuts.
2. **Take Home Vehicles:** The EDCSO practice on take home county vehicles should be revised and made job related, which would provide substantial savings. Take home vehicles for command staff may be appropriate. Other take home vehicle assignments should be made based on careful analysis. For example, a take home vehicle policy should consider how frequently an employee is called from home outside of normal working hours. Detectives should not be taking cars home just because they are detectives, the weekly on-call detective should be the only detective to routinely take a vehicle home. It is rare that numerous detectives are required to respond to a crime scene without delay. Some other disciplines require a great deal of personal gear (SWAT Team, Bomb Squad, and K-9), although the 24/7 on-call factor should apply here as well. An exception to this would be with the narcotics unit, since the nature of this job and working hours required must remain flexible.

Even where it is deemed proper for an employee to take a county vehicle home, there should be restrictions. Some jurisdictions restrict commute driving only to locations within the county of employment. It would, by extension, seem proper to restrict vehicles to the State of California as well. Employees living outside these boundaries can leave their vehicles at the duty station nearest their residence and commute from there. Another option would be to charge the current county mileage rate for all commute driving.

A reform of the take home vehicle policy may not be popular among the staff, but it represents a prudent use of public funds. As mentioned earlier Placer County realized substantial savings by implementing such a policy.

The Grand Jury was informed there is no written policy on vehicles or take home vehicles. A written policy on vehicles should be developed as soon as possible and distributed to all personnel in the office.

3. **Patrol Staffing:** Staffing in the SLT patrol zone should be reduced to the level indicated by the Patrol Allocation Study.
4. **Re-classifying Positions:** In other jurisdictions cost savings have been achieved by reclassifying positions and staffing them with civilian personnel. Further study is required to determine if any potential cost saving with the EDCSO could be achieved. Several job functions that could lend themselves to potential savings include:
  - Converting sworn civil court bailiffs to civilian court attendants
  - Civilian personnel monitoring building security X-ray machines
  - Lower level process serving in the Civil Unit
  - Vehicle abatement (abandoned vehicle removal)

There may be merit and cost savings associated with the consolidation of some support staff positions. This would be done by cross-training selected personnel who are currently performing support services in a single unit. By cross-training, their skills would be enhanced, enabling them to assume responsibilities in multiple units and broader job responsibilities.

This concept has the potential to reduce personnel costs while affording greater flexibility in staffing patterns. Such a practice follows a general trend in law enforcement in moving from specialist to generalist duties, and it has been adopted in other jurisdictions successfully.

5. **Institutional Food Reform:** Another area for potential savings may exist if the method for food preparation is modernized. This could be accomplished by switching from traditional food preparation to a “Cook/Chill” system. Cook/Chill

is a process whereby food is prepared on or off site, chilled for preservation, reheated and kept warm at the service area just prior to serving. While Cook/Chill is commonly associated with larger institutional food service operations, new compact quick chill equipment designs place a Cook/Chill system within the reach of many types and sizes of food service operations. Cook/Chill methods are used extensively by restaurants, hotels, caterers, and on airplanes and ships. It was learned during interviews that a Cook/Chill program had been considered, but was not adopted. The projected savings of \$50,000 was not considered cost effective. However, if substantial annual savings can be achieved in a reasonable time frame, it is worth further consideration.

6. **Additional areas worthy of mention:** Two additional areas of potential savings were brought to our attention by an official outside EDC. These were not investigated by the EDCGJ due to time constraints but are mentioned here as being deemed worthy of consideration;
  - **Telephones:** A substantial amount of money is spent each month by duplicating telephone service. Basically all EDCSO personnel have a desk set telephone in their work area, the cost of which (currently about \$179,000 per year) is billed to the Sheriff's Office. Some of these same employees may be assigned cell phones. It seems prudent to maintain a limited number of desk telephones to guarantee service in the event of a cellular outage, but routinely maintaining both types of telephones for an employee seems to serve no purpose other than spiking the cost of communication.
  - **Service Centers & Leased Facilities:** The Sheriff's Office currently spends approximately \$200,000 per year on rent or leases. Also, the leased facility on Pierroz Road in Placerville houses the investigative unit and narcotics units. We understand this space was leased in anticipation of planned expansion of the investigative section which has not occurred. It would be beneficial for the EDCSO to evaluate physical plant needs at all Sheriff's facilities, and analyze those needs to identify areas which might lend themselves to space consolidation and ultimately a cost saving.

## RESPONSES

Responses to both numbered findings and recommendations in this report are required in accordance with California Penal Code §933 and §933.05. Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

This report has been provided to the El Dorado County Sheriff, El Dorado County BOS, and El Dorado County CAO for response.

Elected officials under statute are given 60 days to respond, and non-elected officials are provided a 90-day response period from the release date of this report.



## **EL DORADO COUNTY GRAND JURY 2010-2011**

### **INVESTIGATION OF GENDER BIAS IN THE SHERIFF'S OFFICE**

Case Number GJ010-001

#### **REASON FOR REPORT**

An anonymously written letter dated May 28, 2010 was forwarded to the current El Dorado County Grand Jury (EDCGJ) by the 2009-2010 Grand Jury. This letter, purportedly written by a Sheriff's Office employee, described a work environment in the Sheriff's Department that was disrespectful and discriminatory to female members of the department. In addition, the public's concern over gender bias in the Sheriff's Department increased when articles appearing in the Mountain Democrat and Sacramento Bee described two lawsuits filed by Sheriff's Department employees alleging sexual harassment. To address concerns regarding gender bias in the Sheriff's Department, the EDCGJ opened an investigation to review related written policies and practices within the Department.

#### **BACKGROUND**

In 2010, there were 386 men and women working in the Sheriff's Office. Of this total, 119 were female (30.8%). Of the 184 sworn officers, ten were women (5%). In a study undertaken by the Bureau of Justice in 2003 (the latest data available), the national average of female officers (deputies, sergeants, lieutenants and captains), for communities with a population between 100,000 and 249,000 was 12.8%. El Dorado County (EDC) employed 4.5% females in sworn positions in 2003. The Department's turnover rate for

sworn and civilian personnel (not including retirement) in 2010 for women was 6.7% and 1.1% for men. There were 12 gender bias complaints in 2010, which was twice the number filed in 2008 and 2009 combined.

Nine out of the 12 complaints in 2010 were filed by civilian Community Service Officers (CSO) or sworn deputies. Six female deputies and all eight CSOs were interviewed by the EDCGJ. Areas of concern included the selection process for lateral, specialized assignments and the Internal Affairs investigation process. Some interviewees stated that they would not recommend without reservation, employment with the Sheriff's Office to other women. Almost half of the interviewees indicated that they experienced gender bias at some time during their career at the EDC Sheriff's Office.

## **METHODOLOGY**

1. The EDCGJ conducted the following interviews:

- Six female deputies for El Dorado County were subpoenaed to appear before the grand jury.
- Eight female Community Service Officers for El Dorado County were subpoenaed to appear before the Grand Jury.
- Director of Human Resources for El Dorado County
- EDC Sheriff's Department Support Services Division Commander
- Interim Sheriff for El Dorado County
- Current Sheriff for El Dorado County
- Detective, El Dorado County Sheriff's Office

2. The EDCGJ examined the following written sources during the investigation period of July 1, 2010 through April 30, 2010:

- El Dorado County Sheriff's Office Policy Manual
- County of El Dorado Policy Prohibiting Discrimination, Harassment and Retaliation, and Reporting and Complaint Procedure
- 2007 complaint alleging sexual harassment and gender bias
- Letter of Counseling dated May 31, 2007, subject "Complaint"
- 2009 complaint alleging misconduct of a command officer
- Sheriff's Office memorandums dated June 13, 2009 and June 17, 2009, subject "Complaint"
- Copies of e-mails dated June 4, 2009 subjects "Complaint" and "Inappropriate"
- Letter of Counseling dated September 16, 2009

3. The EDCGJ obtained statistical data from the following sources:

- Website <http://bjs.ojp.usdoj.gov/index> accessed March 14, 2011 regarding statistics on female employment in Sheriffs' Departments
- El Dorado County Human Resources Department
- Telephone inquiries to Shasta, Placer, Amador, King, and Madera counties
- El Dorado County Sheriff's Office, Investigative/Detective Unit.

## **FINDINGS**

1. A total of 18 gender bias/sexual harassment complaints originating in the Sheriff's Office were filed over the last three years. Three were filed in 2008, three filed in 2009 and twelve filed in 2010. Six of the 18 complaints were sustained (found to be true).
2. Of the six sustained allegations, three individuals did not have records of disciplinary action related to the complaints in their files in the El Dorado County Human Resources Office. Of the remaining three complaints, one of the accused retired and one was terminated. The third complaint involved multiple accused employees and the final discipline resulted in one termination, a forty-hour suspension, and a Letter of Reprimand.
3. There are two pending lawsuits filed with the United States District Court against the County of El Dorado, El Dorado County Sheriff's Department, and individual plaintiffs within the Sheriff's Department alleging discrimination, harassment, and retaliation.
4. Operations within the Sheriff's Department are governed by the following:
  - El Dorado County Sheriff's Office Policy Manual
  - Memorandum of Understanding (MOU) with applicable bargaining units
  - County of El Dorado Policy Prohibiting Discrimination, Harassment and Retaliation and Reporting and Complaint Procedure
  - Federal and State regulations outlined by the Equal Employment Opportunity Commission and enforced by the El Dorado County Human Resources Department
5. El Dorado County Sheriff's Office Policy 329, "Discriminatory Harassment", prohibits and defines discrimination, harassment and retaliation.

- Section 329.2 states that “*Employees . . . found to be participating in any form of employment-based harassment, discrimination or retaliation against any applicant or employee may be subject to disciplinary action up to and including termination from employment.*”
  - Section 329.4.1 states that for Department Heads, Management and Elected Officials, “*Failure to take corrective action when a department head/manager/elected official knew, or should have known, that an employee was being subjected to unlawful discrimination, harassment or retaliation on the job is a violation of this policy and may subject the . . . official to a disciplinary action up to and including termination or other appropriate sanctions.*”
  - Section 329.4.1 states that “*A failure to report conduct that may constitute unlawful discrimination, harassment and/or retaliation to the Department of Human Resources (Equal Employment Officer) or CAO (Chief Administrative Officer) . . . may result in disciplinary action up to and including termination.*”
  - Section 329.4.3 states that the Human Resources Director and Department shall be responsible for “*Scheduling and auditing periodic training of County management and employees in the area of unlawful workplace discrimination, harassment, retaliation including identification of prohibited conduct, procedures for reporting the occurrence of such conduct and prohibition against retaliation for complaints.*”
  - Section 329.5.3 states that “*if the determination is made that discrimination, harassment and/or retaliation occurred which violates County policy, the Director of Human Resources (Equal Employment Officer) or CAO (Chief Administrative Officer) shall take and/or recommend prompt and effective remedial action commensurate with the severity of the offenses(s), taking into account the principles of progressive discipline as well as the County’s zero tolerance policy towards unlawful discrimination, harassment and retaliation.*”
6. Forty-two percent (6 of 14) women interviewed by the EDCGJ indicated that they have experienced gender bias at some time during their careers with the EDC Sheriff’s Department. Three women stated they would not recommend employment with the Sheriff’s Department to other women. Two stated that they would recommend the Sheriff’s Department only after they explained the difficult working conditions. Nine said they would recommend the Sheriff’s Department to other women.
7. In addition to the 18 complaints filed since 2008, the Grand Jury examined three sustained complaints that originated from an allegation in 2007 by three male deputies who reported events where females were subjects of gender bias. The El Dorado County Human Resources Office forwarded the complaint to an outside attorney for review. The attorney recommended that three of the reported incidents outlined in the complaint had sufficient evidence to sustain the allegations, specifically stating that one of the comments “*was reasonably understood as a*

8. The above referenced individual was promoted to a command position in 2009 and during his probationary period for that promotion, received another Letter of Counseling for an additional sustained complaint involving conduct which reflects unfavorably upon the Department. Using a Letter of Counseling twice for the same ranked individual does not adhere to section 329.5.3 of the Policy Manual “. . . *taking into account the principles of progressive discipline. . . .*”
9. The Sheriff’s Office Policy Manual states that discriminatory behavior based on gender, ethnicity, religion, and sexual orientation is prohibited. There are no written guidelines for disciplinary action if these policies are violated. When asked if mandatory discipline for violating such policies should be delineated in the Policy Manual to serve as a deterrent, one Sheriff’s Office Commander stated that doing so would take away the discretion of supervisors and managers in assigning punishment.
10. Some of the women interviewed expressed a lack of confidence in Internal Affairs to handle a gender bias complaint. Their concerns included a lack of objectivity, as well as the potential for compromised confidentiality that could lead to possible retaliation by co-workers.
11. Although formal training on rules and regulations regarding Equal Employment Opportunity is given every two years for sergeants and above, no formally scheduled training takes place for sworn and civilian members in the Sheriff’s Department.
12. The El Dorado County Recruitment and Selection section 1000.3.6 lists discipline for acts constituting racial, ethnic or sexual harassment or discrimination as disqualifying for applicants of positions within the County. Section 1000.3.4 also requires that applicants must be effective in dealing with people without arousing antagonism. In at least one promotion the EDCGJ reviewed, an applicant who received a Letter of Counseling for discourteous, disrespectful or discriminatory treatment, was promoted to a command rank two years after he received the discipline.

13. The Grand Jury's review of two sustained complaints found no verification that the Sheriff was informed about the content of the complaint or took part in disciplining the guilty individuals.
14. Although El Dorado County ranks second from the bottom among Shasta, Placer, Amador, Kings, and Madera counties in the number of female deputies with a rank of sergeant or above, the majority of the female deputies did not have any concerns about the process used to promote candidates for sergeant or above. The process involves testing facilitated by an outside consulting company. However, it should be noted as stated in Finding 21, gaining experience to be successful in promoting to sergeant or above is controlled in part by the lateral assignment process. There were four attempts by women to obtain a promotion to sergeant since 2003, and only one woman was successful. Twenty-six men were promoted to sergeant or above during the same time frame.
15. Sergeant openings in the West Slope area are typically filled by sergeants with higher seniority, leaving the South Lake Tahoe position vacant when they transfer. The vacant position is then filled by a newly promoted sergeant with less seniority. This practice can discourage potential candidates with families or other responsibilities rooted in the West Slope to seek promotion.
16. Policy 1001 of the Sheriff's Office Policy Manual defines the process that is used to select individuals for specialized job assignments. All employees are notified via e-mail of job openings, and applicants are ranked by a panel of supervisors within the Department. If the position has three or more candidates, is full time or involves skill pay, only the top three candidates ranked by the panel are invited to compete in an oral interview. After the interviews are concluded and final ranking is tabulated, the panel's numerical ranking is forwarded to the Division Commander.
17. Personnel in the Sheriff's Office provided the following information regarding detective positions:
  - There is no mandatory rotation of detective positions.
  - There are currently 20 male and zero female detectives in the EDCSO.
  - Over the last five years no women were added to the Detective Unit.
  - In 2008, one female detective left the Investigative Detective Unit because she was promoted to sergeant.
  - Detectives receive a 5% pay increase and a take home vehicle, making this a coveted position for deputies.
18. According to the Bureau of Justice Statistics website, data from a 2003 census (the latest available) showed that the national average for the percentage of sworn female officers in communities between 100,000 and 249,000 is 12.8%. The per-

19. In testimony, the Sheriff indicated there are no plans to recruit female deputy applicants to bridge the Department's existing gender gap in sworn positions.
20. Although there is a written policy that defines the process for selecting candidates for lateral assignments, the majority of the six deputies interviewed expressed dissatisfaction with the methods used to select candidates for lateral, specialized work assignments. Concerns include:
  - The selection process was too subjective since most assignments did not involve written testing, relying instead on the ranking of candidates by a selected panel.
  - Not having a chance to appear before the selection panel if they did not receive one of the top rankings.
  - Not getting any feedback or coaching on how they can improve their chances for being selected in the future.
  - The low number of openings due to non-rotation of some assignments such as detective.
21. The Grand Jury finds that lateral assignments such as Detective, Field Training Officer, and River Patrol are a gateway for promotion into the ranks of sergeant or above. In addition, the El Dorado County Grand Jury concludes that the selection process for lateral assignments is subjective and somewhat arbitrary.

Without experience gained from lateral assignments a candidate who applies for sergeant or above has a slim chance of succeeding when competing against a candidate who has detective or other lateral assignment experience. It is not surprising that only one woman achieved the rank of sergeant since female detectives have been almost nonexistent. Having female deputies on the force who have gained experience from lateral assignments also contributes to a more effective and culturally competent law enforcement organization for El Dorado County.

## **RECOMMENDATIONS**

1. The EDCGJ strongly urges the Sheriff's Office to implement the following regarding lateral, specialized assignments:
  - Implement a plan to rotate specialized lateral assignments such as detective with the goal of creating more opportunities for deputies to gain valued job skills while at the same time ensuring that expertise within the Department is preserved.
  - Establish objective means wherever possible to measure candidates' abilities against written job qualifications.
  - Give *all* qualified candidates the opportunity to compete in oral examinations conducted by the selection panel.
  - Consider alternatives to the practice of allowing sergeants with seniority to force newly hired sergeants with less seniority to locate in South Lake Tahoe since it has the unintended consequence of discouraging those with family or other responsibilities rooted in the West Slope to apply for promotion.
  - Provide a venue for unsuccessful candidates to receive feedback from the selection panel.
2. The Sheriff's Office must identify and recruit qualified female and other minority candidates to apply for future openings in the Sheriff's Office. This outreach would enable the Sheriff to take a leadership role in eliminating bias and the appearance of discrimination that exposes El Dorado County to civil liability.
3. The Sheriff's Office zero tolerance policy regarding discriminatory harassment must be better communicated and implemented by:
  - Establishing set scheduling of formal training for all employees on proper workplace behavior.
  - Ensuring that sustained allegations of sexual harassment and/or gender bias discrimination are duly weighed against individuals applying for promotion.
  - Aggressively implementing Policy 329.4.1 advocating disciplinary action for supervisors when complaints are filed in their sphere of influence and it is determined that they "*knew, or should have known, that an employee was being subjected to unlawful discrimination, harassment or retaliation on the job*".
  - Performing a review of Internal Affairs to eliminate perceptions of lack of objectivity and confidentiality.
  - Routing all allegations of sexual harassment/gender bias complaints through Internal Affairs to the Sheriff.

## **RESPONSES**

Responses to both numbered findings and recommendations in this report are required in accordance with California Penal Code §933 and §933.05. Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

This report has been provided to the El Dorado County Sheriff and the Director of Human Resources for El Dorado County for response.

Elected officials under statute are given 60 days to respond, and non-elected officials are provided a 90-day response period from the release date of this report.



## **EL DORADO COUNTY GRAND JURY 2010-2011**

### **EL DORADO HILLS FIRE DEPARTMENT BUDGET AND OPERATIONAL REVIEW**

Case Number GJ010-013

#### **REASON FOR REPORT**

A County official advised the Grand Jury that the El Dorado Hills Fire Department (EDHFD) was overspending its budget despite receiving a disproportionate amount of property tax revenue. On September 12, 2010, the Department's Fire Chief publicly disclosed that the Department was "overstaffed" and was suffering from "runaway overtime." A Sacramento Bee editorial published on March 13, 2011 was highly critical of the Sacramento Metropolitan Fire Department's salary and benefit package, which is similar to the EDHFD. To ensure the efficient provision of fire safety services to El Dorado Hills residents, the Grand Jury investigated the current administration, operations, and spending practices of the EDHFD.

#### **BACKGROUND**

In 1963, the EDHFD was formed when the El Dorado Hills Joint County Water District was given legal authority to form a fire department. In 1973, El Dorado Hills residents voted to obtain their water and sewer services from the EDC Irrigation District (EID), thus ending the provision of water and sewer services by the El Dorado Hills County Water District. However, the EDHFD continued as a Special District, providing medical and fire services to El Dorado Hills. In its present state, the Fire Department is governed by a five member Board of Directors, who serve four-year terms. In official documents, the EDHFD still refers to itself at times as the El Dorado Hills County Water District.

The El Dorado Hills Joint County Water District's property tax revenue was enhanced by the following key factors:

- EDHFD had a high tax rate and revenues for the three years prior to Proposition 13 taking effect in 1978. The average of the three years as compared to the same average for the other 80 plus El Dorado County (EDC) taxing jurisdictions was the key factor in determining the base revenue for post-Proposition 13 property tax revenue.
- EDHFD high tax rate and revenues prior to Proposition 13, allowed for a significant share of the future Proposition 13 property tax increment to be established. The EDHFD's share of the 1% property tax revenue is 17.5%. The EID collects 5.8% of the 1% to compensate for taking over the El Dorado Hills County Water District's water and sewer services. The EDHFD share of property tax is essentially frozen in place unless changed by annexation or renegotiation through the El Dorado County Board of Supervisors.
- EDHFD was exempted by the State Legislature from Education Revenue Augmentation Funds (ERAF) cycle 1, 2, and 3 property tax shifts for several reasons, including their dual county status (the Water District extends into a small portion of Sacramento County), and that fire services are provided. Other fire districts benefit from an inter-county designation.
- EDH Fire's boundaries encompass a territory where expansive growth of upscale properties has occurred over the last 25 years. Thus, the Assessed Valuation (AV) of the territory increased overall more than the AV of the remainder of the county.

The District receives 73% of its revenue from property taxes, which when combined with developer fees enabled the District to build and staff two new fire stations. The two new stations, along with the two older stations, have been staffed at higher levels than surrounding fire departments. The Department also offers a more expensive salary and benefit package to its employees than comparable agencies.

The Department has accumulated a General Reserve Fund of \$14,273,038, and a Capital Reserve Fund of \$7,288,483. Opinions vary on the sizes of the General and Capital Reserve Funds. By comparison, the Sacramento Metropolitan Fire Department, which is roughly ten times the size of the EDHFD, has a General Reserve Fund of \$9,482,801 and a Capital Reserve Fund of \$1,749,586. Critics state that the General Reserve is too low to cover the future unfunded liability of the EDHFD retirement plans and retiree medical plans. The Capital Reserve Fund balance is generally a product of Fire Impact Fees paid to the EDHFD by developers.

Because of its ample share of the property tax revenues, the questionable spending practices of the Department did not surface until a reduction in property tax revenues began to stress the Department budget.

The EDHFD is a “stand-alone” agency that does not have to compete with other public services for precious budget dollars like municipal and county fire departments. In the past, the Board has made funding decisions with little citizen oversight. Though the Department has an expansive website, few residents attend Fire Board meetings. Board members have to do little political campaigning, and the Firefighters Union contributes funding and time to their limited campaigns.

The Department sustained a \$900,000 budget deficit in Fiscal Year 2009-10, which necessitated the use of reserve funds to balance the annual budget. The Reserve Fund will be accessed again in Fiscal Year 2010-2011 for an estimated \$700,000. The Department is at a financial crossroads. Property tax revenues are dropping and labor contract negotiations for Fiscal Year 2011-2012 started in January 2011.

Overtime spending and Educational Incentive Pay have increased threefold since the 2005-2006 Memorandum of Understanding was signed. Although the local economy was slipping, EDHFD firefighters received annual cost of living allowance raises totaling 13.5% from 2006 to 2008. The firefighters in El Dorado Hills pay nothing towards their “3 at 50” pension plans, which allow firefighters to garner 3% retirement increments for each year worked, and become eligible to retire at age 50. After thirty years, a Firefighter can retire at 90% of their base pay plus other contractual enhancements. During their EDHFD employment, firefighters do not contribute toward their medical, dental, or vision plans.

Calls for service trends from 2006 to 2010 are depicted in Table 1. Total Calls for Service decreased by 7%, Structure Fires increased by 5%, while Brush and Grass Fires decreased by 30%.

From an EDHFD analysis of Calls for Service, the Grand Jury found that for each of the District’s fully staffed and equipped fire stations, total dispatches ranged from .87 to 1.7 responses every 24 hours. According to the EDHFD former chief, only six true structure fires occurred in 2009, and the Annual report estimated property damage from fire was \$1.2 million. Dividing the EDHFD 2009-10 annual total budget of \$18,304,077 by the total of calls for services (which includes false calls, cancelled calls, rattlesnake calls, lock-outs, “service” calls, as well as a very small number of fires), the average call response costs the taxpayer \$8,153. Using the same formula for 2010, with a budget of \$16,108,638, the average cost per call for service is \$7,150.

Table 1: Calls For Service (CFS) Compared to Prior Year										
Call Type	2006 Actual	2007 Actual	2007 % Change Prev. Year	2008 Actual	2008 % Change Prev. Year	2009 Actual	2009 % Change Prev. Year	2010 Actual	2010 % Change Prev. Year	Change 2006-2010
Total CFS	2,427	2,532	4%	2,565	1%	2,245	-13%	2,253	0.40%	-7%
Structure Fires	35	30	-14%	41	27%	30	-27%	37	19%	5%
Grass/Brush Fires	57	74	23%	70	-5%	33	-53%	40	17%	-30%

According to the EDHFD Board of Directors, contract provisions that will be reviewed during contract negotiations include mandatory staffing levels, educational incentive pay, use of “floaters” to reduce overtime, and employee contributions toward their retirement, health, dental, and vision plans. The Grand Jury supports the Board’s “everything is on the table” approach.

The Board appears to be heading in the right direction, by hiring an outside consultant to help develop budget reduction strategies. Additionally, in late April 2011 four firefighters retired, and once each retirees’ sick and vacation leave buy-outs and \$50,000 retirement incentives are paid, the retirements should give the Department some staffing breathing room.

The Grand Jury does not wish to diminish the work of the EDHFD Firefighters, and is mindful the EDHFD labor contract was achieved by the collective bargaining process approved by the Board of Directors. The Grand Jury is concerned with the Department expenditure of tax dollars and whether current spending practices are sustainable and necessary. The key budget decisions will be made by the Board of Directors, but ultimately it is the voters who must decide how much they want to spend for fire services in El Dorado Hills.

## METHODOLOGY

The following individuals were interviewed by Grand Jury members during 2010 and 2011:

- Members of the EDHFD Board of Directors
- Chief level members of the EDHFD
- EDH Professional Firefighters Union official
- American River College Career Counselor

- Officials from El Dorado County Sheriff's Office and Cal Fire dispatch centers.

Grand Jury members reviewed the following documents:

- EDHFD Annual Plans 2009 and 2010.
- EDHFD Five Year Plan
- EDHFD Memorandums of Understanding 2006-present
- EDHFD Procedures Manual - 2010.
- EDHFD Budgets 2009 and 2010
- Pertinent sections of California Government Code
- All National Fire Information Reporting System structure fire reports from calendar years 2009 and 2010
- Village Life newspaper articles pertaining to EDHFD budget issues, 2010 to 2011
- September 10, 2010 article from Firehouse Magazine, Firefighter Tactics, Measured Scientifically

The Grand Jury also surveyed seven other fire departments by sending out written and electronic survey forms to the Chiefs of the various departments.

## **FINDINGS**

### **1. The EDHFD salary and benefit package is significantly higher than other fire departments.**

The EDHFD is impacted by three entities: the Board of Directors, Fire Chief, and the EDH Professional Firefighters' Union Local 3604. The Grand Jury learned from their interviews the Board wants to balance costs, but at the same time wants to maintain high wage and benefits to minimize loss of skilled personnel to other fire departments. The Union wants to maximize firefighter and citizen safety, as well as prevent layoffs, regardless of cost. This leaves the Fire Chief in the unenviable position of having to run a department on a collision course with fiscal reality, and who is responsible and accountable, but excluded from labor contract negotiations.

Key budget categories for Fiscal Years 2009-10 and 2010-11 are:

<b>Table 2: Key EDHFD Budget Components</b>		
	2009-10	2010-11
Wages and Benefits	75%	84%
Operations	8%	9%
Contingency Funds	6%	1%
Fixed Assets	6%	6%
Capital Reserve	5%	0%

The EDHFD budget contains many salary and benefit figures that seem out of sync with today's struggling governmental agencies. The Department's budget pressures have their origin in the 2005-06 Memorandum of Understanding (MOU) or labor contract.

### **Cost of Living Allowances**

From July 1, 2006 to July 1, 2008, the following Cost of Living Allowances were awarded to EDHFD uniformed staff:

- Effective July 1, 2006           4%
- Effective July 1, 2007           4.5%
- Effective July 1, 2008           5%

Compounded, these raises total 14.11%. From July 2006 to July 2008, inflation rose 7.5%, so in effect the EDHFD firefighters netted a 6.61% raise over this three year period. However, there has been no Cost of Living adjustment for Firefighters since July 1, 2008.

### **Salary Adjustments**

An additional equity salary adjustment of 1% for Engineers, and 2% for Firefighters was granted on September 26, 2006 by the Board of Directors. Another 0.5% equity salary adjustment was granted to Captains, Engineers, and Firefighters on July 1, 2007. With the equity adjustments added to the cost of living allowance, wages were boosted up to 16% from July 1, 2006 to July 1, 2008.

### **Paramedic Incentive**

Further, even though an EDHFD Firefighter must have a paramedic license to meet minimum qualifications before being hired, a paramedic incentive stipend began being paid effective September 26, 2006, at a rate of 4% for Captains, 5% for Engineers, and 9% for Firefighters.

## **Overtime**

The Firefighter Paramedics have had significant increases in overtime since the 2005-06 contract. Overtime costs have increased from \$12,810 on average per firefighter in Fiscal Year 2005-06 to \$39,501 in Fiscal Year 2009-10. One factor that contributed to the overtime was a 2005-06 MOU section that mandated 24/7 minimum staffing levels at the Department's Fire Stations, and locked the Department into an inflexible staffing model. Another MOU section prohibits the Department from using flexible overtime reducing positions called "floaters," which are commonly used by other fire departments. Volunteers, trained as Emergency Medical Technicians, are rarely used to reduce overtime. Two Captains on paid administrative leave, pending disciplinary disposition for more than a year, also contributed to 2010 overtime increases.

BY contrast the El Dorado County Sheriff's Office has made great strides in reducing overtime. By the end of Fiscal Year 2007-08 overtime costs were \$4,095,143. By the end of the third quarter of Fiscal Year 2009-2010, overtime costs were \$2,015,511. When extrapolated to a full fiscal year, the overtime costs were \$2,687,348 – a reduction of \$1,407,795, or approximately 34%.

## **Education Incentives**

The amount of funds paid towards Educational Incentive Pay (EIP) has increased from \$122,000 in Fiscal Year 2005-06 to \$437,000 in Fiscal Year 2009-10, an increase of 258%. This amounts to an average of over \$7,800 per fire employee per year, by far the highest in the Sacramento area. Board of Directors representatives said the education incentive program was designed for "leadership development." EIP pay is incorporated into overtime pay and the Public Employees Retirement System (PERS) retirement calculations, a process commonly referred to as "PERSable." Surprisingly, two Directors testified that they were not certain if the EIP was PERSable. EIP and the mandatory staffing provisions of the 2005-06 labor contract were termed "hidden escalators" by some at the time of their ratification by the Board of Directors, and this term proved prophetic.

According to members of the Board of Directors, the cost increase in EIP from 2006 to Fiscal Year 2009-10 was due to greater usage by employees when the stipend changed from a set amount to a percentage.

For the 2005-2006 MOU, the following education incentives were offered:

- EMT-1: \$100 per month.
- Associate of Arts or Science Degree: \$200 per month

- Bachelor of Arts in Science Degree: \$300 per month
- State Fire Officer Certification: \$200 per month
- State Chief Officer Certification: \$300 per month

Up to July 1, 2008 the following percentages replaced the above dollar amounts which are stackable (cumulative) to 25% of pay (including the paramedic incentive) for non-management and 19% for management staff:

- EMT-1                      1.5% of base pay
- AA/AS                      3% of base pay
- BA/BS                      5% of base pay
- MA/MS                      5% of base pay
- Fire Officer                3% of base pay
- Chief Officer              3.5% of base pay

In addition, a Paramedic in good standing receives the following paramedic incentive pay:

- Firefighter                9% of base pay
- Engineer                  5% of base pay
- Captain                    4% of base pay

Candidates applying to EDHFD for hire must possess a California Paramedic License before their date of hire. To qualify to be a paramedic in California, an applicant must be 18 years of age, a high school graduate, possess an Emergency Medical Technician Certificate (210 class hours and 96 hours clinical training), and have earned a Paramedic License (320 hours classroom instruction, 96 hours clinical training).

One community college career counselor equated a paramedic license to an associate college degree in terms of time and expense. A Chief Officer told the Grand Jury that obtaining a paramedic license is a “year-long process.” According to a union representative, for the last 15 years, EDHFD firefighter applicants had to possess a California State Paramedic License at the time of their appointment to meet minimum qualifications. However firefighters are paid up to 9% during the course of their career and retirement for having a paramedic license. For example, at \$100,000 salary, the paramedic certificate can earn a firefighter \$450,000 over a 30 year career and 20 year retirement.

***By contrast, teachers, who spend a minimum of five years in college for a degree and teaching credential, earn no salary perks for their credentials.***

Further, firefighters can study during work hours, and AA, BA, and Masters Degrees do not have to be germane to Fire Science or management.

- Many firefighters earn promotional preparation “Fire Officer” pay when they have completed a State certified curriculum. According to a Chief-level staff member, the program entails attending ten classes at the firefighter’s expense and time. Each class is 40 hours long and costs the firefighter \$390. This earns the firefighter an additional 3%, in pay. Firefighters can also earn Chief Officer pay which includes a salary boost of 3.5%. Those who earn both the Chief Officer and Fire Officer pay increase their salary total 6.5%, which again is PERSable.
- Other fire departments do not reward pay incentives for Fire Officer or Chief Officer, or pay less for the incentives.
- Two captains were paid \$21,003 and \$23,080 in PERSable EIP in Fiscal Year 2009-10. The previous Fire Chief was paid \$13,199 in EIP, while three other Chief Officers each were paid over \$13,000 as well.

The EDHFD provided the Table 3 that illustrates the rate of pay per employee per rank during Fiscal Year 2009-10 (Note: Paramedic pay is included in Base Salary, but EMT pay is included in Educational Incentive pay. Also, benefit compensation such as retirement contributions, medical, dental, and vision are not included in Table 3 figures.)

### **Other Notable Budget Findings**

According to Table 3, a recently retired Fire Chief earned over \$304,000 in pay in 2008 – which includes State Office of Emergency Services overtime - but not including benefits. In 2010 this same Chief was paid a \$75,000 retirement incentive bonus even though he had already reached his 30-year PERS retirement benchmark.

- A Captain supervises only one engineer and one or two firefighters, and acts as an incident commander, but is paid over \$25,000 more than a top step firefighter.
- Three Fire Captains earned over \$180,000 in base salary, holiday pay, educational incentive, and overtime for Fiscal Year (FY) 2009-10.

- Each firefighter receives 100% Department funded PERS retirement, 100% funded medical and dental plans, and an eye care program.

**Table 3: EDHFD 2009 Wages**

RANK	CURRENT 2009 WAGES							2009		2008		
	BASE	HOLIDAY	EDUCATION	MANAGEMENT INCENTIVE	TOTAL Annual 26	OVERTIME	W-2	W-2	W-2	W-2		
							26 pay periods	27 pay periods	26 pay periods	27 pay periods		
AC & C	113,183.20	-	9,238.84	-	122,422.04	3,299.17	125,721.21	128,021.84				
BC	120,612.18	4,970.16	13,199.94	-	138,782.28	44,212.13	182,994.41	174,278.28				
BC	120,612.18	4,970.16	9,599.98	-	135,182.32	43,829.95	179,012.27	170,520.89				
BC	120,612.18	4,970.16	13,199.94	-	138,782.28	70,637.89	209,420.17	195,952.95				
C	109,357.30	4,506.58	6,808.62	-	120,672.50	37,306.84	157,979.34	149,113.93				
C	109,357.30	4,506.58	12,065.82	-	125,929.70	41,804.51	167,734.21	181,403.03				
C	105,143.48	4,332.90	13,893.10	-	123,369.48	24,362.05	147,731.53	142,671.68				
C	109,357.30	4,506.58	3,904.42	-	117,768.30	46,181.68	163,949.98	159,892.62				
C	105,143.48	4,332.90	5,481.58	-	114,957.96	58,844.15	173,802.11	172,105.17				
C	105,143.48	4,332.90	23,080.20	-	132,556.58	33,633.69	166,190.27	184,502.29			AL 9-09	
C	109,357.30	4,506.58	21,003.06	-	134,866.94	46,853.33	181,720.27	174,221.93			AL 9-09	
C	105,143.48	4,332.90	8,885.76	-	118,362.14	11,157.52	129,519.66	126,735.68				
C	105,143.48	4,332.90	8,635.90	-	118,112.28	37,663.97	155,776.25	164,576.02				
C	104,133.12	4,291.30	6,008.34	-	114,432.76	78,667.46	91,027.60	123,666.28				
C	109,357.30	4,506.58	3,654.30	-	117,518.18	69,587.83	196,185.64	179,628.89			Start July 08	
C	109,357.30	4,506.58	6,308.64	-	120,172.52	40,211.54	150,555.02	152,241.22				
E	96,288.14	3,967.86	2,751.06	-	103,007.06	51,607.78	154,614.84	147,086.45				
E	96,288.14	3,967.86	2,751.06	-	103,007.06	43,803.99	146,811.05	147,493.68				
E	96,288.14	3,967.86	5,502.12	-	105,758.12	33,781.41	139,539.53	137,002.10				
E	96,288.14	3,967.86	2,751.06	-	103,007.06	26,554.34	129,561.40	133,646.96				
E	96,288.14	3,967.86	5,502.12	-	105,758.12	23,476.29	129,234.41	127,885.18				
E	96,288.14	3,967.86	5,502.12	-	105,758.12	25,655.11	131,413.23	134,300.71				
E	96,288.14	3,967.86	10,087.48	-	110,343.48	43,738.67	154,082.15	170,304.06				
E	96,288.14	3,967.86	2,751.06	-	103,007.06	8,049.69	111,056.75	114,529.62				
E	91,704.60	3,779.10	-	-	95,483.70	44,211.70	139,695.40	120,441.23			Start May 08	
E	96,288.14	3,967.86	-	-	100,256.00	22,678.09	122,934.09	118,665.25				
F	87,156.16	3,591.64	4,797.26	-	95,545.06	44,191.72	139,736.78	125,553.62			Start May 08	
F	87,156.16	3,591.64	2,398.76	-	93,146.56	7,566.82	100,713.38	133,041.82			W/C 11-09	
F	87,156.16	3,591.64	2,398.76	-	93,146.56	37,197.64	130,344.20	127,535.56				
F	87,156.16	3,591.64	6,396.52	-	97,144.32	23,984.89	121,129.21	103,428.44				
F	87,156.16	3,591.64	2,398.76	-	93,146.56	9,271.50	102,418.06	153,346.82				
F	79,055.08	3,257.80	-	-	82,312.88	19,078.60	101,391.48	99,459.61				

F	87,156.16	3,591.64	-	8,795.28	90,747.80	29,639.01	120,386.81	92,086.48
F	87,156.16	3,591.64	8,795.28	99,543.08	39,672.58	139,215.66	128,374.23	
F	87,156.16	3,591.64	6,396.52	97,144.32	32,030.02	129,174.34	128,511.14	
F	87,156.16	3,591.64	-	90,747.80	66,768.82	157,516.62	134,406.04	
F	87,156.16	3,591.64	-	90,747.80	15,837.90	106,585.70	115,728.12	
F	79,055.08	3,257.80	5,803.20	88,116.08	22,517.93	110,634.01	106,145.52	
F	87,156.16	3,591.64	-	90,747.80	42,189.46	132,937.26	146,174.07	
F	79,055.08	3,257.80	3,627.00	85,939.88	10,933.80	96,873.68	90,389.28	
F	83,003.70	3,420.56	8,376.68	94,800.94	25,248.46	120,049.40	122,532.86	
F	87,156.16	3,591.64	-	90,747.80	2,811.18	93,558.98	93,659.25	
F	79,055.08	3,257.80	2,176.20	84,489.08	26,225.35	110,714.43	94,284.00	
F	79,055.08	3,257.80	-	84,489.08	Work Comp	81,049.49	81,883.71	
F	75,301.46	3,103.10	2,072.20	80,476.76	9,509.33	89,986.09	81,101.21	
F	79,055.08	3,257.80	3,627.00	85,939.88	19,097.60	105,037.48	101,392.73	
F	87,156.16	3,591.64	-	90,747.80	10,951.90	101,699.70	93,831.02	
F	87,156.16	3,591.64	2,398.76	93,146.56	Pregnancy Lv.	77,241.62	88,621.47	
F	79,055.08	3,257.80	2,176.20	84,489.08	21,965.34	106,454.42	101,221.35	
F	87,156.16	3,591.64	4,797.26	95,545.06	11,268.96	106,814.02	116,584.62	
F	87,156.16	3,591.64	8,795.28	99,543.08	23,959.94	123,503.02	130,368.34	
F	75,301.46	3,103.10	2,072.20	80,476.76	19,529.53	100,006.29	69,671.36	
F	79,055.08	3,257.80	2,176.20	84,489.08	33,596.72	118,085.80	105,254.05	
Div Ch	142,619.88	-	9,600.02	12,000.00	164,219.90	12,503.86	176,723.76	185,350.30
Chief	186,000.10	-	13,199.98	12,000.00	211,200.08	20,849.89	232,049.97	304,511.60
RE	91,704.60	3,779.10	5,626.66	101,110.36	74,399.46	175,509.82	131,208.47	
R Div Ch	142,619.88	-	13,199.98	12,000.00	167,819.86	Work Comp	134,854.09	171,766.27
R DepCh	161,159.96	-	13,199.98	12,000.00	186,359.94	72,426.20	258,786.14	213,222.15

Note: When a Chief, Deputy Chief, Division Chief or Battalion Chief has Overtime, it is generally caused by working on a strike team and earning the stipend reimbursed by the State.

Note: Workers Comp is not charged to the W-2. The District still pays the wages, however they are non-taxable to the employee

Code  
 CHIEF  
 DEPUTY CHIEF  
 DIVISION CHIEF  
 BATT CHIEF  
 CAPTAIN  
 ENGINEER  
 FIREFIGHTER  
 ADMIN CAPT  
 RETIRED

Chief  
 Dep Ch  
 Div Ch  
 BC  
 C  
 E  
 F  
 AC

An "R" in front designates they retired that year and would have additional payouts and incentives. (Dec 09)

- Four Chief Officers earn \$12,000 in PERSable Management Incentive Pay each year in compensation for the inability to earn overtime like their subordinates.
- Retirees receive 100% District paid health care coverage
- Two Fire Captains on administrative leave for fiscal year 2009-2010 were paid \$247,000, not including taxes and benefits. Their absence also required MOU mandated back-staff overtime. One of these Captains has recently retired, but as of April 2011, the other Captain is still on paid administrative leave, pending resolution of the disciplinary action that prompted the administrative leave.

Aside from the monetary benefits described above, the EDHFD Firefighters receive a number of other annual benefits:

- For uniformed shift firefighters, a two-day work schedule that involves two 24-hour consecutive work shifts every six days - commonly known as “Two-On / Four-Off.” The work-week is tracked (per an industry standard formula) as 56 hours per week. Without factoring in vacation and other categories of leave, a firefighter generally works 10 days per month.
- Vacation Leave is based on seniority and varies significantly. Those with five years or less at the Department earn 8 days of vacation when assigned to a shift schedule and 13 days when working a non-shift (administrative) schedule. Those with 20 or more years of EDHFD employment receive 12 days of vacation (shift), and 26 days (non-shift).
- Sick Leave for non-shift personnel is 17 days per year.
- Sick Leave for shift employees is 192 hours or eight (24 hour) days per year.
- Longevity Pay that ranges from \$500 annually at 10 years to \$2,000 annually at 30 years.
- 12 holidays for non-shift firefighters and holiday in-lieu pay for shift firefighters.
- \$500 uniform allowance

**2. A Grand Jury survey of comparable fire departments revealed that the EDHFD pays higher salaries and benefits, but has lower service demands.**

The Grand Jury surveyed the following seven comparable Fire Departments to gain a reference to the EDHFD budgetary and staffing practices: El Dorado County Fire; El Dorado Hills, Rocklin, Lincoln, South Lake Tahoe, Sacramento Metropolitan, and Sacramento (See Table 4). The survey table reveals in most

comparisons EDHFD pays much more in salaries and benefits, but has less service demand. The most striking comparisons are:

EDHFD has the second highest staffing level, but

- lowest annual alarms
- lowest alarms per day per station
- lowest percentage of calls that are medical in nature
- lowest number of structure fires
- lowest proportionate population

Though the lowest in service demand, EDHFD is among the highest in the following categories:

- Highest Firefighter, Engineer, and Captain pay
- Numbers of staff assigned to an engine and truck
- Total budget amount (proportionate)
- Highest Overtime pay and proportionate budget
- Educational Incentive pay and proportionate budget
- Fire Officer and Chief Officer Pay
- Second highest Chief, Deputy Chief and Battalion Chief pay
- EDHFD is the only Department that offers 100% funded retirement, medical, and dental plans
- EDHFD has a disproportionate number of Captains and Battalion Chiefs

Areas that are similar to the other fire departments include:

- Span of Control between ranks
- EIP is incorporated in overtime calculations

TABLE 4: RESULTS OF GRAND JURY SURVEY OF 8 COMPARABLE FIRE DEPARTMENTS								
	EDC	EDH	Rocklin	Lincoln	SL Tahoe	Sac Metro	Folsom	Sacto
Total staff numbers by rank?	110	56	37	24	39	503	64	653
	1 Chief	1 Chief	1 Chief	1 Chief	1 Chief	\$1	\$1	1 Chief
	2 Asst Ch.	1 DpC / 1DvC	1 Fire Mar	NA	3 Div Ch.	AC / 1 DC / 1 FM	Vacant	2 DpC, 5 AC
	4 Bat Ch.	4 Bat Ch.	4 Bat Ch.	2 Bat Ch.	NA	15	6 (2Vacant)	11 Bat. Ch.
	20 Capt.	14 Capt.	9 Capt.	6 Capt.	3 Capt.	136	15	105
	NA	12 Eng. Pm	9 Eng.	NA	9 Eng.	129	15	97
	44 FF	23 FF Pm	9 FF 4 FF Pm	15 FF	17 FF	204 / 11 Insp.	25 FF, 1 PM	288 FF, 144 FFPm
Population of your jurisdiction?	77,000	40,000	56,019	41,111	25,819	640,000	64,394	525,000
Square miles of your jurisdiction?	281	44	19.87	19.2	13 / 5 UW	417	21.74	148
Number of fire stations? Staffing per station?	15 / 7	4 / 4,4,4, 6	3 / 3,3,3-4	3 Stns, 3,3,0	4 Stn. / 4,4,5,0	41 Stns.	4, 3 to 7	24 Stns.
Total alarms or responses for year?	7,565	1,815	3,309	3,066	2,949	75,525	5,600	70,000
Percentage of medical calls?	75%	55%	67%	67%	68%	68%	77%	64%
Average number of alarms p/station p/ day?	.5 to 7	.8 to 1.7	3	3.7	3.15, 1.94, 2.99	5.04	3.84	8.3
frames?	378	6 to 21	140	28	66	422	71	1,200
Annual property loss due to fires ?	\$2,252,786	\$1,207,000	\$2,746,106	\$35,000	\$282,771	\$24,101,102	\$610,000	\$2,252,786
Number of fire staff assigned to an engine?	2 to 3	4	3	3	2	3	3	4
Number of fire staff assigned to a truck?	NA	5	3 to 4	NA	2	4	4	4
Does your agency use floaters?	Yes	No	Yes	Reserves	Yes	No	No	Yes
Span of control between Captains and engineers/FF?	1 to 4	1 to 2 or 3	1 to 2	1 to 2 or 3	1 to 3	No Answer	1:2-4	3 to 1 or 5 to 1
Base Salary Top Step FF	\$67,063	\$79,996	\$74,316	\$66,426	\$62,400	\$79,044	\$78,297	\$65,072
Base Salary Top Step Engineer	\$69,189	\$91,704	\$82,560	N/A	\$68,652	\$87,492	\$86,127	\$77,322
Base Salary Top Step Captain	\$83,691	\$105,144	\$94,368	\$83,864	\$78,936	\$98,028	\$94,739	\$87,416
Base Salary Top Step Battalion Chief	\$108,264	A \$129,648	\$116,052	\$112,902	N/A	\$119,316	\$133,375	\$123,441
Base Salary Top Step Deputy Chief	AC / FM \$122,720	\$161,148 DpC \$142,620 DvC	NA	N/A	DvC \$118,524	AC \$151,632, FM 116,796, DpC \$166,788,	DvC \$140,044, DpC \$152,110, FM \$152,148	AC \$152,048, FM \$152,048, DpC \$168,943
Base Salary Top Step Chief	\$158,704	\$185,000	\$188,688	\$148,907	\$149,640	\$224,736	\$170,278	\$186,176
Span of control between Battalion Chiefs and Captains?	1 to 5	1 to 4	1 to 3	1 to 2	1 to 3	No Answer	1 to 4	8 to 1
Salary increase percentage from engineer to Captain?	20%	13%	14%	N/A	15%	No Answer	10%	10%
Total agency budget for Fiscal Year 2009-2010?	\$12,004,315	\$16,108,638	\$8,007,992	\$3,980,331	\$6,932,897	\$148,269,642	\$14,404,185	\$101,000,000
Total annual overtime budget for Agency?	\$645,000	\$2,250,000	\$529,892	\$85,927	\$203,000	\$11,406,807	\$507,000	\$4,300,000
Average annual overtime pay per employee?	\$14,336	\$39,501	\$15,585	\$10,383	\$5,996	\$22,036	\$10,040	\$7,000
Educational Incentive Pay percentage of total budget?	1.40%	3%	0.41%	Not Answer	1.12% GF, .87% other funds	No Answer	1.80%	2%
s EIP is incorporated into overtime pay calculations?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Average Educational Incentive pay per employee?	\$0	\$7,800	\$1,714	\$0	10 receive FO, 1 CO, 2%/4%	\$4,918	\$3,950	\$0
Amount of employee contributions to retirement, medical, dental, and vision plans?	10% - 20% Medical	\$0	Retirement 3%, Med. 0, Dental 0, Vision 0	9% PERS, 0 MDV	0 Retirement, med. \$1,187 Annual for Family	9% Ret., \$1,756 Med. Ann, Dental \$127 M, \$18.75 M	0 Retirement, Med \$190 pm, 0 Dental/Visions	Ret. 0, Medical Dental, Vision Flat fee \$800
Number of staff receiving "Fire Officer" salary enhancement, and what is pay rate hike?	None	34 / 3%	11 / \$75 per mth.	17 / 5%	10 / 2%	122 / .5%	18 / 5%	None
Does your Fire Chief participates in contract negotiations?	Yes	No	No	No	Yes - advisory	Yes	Yes	Yes

Note: The EDHFD figures do not reflect April 2011 retirements of 1 Battalion Chief and 3 Captains

**3. The EDHFD staffing and deployment strategy does not fit service demands of the community and is not cost effective.**

The Department top-heavy business model is inflexible and out of step with the realities of what an EDH fireman does on a daily basis. El Dorado Hills Firefighters are, for the most part, a first responder medical resource and non-emergency community service provider. On balance, the Firefighters perform fire related services about 4.2% of the time, and very little of that time entails actually fighting a fire. Firefighting duties are more frequently needed when firefighting companies perform Strike Team support for outside jurisdictions during the peak fire season. However, the EDHFD is staffed and deployed as a fire fighting force for a community that sustains relatively few fires.

By contrast an EDHFD union leader testified that there was a shortage of ambulances in El Dorado County, even though responding to medical emergencies is the Department’s primary service. A chief level officer disagreed with this assessment of ambulance service and described a seemingly well-coordinated and flexible system that is deployed to maximize EDC ambulance coverage.

As of March 2011, the EDHFD was staffed as follows:

<b>Table 5: March 2011 EDHFD Firefighter and Administrative Staffing</b>			
<b>Firefighter Staffing</b>		<b>Administrative Staffing</b>	
1	Acting Chief	1	Chief Financial Officer
1	Deputy Chief	1	Systems Administrator
1	Division Chief (Fire Marshal)	3	Administrative Assistants
1	Battalion Chief (Admin)	1	Operations Specialist
3	Battalion Chief (Shift)	1	Fire Prevention Specialist
13	Captains	7	<b>Total Administrative Staff</b>
11	Engineers		
23	Firefighters		
<b>56</b>	<b>Total Firefighting Staff</b>		

Note: This table does not include the one Battalion Chief and three Captains that retired in April 2011.

An EDHFD staff report prepared which summarized a January 26, 2009 Ad Hoc Committee Meeting shed light on the Department staffing and low service demands in EDH. The report was used by Department administration to oppose adding a fourth firefighter Engine Company position to outlying stations due to

low service demands (NOTE: this was before the 2009 13% downturn in calls for service, 28% reduction in structure fires, and 50% reduction in wild land fires):

***“Our safety record is great; other jurisdictions minimum staff at 2 in El Dorado County, 3 in the Sacramento region, 4 on Truck Companies and Sacramento City. We currently are at 4 minimum on the truck, 4 at one outlying station, and 3 at the other two stations. As far as incident statistics go, emergency personnel respond on a half dozen confirmed structure fires per year in district and up to a dozen outside our district (Auto-Mutual Aid.) Our reasons for such low numbers are an affluent community, newer construction, early electronic detection, some residential sprinkler systems, very well planned and commercial development, mostly concrete tilt-up with sprinkler systems and electronic detection, as well as national average for minimum staffing of 2 Engine/Truck Companies and meet NFPA 1710...NFPA is a standard that is very costly to meet and maintain.”***

According to a Union official and Chief level officer, the Department’s firefighters have semi-structured hours during their two-day work week. He described a typical day (absent calls for service) as follows:

- 7:00 AM - Wake up and have breakfast
- 8:00 AM - Check Fire Rig, safety equipment, and medications
- Morning - Work out for sixty minutes followed by a 30 minute cool down period (the time of the workout is flexible)
- 10:00- 11:00 AM - Participate in a late morning training or community services
- One hour lunch
- Afternoon - Conduct community services such as: tours, school visits, inspections, prevention training, and station chores
- After 5PM - Dinner and uncommitted time, unless the above chores or exercise periods were not completed during the day
- Sleep and wake up at 7:00

#### 2009 and 2010 Staffing Comparisons

Table 6 was produced by the EDHFD in November 2010 at the request of the Grand Jury with respect to the issue of fire engine and fire truck (with ladder) staffing compared to other fire departments.

<b>Table 6: 2009 and 2010 Engine and Truck Staffing Comparisons</b>				
	2009 Engine	2009 Ladder Truck	2010 Engine	2010 Ladder Truck
Cameron Park/Cal Fire	2 to 3	0	2 to 3	0
Folsom City	3	4	3	4
El Dorado County	2	0	2	0
El Dorado Hills	4	5	4*	5*
Roseville City	3	4	3	4
Sacramento Metro	4	4	3	4
South Placer	2	2 to 4	2	2 to 4

\*In speaking to a chief officer, he corrected the graph to state that the Department currently staffs an Engine Company with three (except Station 87) and each Truck Company has a crew of four (it takes two teams of two to man the apparatus).

### **Span of Control**

Span of control refers to the number of employees over which a supervisor has authority. The 54-member department is staffed in a traditional manner, with seven ranks and seven pay scales. Twenty of the uniformed staff supervises the other 34. A Fire Captain supervises one or two Firefighters and one Engineer. Battalion Chiefs also work two 24-hour shifts every six days, and supervise four Captains and four stations.

### **Floater**

A floater is generally the least senior Firefighter on duty who is used as a flexible position to fill in for vacancies throughout the Department as a means to reduce a 24-hour shift of overtime. The Department's Memorandum of Understanding specifically forbids the use of floaters for daily staffing.

### **Volunteers**

The Department budgets \$85,000 annually for its volunteer program. There are currently 35 EDHFD volunteers. Volunteers are paid \$15 per incident to which they respond. A \$100 fee is paid to the Volunteer Firefighter's Association each time a full engine is staffed by volunteers and when certain criteria are met. A volunteer firefighter receives an hourly rate of pay when that firefighter is used to staff an ambulance or to respond on a Strike Team under a Joint Powers Agreement/Mutual Aid/Office of Emergency Service Agreement.

In 2010, volunteers participated in 2,326 alarm responses, and completed 2,668 hours of drill training, an average of 78 hours per volunteer. Their peak engine coverage by far was in July, followed by May.

The EDHFD Firefighter Union resists broader usage of volunteers to reduce overtime. A union official cited the volunteers' relative lack of training when compared to full-time Firefighters. However, volunteers possess Emergency Medical Technician certification, approximately 10 volunteers are paramedics, and volunteers attend annual update training as well. According to testimony, volunteers are currently used to supplant full-time firefighters, after the full-time firefighters have turned down overtime opportunities. Volunteers are also used to cover full-time Firefighters when they attend special events, such as funerals, and can ride along at will to assist full-time personnel.

**4. Calls for service at the EDHFD's four fully staffed stations are surprising low compared to the investment in staff, equipment, and facilities.**

In 93.7% of the cases, Department responses to calls for service involve medical calls, customer service, and auto accidents. If there is an incident involving a serious injury, the Fire Department responding Company either responds with an ambulance (from station 85) or waits for an El Dorado County Joint Powers Authority (JPA) ambulance to transport the victim. If the Station 85 JPA Ambulance is out of service, the closest alternative JPA ambulance responds.

The Fire Department's 2,245 calls for service in 2009, and 2,253 in 2010, rarely involved fires. According to the EDHFD 2009 Annual Report, only 4.8% (110) of the calls involved fires, and, as noted, according to the former Chief, only six were actual structure fires, and in 2010 only 4.3% (99) of the calls involved fires. According to the Annual Report, these fire losses amounted to only \$1.2 million in 2009 and only \$1.4 million in 2010. In 2009, two of these structure fires involved Cameron Park and Rescue jurisdiction fires that sustained a total of \$700,000 in property damage; but these property losses appear to be incorporated into the El Dorado Hills fire loss calculations.

The issue of defining and quantifying structure fires was perplexing. The former Fire Chief stated there were six structure fires in Fiscal Year 2009-10, yet the Board of Directors Annual Report for the same period listed 21 structure fires. The current Acting Chief told the Grand Jury that he did not know how his predecessor arrived at the figure of six annual structure fires. When the Grand Jury asked for clarification from two Board members they could not answer, nor could a union official. Any inconsistency in the reported data contained in this report concerning structure fires results from the inconsistency in the information given to the Grand Jury.

The Grand Jury requested available documentation for structure fires for 2009-10. The EDHFD administration provided 41 National Fire Incident Reporting System (NFIRS) Dollar Loss Threshold Reports that detailed responses to 40 of the 62 fire related responses between January 1, 2009 and December 31, 2010. An analysis of the two years of reports revealed the following:

- 40 of the 62 incidents occurred in the EDHFD jurisdiction.
- 19 of 40 EDHFD jurisdiction fire incidents did not have NFIRS reports – only log entries on the Dollar Threshold Report.
- Seven of the 40 EDHFD reported fire incidents occurred in other fire jurisdictions, but were entered as EDH fires.
- 22 of the 62 incidents occurred out of EDHFD jurisdiction.
- Of the 22 outside jurisdiction incidents, 12 responses entailed staging only, no fire action taken, or en-route cancelation.
- Overall responses to serious Structural Fire Calls in the El Dorado Hills jurisdiction involved an average response of 20 EDHFD Firefighters.
- Three of the outside jurisdiction structure fire responses involved only one EDHFD firefighter acting in an administrative capacity.
- None of the fires appeared to require a rescue from a structure

The Grand Jury examined the Alarm Statistics page contained in the 2010 Annual Report and found conflicting structure fire numbers, as Table 7 illustrates.

<b>Table 7: 2009 AND 2010 FIRE RELATED ALARMS</b>		
	<b>2009</b>	<b>2010</b>
Structure Fires	21	19
Fire in Building	5	12
Chimney Fires	4	6
Total Structure Fires	30	37
Grass/Brush Fires	33	40
Vehicle Fires	15	7
Misc. Fires	132	15
Total Misc. Fires	80	62

The Call for Service (CFS) numbers and percentage breakdowns from the EDHFD Annual Reports are contained in Table 8, as follows:

2009-2010 Calls for Service			2009-2010 Medical Calls Breakdown		
	2009	2010		2009	2010
Medical	55%	57%	General	51%	50%
Customer Service	17.4%	25%*	Injury from Trauma	15%	18%
False Canceled	13%	5%	Auto Accidents	13.1%	12%
Auto Accidents	8.3%	7%	Cardiac	13.1%	12%
Hazardous Materials	1.3%	2%	Respiratory	7.8%	8%
Misc. Fires	1.4%	2%	Transfers	.5%	0%
Brush Fires	1.5%	1%			
Structure Fires	1.3%	1%			
Vehicle Fires	.67%	0%			

Note: The above calls for service numbers are pulled directly from the Department's Computer Aided Dispatch System, and the categorization is based on what the caller reports, not necessarily what the event turns out to be. By contrast, crime statistics are pulled from crime reports, not the CAD system, and tend to be more outcomes directed.

\*Customer Service calculations were changed in 2010 to include false calls (but the policy change was not indicated on the Annual Report).

Calls for Service per station vary between Stations as Table 7 depicts.

Table 9: 2009 Calls for Service Per Station			
	Responses	Percentage	Daily
	2009	2009	2009
Station 84 - Francisco Dr.	551	28.70%	1.5
Station 85 - Wilshire Blvd.	628	28.70%	1.7
Station 86 - Bass Lake Rd.	320	16.70%	0.87
Station 87 - Golden Foothill Pkwy.	416	21.70%	1.1

**5. The EDH Firefighters Association is a primary contributor to the electoral campaigns of the EDH Board of Directors.**

An EDH Professional Firefighter's Association representative stated the union represents 48 of the Department's 56 uniformed staff, and the union strives to find and back Board of Director candidates who are union friendly. In fact, the union funds the filing fees and campaign expenses for some candidates, and assists with

campaign activities. The Grand Jury contacted the EDC Elections Office to determine if any of the candidates filed itemized campaign statements for the November 2010 election. The Elections Office indicated none of the Fire Board candidates filed forms indicating they had spent over \$1,000 for their campaigns – thus relieving them of the responsibility of itemizing expenses or contributions.

The EDHFD union official informed the Grand Jury that during contract negotiations the Firefighter’s Association is represented by a labor attorney whose office is based in San Jose. He also said the Board of Directors is represented during contract negotiations by two Board members. Board members told the Grand Jury that they have an attorney they can consult, but that the attorney is not specifically a labor contract attorney. The current president of the Board of Directors is listed as a retired EDHFD firefighter in the EDHFD Annual Report.

**6. The EDHFD indirect 911 system lengthens response times.**

One EDHFD official commented that fire responses are delayed due to delays in call answering and processing times when callers use cell phones. Station 87 was built to reduce response times in its service area. The Grand Jury is concerned that some of the gains achieved by building, and staffing, and strategically locating its four stations could be negated by delays at the front end of the double-layered cell phone process.

When El Dorado Hills residents experience a fire related emergency and call 911 from a cell phone, the call is first routed to the Highway Patrol Communications Center in Rancho Cordova, the Public Safety Answering Point (PSAP). Law enforcement is generally the PSAP over fire agencies. Once the phone is answered, the dispatcher determines the appropriate jurisdiction and type of call; the fire emergency caller is transferred to the EDHFD’s shared Cal Fire Communications Center in Camino. The EDHFD encourages EDH residents to use the ten-digit direct Camino phone number (530-626-4911) to bypass the CHP step.

One official called the CHP’s 911 Center “overwhelmed” due to its service area of four counties. Another authority said the CHP does misroute calls on occasion and lacks the knowledge of local geography that is important to dispatchers. Another official commented that even if the initial CHP step was eliminated, the cell phone 911 calls would still go to the El Dorado County PSAP, the Sheriff’s Office, and not directly to the Cal Fire line. He also said he was unaware of any CHP delays beyond 45 seconds.

The Grand Jury asked if there was data on call answering and processing times at the CHP’s Rancho Cordova communications facility, but found that the information was not tracked by EDC authorities.

**7. West Slope Fire District Consolidation Planners should be cognizant of disparate firefighter labor contracts.**

Because EDC subsidies to some fire districts are expiring at the end of 2011, the issue of consolidating six fire districts on EDC's Western Slope is now being explored. One proposal calls for the EDHFD to annex other fire districts, all of which will struggle financially once the County subsidies are gone. Annexation would enable other fire districts to piggy-back onto the EDHFD exemption from "Education Revenue Augmentation Funds." The ERAF funding redirects up to 10% of the revenue from most special districts to local schools. Though such annexation could streamline services and increase revenues up to 10% for smaller fire districts, it is unclear how the disproportionate labor contracts for each of the fire departments would be impacted by consolidation and annexation.

**8. Comments made by EDHFD union officials to the news media may mislead the public.**

One study publicly cited by the EDHFD Firefighters Union, entitled "Firefighting Tactics, Measured Scientifically," to support the need for four firefighters on an "Engine" truck (no ladder), indicates that four firefighters can fight a fire from start to finish 25% more effectively and safely than three. However this study has little relevance to how fires are responded to in El Dorado Hills. When a fire call is dispatched in El Dorado Hills, three engines and a truck (with ladder) are dispatched simultaneously, and an average of twenty firefighters respond to reports of serious fires. The study involves only four firefighters fighting a fire from start to finish.

The other industry standard cited publicly by a Firefighters Association official involves the "Two-in -Two-out" rule where two firefighters must remain outside a potential burning structure while two enter. The Firefighters Association publicly cited this staffing rule to justify four firefighters on an "Engine" (fire truck without a ladder). The implication was that a resident would have to wait for a second engine to arrive before a rescue entry could be attempted.

The purpose for the "Two in-Two out" standard is to ensure an effective rescue of a firefighter can be achieved if one of the firefighters inside encounters difficulties. An EDHFD procedural exception to the "Two in- Two out" rule occurs when a resident rescue must be attempted. In other words, if three firefighters were present at a scene necessitating a rescue, the firefighters present would not wait for a second engine to be on the scene before entering. Again, three other fully staffed fire vehicles would be responding to assist. Further, nearly all surrounding Fire Departments surveyed have three firefighters assigned to an Engine. Significantly, in reviewing all the structural fire calls to which

EDHFD responded in 2009-2010, not a single one appeared to require an actual resident rescue.

## RECOMMENDATIONS

- 1. During contract negotiations, the EDHFD Board of Directors must be aware of and take responsible action regarding contract provisions that impact long term retirement costs in order to safeguard and protect taxpayer funds.**

Prior Boards of Directors approved costly contract provisions that resulted in long term consequences that have come to haunt the current board, and will impact future boards unless they are addressed.

When the Grand Jury spoke to Board members they did not know if certain contract perks were PERSable, including Education Incentive Pay. Education incentives are PERSable, and over time cost taxpayers hundreds of thousands of dollars per employee, i.e. *hidden escalators*.

If a newly hired firefighter with a paramedic certificate starts at \$80,000 base salary, works for thirty years and lives in retirement for 20 years, the cost to taxpayers for the paramedic incentive is \$360,000. According to a publication from American River College and website Salary.com, the median annual salary for paramedics not employed by a fire department in the Sacramento region is \$41,229.

Obtaining a Fire Officer Certificate earns a firefighter a 3% pay increase. At \$80,000 annual salary over a 50-year employment and retirement period, this amounts to an additional \$120,000 for obtaining the Fire Officer certificate. If the same firefighter is promoted and is paid \$100,000 per year, and maximizes EIP pay at 25% of base pay, the cost to taxpayers is over one million dollars (\$1,000,000). It is no wonder that costs for the Educational Incentive Program tripled over a five-year period after contract language changed the educational incentive from a fixed amount to a percentage.

A Chief Level firefighter receives \$12,000 in “management pay.” Management pay is offered to compensate chief officers for their inability to earn overtime pay like their subordinates. Management pay is PERSable as well. Over a 20-year retirement period, chief level firefighters receive a \$240,000 bonus for not receiving overtime pay. In contrast, subordinates’ overtime pay is not PERSable.

The long term costs of these contract benefits go unnoticed by the general public who elects the Board of Directors to ensure the expenditure of taxpayer funds is conducted in a reasonable manner.

**2. The EDHFD should reconsider the purpose of Educational Incentive Pay.**

Members of the EDHFD Board of Directors told the Grand Jury that incentive pay was provided for two reasons: (1) to develop leadership within the Department, and (2) to maintain a benefit plan that would keep firefighters from transferring to a higher paying Fire Department. In the unlikely event a firefighter would leave the EDHFD due to cuts in the EIP program, there would likely be, in today's economy, a cavalcade of applicants to replace the firefighter - including highly qualified firefighters recently laid off from other jurisdictions. In many governmental agencies and private corporations, new hires are given automatic step increases as a reward for additional education. Step increases do not provide "stackable" career and lifetime benefits; they merely move the employee to a top step sooner. In terms of Fire Officer and Fire Chief pay, employees should not be rewarded for studying or preparing for promotion. The pay increase upon promotion is the proper financial reward, as is done in other fire departments.

**3. The Proposition 13 property tax revenue allocation to the EDHFD needs to be re-evaluated.**

Taxpayer money is taxpayer money regardless of its origin or revenue stream. The EDHFD is over compensated and staffed inefficiently. While teachers annually face layoffs and municipal fire departments struggle, the EDHFD Firefighters average annual overtime pay is \$39,000 and annual EID is nearly \$8,000. This is along with a two day work-week (not including vacation and other leaves) every six days in which eating, exercising, and sleeping is included. The firefighting staff also receives longevity pay, no-cost retirement, medical, and dental care. The Board also maintains comparatively high General and Capital Reserve Funds.

The existing property tax revenue tax redistribution formula should be evaluated by the El Dorado County Board of Supervisors to determine if the EDHFD is funded sufficiently to guarantee a reasonable level of quality public safety, and not to over-compensate their employees.

**4. The Board of Directors must be more knowledgeable, professional, and proactive with its labor negotiation efforts.**

The Board of Directors should hire professional management assistance when negotiating labor contracts with the Firefighters Union. The Board of Directors

does not hire professional negotiation consultants, and has not conducted a comprehensive compensation salary and work performance study of comparable fire departments since 2006. The Directors need to be forearmed with professional level facts and figures to adequately represent the interest of taxpayers. In the past, they appeared to be unprepared to deal with the EDHFD union, which hires a labor attorney specializing in representing public safety unions for their contract negotiations. The Board of Directors needs to be more proactive and should assess and evaluate the long term costs to taxpayers when negotiating contract terms such as education incentive pay, mandatory staffing, management pay, eliminating floaters, as well as zero cost retirement, medical, and dental plans.

**5. The Board of Directors must include their Fire Chief in labor negotiations to incorporate a management perspective.**

Currently, the EDHFD Fire Chief is expected to manage a budget in which he has limited input. This was a common complaint of the recently retired Fire Chief. As Table 4 illustrates, the majority of fire departments do include the Chief in their negotiations. The Fire Chief needs the ability to provide management input into compensation and staffing issues before he is expected to implement them.

**6. The Board of Directors should conduct a comprehensive study to compare its compensation package with other fire departments before approving a contract for 2011-2012.**

The current Board is comprised of a different set of Directors than those who approved the 2005-2006 Memorandum of Understanding. The Board needs to fully comprehend that their Department pays the highest compensation but has the lowest calls for service ratio in the Sacramento region. When the Grand Jury spoke to Directors they were unable to answer basic questions, concerning overtime budgeting, calls for service, and structure fire quantification. The current board should be equipped with up-to-date facts and figures of compensation and service demand data for comparable fire departments. The Board should be up to date on alternative *best practices* staffing plans that have proven successful in other fire departments. The Board should also research ways to make the EDHFD a more cost effective organization, such as the use of floaters and volunteers to reduce overtime.

**7. The Board of Directors should determine whether national standards are applicable to the service demands of El Dorado Hills and not take national studies at face value.**

With low firefighting service demands, national standards that apply to major cities may not apply to El Dorado Hills. El Dorado Hills has six structure fires per year, but has four fully staffed and funded fire stations that are close in proximity. EDH buildings are relatively new, and well-equipped with sprinklers, alarms, and other fire prevention devices. There are no high rises, tenements, or oil refineries. EDH needs quality firefighting staffing and resources, but not at the same ratio as a major American metropolis with myriad firefighting challenges.

**8. The Board of Directors needs to consider more efficient methods to deploy EDH Firefighters.**

The Board of Directors needs to consider staffing alternatives to reduce overtime and operating budget expenditures. Budget priorities need to be identified by EDH community service needs. Examples of cost cutting measures the Board should consider are:

- Change the orientation of their 35-member EMT qualified volunteer force to more of a “Reserve” force to use as an overtime reduction and back staffing coverage tool. This will also help to assess potential candidates for Firefighter.
- Temporary closure or a reduction in services in one of the stations with the lowest service demands, and/or re-strategizing response deployments to medical responses.
- Develop a more flexible and efficient service-demand staffing plan. The recently retired Fire Chief called his agency “overstaffed” which is highly unusual in public safety circles. A union official testified to the lack of ambulance services in El Dorado County. The EDHFD administration should evaluate ambulance and fire services to determine if El Dorado Hills residents have too many resources for firefighting services and not enough for ambulance services. It is abundantly clear that medical care is the EDHFD core service. Employing industry “best practices” as a start for a flexible staffing plan that reflects EDH service demands should be developed and implemented.
- Reduce or eliminate the rank of Battalion Chief. The Department should find alternatives to staffing Battalion Chiefs for two-day 24-hour shifts, which appears to be an unnecessary layer of supervision. There are well trained and well compensated Captains on duty to supervise two or three subordinates for one to two calls per day. Having 24/7 Battalion Chiefs is good for supervisory continuity in a larger and busier fire department, but it is a costly strategy for a smaller / less busy department like the EDHFD. In the off-chance a captain could not adequately handle a situation, an on-duty or on-call

Battalion Chief, Deputy Chief or Division Chief could be contacted to answer a question or respond to command a scene.

**9. Authorities considering consolidation and annexation of smaller El Dorado County fire departments into the El Dorado Hills Fire Department should closely consider the potential personnel costs before proceeding further.**

Authorities contemplating annexation / consolidation of EDC West Slope Fire Departments should fully understand the EDHFD MOU. The smaller, more rural, fire districts surrounding EDHFD cannot afford the salary and benefit package currently in force at EDHFD. If consolidation were adopted, it is probable that in the future disparate firefighters of the merged fire districts would attempt to form one bargaining unit. Obviously, allied firefighters from the smaller agencies would start demanding “We want what EDHFD gets!”

Further, one avenue publicly discussed for consolidation involves the EDHFD annexing smaller EDC agencies. Annexation would possibly enable the smaller agencies to operate under the umbrella of the EDHFD dual county status. This status enables the EDHFD to avoid paying the 10% “Education Revenue Augmentation Funds” shift of property tax revenues that currently go to schools. It is probable that the property tax revenue that currently goes to schools would instead go to increasing the salaries and benefits of merged firefighters while local schools continue to lay off teachers and increase student to teacher ratios.

**10. The EDHFD should make broader use of volunteers to reduce overtime.**

Other fire departments use volunteers more effectively to reduce overtime costs than the EDHFD. Generally, there are three paramedic-licensed firefighters on an “Engine” in the EDHFD. There are many more paramedic-licensed firefighters at nearby stations to lend paramedic assistance if necessary.

Once a volunteer is EMT certified (12 volunteers have paramedic licenses), he or she should be satisfactory to fill in on the one to two calls per day service demands of the fire stations to save 24 hours of overtime pay.

The Fire Administration explained that a more structured volunteer program is being considered that may result in more of a firefighter “Reserve” Program, where volunteers are paid more substantial stipends. It was explained that some volunteers are persons who have full time jobs and commit their time out of a sense of civic duty, while others are planning careers as firefighters and are trying to gain job experience. The Board of Directors must ensure that the Fire Chief develops a scheduling model that ensures a reduction in future overtime cost to the minimum necessary.

**11. The EDHFD should continue to research methods to reduce 911 call answering and processing time.**

The front end of the cell phone call reporting process lengthens response times. To what degree the response time is increased is not known, as only anecdotal evidence has been cited or collected.

According to an EDC 911 center administrator, an ongoing state-funded project entitled the “Red Project” will enable El Dorado Hills callers to reach the EDC Sheriff’s Office PSAP directly, avoiding the CHP step. Therefore, the dispatcher answering the call would have an orientation to El Dorado County that a CHP dispatcher may not have. The project is a joint effort between the State, cell phone companies, CHP, and local fire and law enforcement authorities.

Panicked El Dorado Hills victims are not going to remember a ten-digit phone number, unless they have it programmed into their cell phones. Until the Red Project is fully implemented, EDH residents should have a dedicated 916 area code number to call to get routed directly to the Cal Fire dispatch facility on their land-line phones and cell phones.

The Grand Jury recommends that before the project is implemented, current benchmark data concerning call answering and call processing times should be collected and analyzed to determine what those factors are presently and how they have been impacted with the implementation of the Red Project.

**12. Representatives of the EDHFD Professional Firefighter Association should ensure that their public statements are factually sound.**

The general public supports their firefighters for the work they do and the sacrifices they make. Firefighter spokespersons should not violate that support by embellishing facts and figures to justify contract enhancements.

**RESPONSES**

Responses to both numbered findings and recommendations in this report are required in accordance with California Penal Code §933 and §933.05. Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

This Report has been provided to the El Dorado Hills Fire Department Board of Directors for response.

Elected officials under statute are given 60 days to respond, and non-elected officials are provided a 90-day response period from the release date of this report.