

TO: Personnel Board

FROM: Michael Lipski, Human Resources

DATE: June 11, 2010

SUBJECT: Fire Marshal

The Fire Department has requested a study of the Fire Marshal classification, in CG18, Range 15. There is currently one position of Fire Marshal, occupied by E. Ruckriegel (#2162), and the Fire Marshal has primary responsibility for the Fire Department's Fire Prevention Division. This includes activities such as inspection, code enforcement (both Fire and Elevator codes), community education and outreach, and fire protection engineering. The incumbent is the first civilian Fire Marshal and has been in this position since 1994. Prior to the incumbent taking the position, the Fire Marshal responsibilities were carried out by a commissioned Assistant Fire Chief (CG14-03, equivalent to CG18-18). Since 1994, there have been additional responsibilities added to the position, including responsibility for inspection of underground storage tanks, elevator inspection and enforcement, community education, and most recently responsibility for serving as the City's Emergency Management Coordinator. Based on these increased duties and responsibilities and in looking at the internal structure and comparables within Fire and the City, I recommend that the Fire Marshal classification be increased by one range to 18-16, and the incumbent reallocated to the new range.

As mentioned above, the Fire Marshal position became a civilian position in 1994 and was classified in CG18, Range 15. At that time, the primary responsibility of the position was fire protection engineering and fire code enforcement. In approximately 1997, responsibility for community education and inspection of underground storage tanks was added to the position, without a change in compensation. In 2009, the Fire Department, specifically the Fire Marshal, created an elevator inspection division with responsibility for inspecting all elevators in the City, including a contractual agreement to inspect State elevators. This added 3 staff to the Fire Prevention Division, an Elevator Code Enforcement Officer 2 leadworker (CG16, Range 20), and 2 Elevator Code Enforcement Officers 1 (CG16, Range 19). Finally, since 2005, the Fire Marshal, appointed by the Mayor and confirmed by the Common Council, has served as the City's Emergency Management Coordinator, with duties and responsibilities outlined in MGO 3.20(3). Basically, in case of any emergency, be it a terrorist attack, severe weather incident, or other emergency, the Emergency Management Team is responsible for protecting the City and ensuring a proper and timely response is carried out. Altogether, these additional duties and responsibilities make up over 40% of the position of Fire Marshal (see attached position description). The class specification (attached) has been updated to reflect the changes in the duties and responsibilities of this position.

The Fire Marshal is one of only 4 civilian positions on the Fire Department command staff. The remaining 10 positions are commissioned Assistant Fire Chiefs (AFC) or Division Fire Chiefs (CG14-01, equivalent to CG18-14). The AFCs are assigned an area of responsibility within the Fire Department, such as Operations/Administration, Personnel/Planning/Training, or EMS/ Support Services, and each AFC has 2 Division Fire Chiefs (DFC) to assist with the area of responsibility. The areas of responsibility for the AFC is similar to the Fire Marshal responsibility for Fire Prevention/engineering/community education. However, in addition to the general area of responsibility, the AFCs and DFCs take turns serving as the Officer in Charge (OIC) on a given day. The OIC is responsible for overseeing the firefighters under the command of the Fire Chief. If there is a fire or other reported incident, the OIC will respond with the firefighters and serve as the person in

charge at the scene. Legally, only a commissioned officer can serve as OIC. Also, legally, only an AFC can serve as Acting Chief in the Fire Chief's absence. While an Acting Chief is appointed rarely (5 or so times in the last 14 years), the Acting Chief has the ability to make any decision otherwise reserved for the Fire Chief, such as hiring, discipline, termination, and budgetary decisions.

Prior to 1994, the Fire Marshal responsibilities were performed by an AFC. When the position became civilian, it was placed in CG18-15, or the equivalent of 3 ranges below the AFC and only one range higher than the DFCs. While the study files from 1994 no longer exist, it is likely this placement was made as a result of the position no longer having OIC or Acting Chief responsibilities. In addition, as listed above, many of the current duties and responsibilities were not associated with the position in 1994. In reviewing the current structure of the Fire Department and the current responsibilities of the Fire Marshal, it is appropriate that the Fire Marshal position be placed directly between the AFC and DFC classifications because the additional duties and responsibilities associated with the Fire Marshal are more analogous to the AFCs general areas of responsibility. However, because the Fire Marshal cannot legally serve as OIC or Acting Chief makes it appropriate that this position be classified lower than the AFCs. The current structure placing the Fire Marshal closer to the DFCs is no longer appropriate as the Fire Marshal has greater program responsibility than the DFCs.

While internally, it makes sense to place the Fire Marshal in CG18-16, this placement is also logical within the context of the City's overall classification and compensation plans. Other positions in CG18-16 include the City Architect, the Facilities and Sustainability Manager, the Personnel Services Manager, and the Principal Engineer-Water. These positions all have supervisory responsibility for a large number of professional and/or high-level technical employees. However, the positions also require the incumbent to perform professional-level work as well. They are not just supervisory in nature and all require professional degrees. Also, when comparing the position to others in CG18-17, the Fire Marshal would not logically fit in this range. Positions in Range 17 include the Labor Relations Manager, the Assistant City Engineer, the Assistant City Traffic Engineer, and 2 positions in the Comptroller's Office, the Budget/Audit Manager and Accounting Services Manager. Positions such as the Labor Relations Manager and the 2 in the Comptroller's Office supervise employees and programs that have a direct, City-wide impact on the budgets and operations of all departments in the City. The Assistant City Engineer and Assistant City Traffic Engineer, in addition to their professional responsibilities, have direct responsibility to assist the department head and fill in during the absence of the department head, work that the Fire Marshal is legally prohibited from performing.

Based on the above, I recommend moving the Fire Marshal classification to CG18, Range 16, and reallocating the incumbent to the new range. We have prepared the necessary Ordinance and Resolution to implement this recommendation.

Attachments

Compensation Group/Range	2009 Annual Minimum (Step 1)*	2009 Annual Maximum (Step 5)	2009 Annual Maximum +12% longevity
18/15	71,499	86,088	96,408
18/16	74,938	90,309	101,140

*The 2009 salaries are listed. The salary schedule for 2010 is not approved but salaries will be adjusted to reflect any change at that time.

cc: Chief Amesqua
Ed Ruckriegel