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# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Anne E. Kirkpatrick  
Chief of Police

Darin White  
Fire Chief

**SUBJECT:** Quarterly Report on Public Safety  
Overtime

**DATE:** May 7, 2018

City Administrator  
Approval

Date

*S/10/18*

## RECOMMENDATION

**Staff Recommends That The City Council Receive A Quarterly Report From The Oakland Police Department (OPD) and Oakland Fire Department (OFD) That Includes Additional Information On Overtime Policies, Procedures, And Controls.**

## EXECUTIVE SUMMARY

This informational report provides data on overtime policy, use, and accountability in OPD as of April 6, 2018, and OFD as of March 31, 2018.

## BACKGROUND AND LEGISLATIVE HISTORY

On October 24, 2017, the Controller's Bureau presented a report titled "Fiscal Year (FY) 2016-17 Fourth Quarter Revenue and Expenditure Results and Year-End Summaries for the General Purpose Fund (GPF, 1010) and Eight Selected Funds; and General Purpose Fund (GPF, 1010) Carryforward for FY 2017-18; and Overtime Analysis for the General Purpose Fund (GPF, 1010) and All Funds" to the Finance and Management Committee. In response, the Finance and Management Committee requested a supplemental report with the following additional information:

- What are the policies, procedures, and processes in place in each Department for Authorizing and Controlling Overtime?
- If backfill overtime is authorized, who is responsible, for what purposes is it authorized, and which personnel are used to cover for others?
- Who is in charge of decision making and accountability for overtime? What rank/level?

The Finance and Management Committee requested that each department articulate how the department will control overtime expenditures with real actionable changes to policies, procedures, and processes, and corresponding accountability mechanisms.

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On January 9, 2018, staff presented the first supplemental report to the Finance and Management Committee as well as the Public Safety Committee. Members of both committees stated that they were unable to locate the information they were seeking in the report. One of the concerns expressed by committee members was that it was difficult to distinguish information concerning OPD from information concerning OFD. In response, OPD and OFD each drafted standalone comprehensive overtime reports that were responsive to the initial questions posed by Finance and Management Committee members on October 24, 2017 as well as the concerns expressed by Finance and Management Committee members and Public Safety Committee members on January 9, 2018.

On February 27, 2018, staff presented the second supplemental report to the Finance and Management Committee and the Public Safety Committees. In response, the Public Safety Committee requested a monthly report from both OPD and OFD, with the following additional information from OPD:

- The different categories in the overtime budget including actual amounts.
- A breakdown of the areas where overtime is budgeted.
- An explanation of who approves overtime expenditures.
- What amount is approved for each commander (such as area captains) and how this amount is tracked to ensure that it is not overspent.
- An explanation of the service level demands that have resulted in an insufficient overtime budget including a justification for critical work that has resulted in an appreciable decrease in crime.
- An explanation of why reimbursable events are included in the list of Special Event/ Enforcement overtime and what the tracking mechanisms concerning reimbursement.
- Specific Negotiated Settlement Agreement (NSA) requirements and actual overtime costs created by each.
- Overtime reduction strategies and tracking to ensure reduction.

On April 24, 2018, staff presented a monthly overtime report to the Public Safety Committee. In response, the Committee requested information concerning the effectiveness of OPD's overtime reduction strategies, as well as clarification concerning OPD Special Events and Special Enforcement, as well as reimbursable overtime. **Due to the time required to research this request and provide an appropriate response, the OPD quarterly report with the requested information will be provided in a supplemental report.**

## **ANALYSIS AND POLICY ALTERNATIVES**

**Attachment A** (dated February 14, 2018) was presented by OPD to the Public Safety Committee on February 27, 2018. **Attachment B** (dated February 20, 2018) was presented by OFD to the Public Safety Committee on February 27, 2018. **Attachment C** (dated March 20, 2018) is the OPD response to questions asked by the Public Safety Committee on February 27, 2018. **Attachment D** (dated March 27, 2018) was submitted by OFD for the April 24, 2017 Public Safety Committee meeting. **Attachment E** (dated April 30, 2018) was prepared by OFD for the May 22, Public Safety and Finance and Management Committee meetings. **Due to the**

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time required to research this request and provide an appropriate response, the OPD quarterly report with the requested information will be provided in a supplemental report.

**FISCAL IMPACT**

This item is for informational purposes only and does not have a direct fiscal impact or cost.

**PUBLIC OUTREACH / INTEREST**

This item does not require additional public outreach, other than posting on the City's website.

**COORDINATION**

This report was prepared jointly by the Fire and Police Departments.

**SUSTAINABLE OPPORTUNITIES**

***Economic:*** There are no economic opportunities associated with this item.

***Environmental:*** There are no environmental opportunities associated with this item.

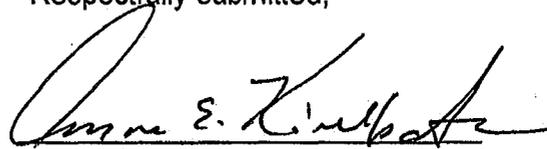
***Social Equity:*** There are no social equity opportunities associated with this item.

**ACTION REQUESTED OF THE FINANCE AND MANAGEMENT COMMITTEE**

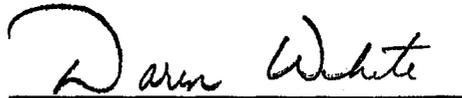
Staff Recommends That The City Council Receive A Quarterly Report From The Oakland Police Department (OPD) and Oakland Fire Department (OFD) That Includes Additional Information On Overtime Policies, Procedures, And Controls.

For questions regarding this report, please contact Timothy Birch, Police Services Manager I, at (510) 238-6443 or Angela Robinson Pinon, Assistant to the Director of Oakland Fire at (510) 238-4055.

Respectfully submitted,



Anne E. Kirkpatrick  
Chief of Police  
Oakland Police Department



Darin White  
Fire Chief  
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Prepared by:  
Timothy Birch, Police Services Manager I  
OPD, Training Division, Research and Planning

D. Nell Wallington, Police Services Manager I  
OPD, Bureau of Services, Fiscal Services

Angela Robinson Pinon, Assistant to the Director  
OFD, Office of the Fire Chief

**Attachments (5):**

- A – Overtime in the Oakland Police Department – February 14, 2018**
- B – Overtime in the Oakland Fire Department – February 20, 2018**
- C – Overtime in the Oakland Police Department – March 20, 2018**
- D – Overtime in the Oakland Fire Department – March 27, 2018**
- E – Overtime in the Oakland Fire Department – April 30, 2018**

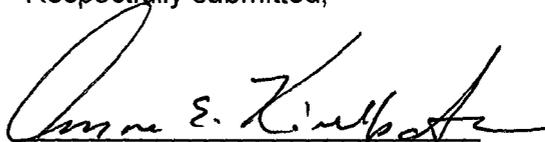
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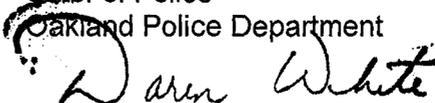
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**Overtime in the Oakland Police Department**

**February 14, 2018**

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**Executive Summary**

For many years, the Oakland Police Department (OPD) has exceeded its approved overtime budget. This report is an attempt to explain why this happens; provide information on the overtime monitoring and approval processes; define the different categories of OPD overtime; outline strategies to reduce overtime use; and, finally, to identify impacts associated with further reductions in overtime spending.

**Why OPD Continuously Exceeds Its Overtime Budget**

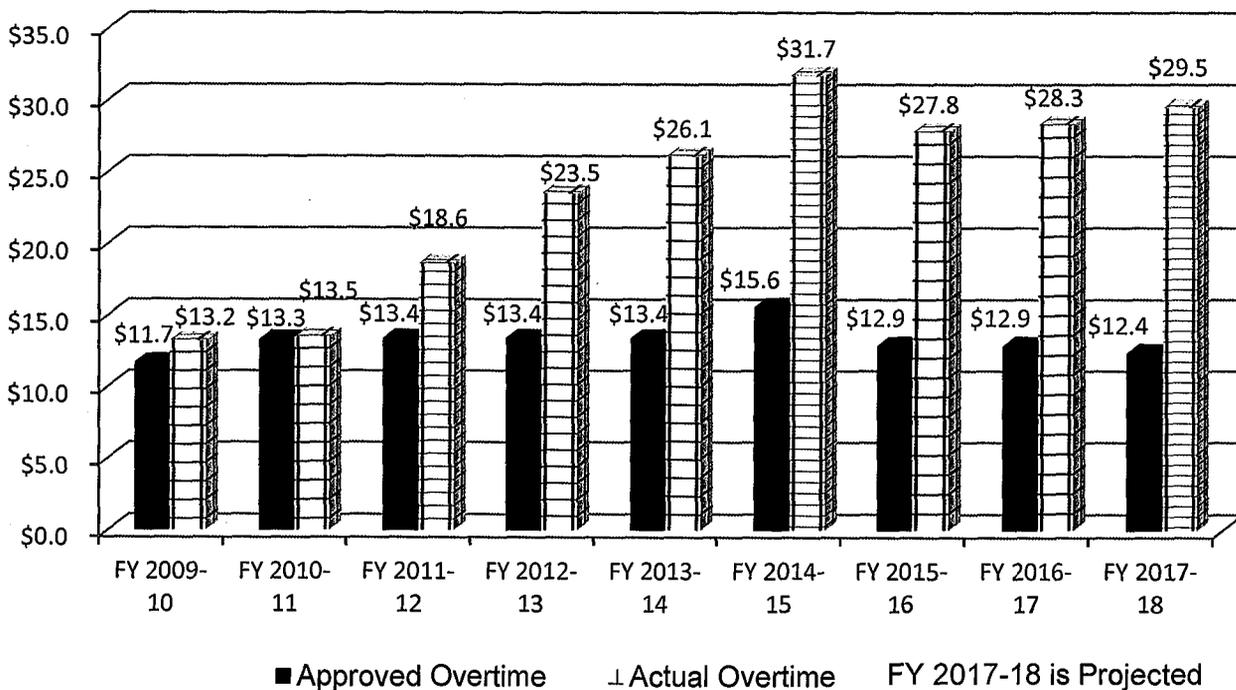
There are a number of reasons why OPD continuously exceeds its overtime budget:

- Despite actual yearly General Purpose Fund (GPF) overtime expenditures from \$20 to nearly \$30 million, insufficient funds are budgeted for OPD each year.
- Despite frequent wage increases, OPD's overtime budget does not increase and it has actually decreased for the past three fiscal years.
- Service level demands – including minimum staffing levels for patrol – incur overtime.
- Mandates, such as the Negotiated Settlement Agreement (NSA) and state-required training, result in overtime.
- Based on the amount of crime per officer, OPD continues to be the most understaffed large-city police department in the United States and relies on overtime to help meet a large number of competing demands.
- Crowd management requires tremendous human resources to protect the public and property.

**Insufficient Overtime Budget**

The below table provides approved versus actual overtime spent for the GPF from Fiscal Year (FY) 2009-10 to present. Approved overtime is the amount initially approved prior to any budget adjustments. OPD has overspent its approved GPF budget every year for nearly a decade and is expected to do so again this year. Rather than the initial approved amount reflecting the previous year expenditure, the annual overtime budget is continuously underfunded as related to service level demands.

*Chart 1: GPF Overtime in OPD – Approved versus Actual (in Millions)*



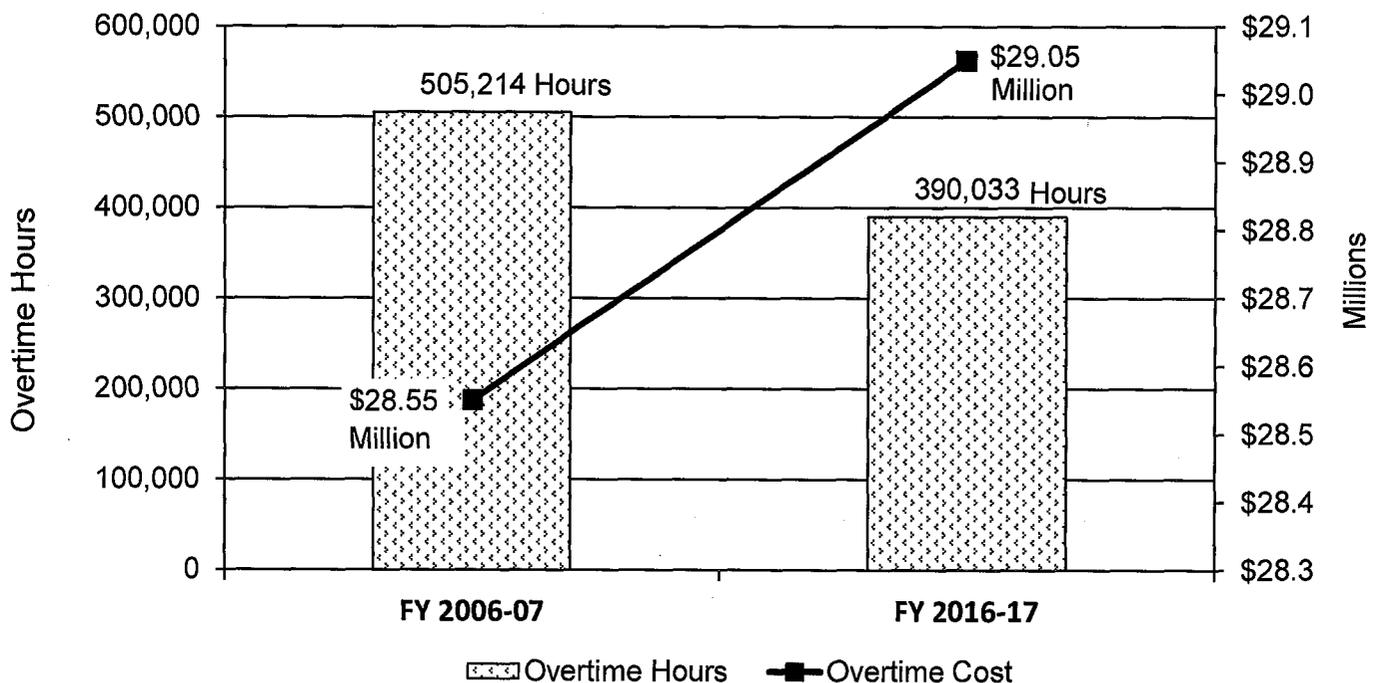
As can be seen in *Chart 1*, above, OPD has increased its overtime spending nearly every year since FY 2009-10 due to the performance of critical police operations. In spite of these increases, City Council has budgeted less than 50 percent of the annual expenditure. For FY 2015-17, the initial overtime amount was actually *reduced* by \$1 million to fund a Council-recommended gun tracing program. This budget change was approved in spite of a finding by the Oakland City Auditor’s Office that “OPD should work with the Administration to develop an overtime budget to submit to the City Council that reflects realistic estimates of overtime costs, without reducing service levels.”<sup>1</sup> As part of this same audit, the City Administrator agreed and stated, in part, “The overtime budget recommendations will be presented in conjunction with OPD staffing and levels, to the City Council as part of the FY [20]15-17 biannual budget development process.”

Cost of Living Adjustments

With few exceptions, employee bargaining units generally receive wage increases (Cost of Living Adjustments or COLAs) that take effect annually. The City of Oakland has provided a number of COLAs to members of OPD over the last several years through its negotiations with the Oakland Police Officers’ Association (OPOA) and both professional staff bargaining units. While this has inherently resulted in a higher per-hour overtime cost, there has been no corresponding increase in the OPD overtime budget to match cost increases caused by COLAs. This has created a structural imbalance between what is budgeted for OPD’s overtime versus the actual overtime expenditures.

*Chart 2*, below, provides a comparison of overtime hours used and costs for all funds for FYs 2006-07 and FY 2016-17. In FY 2006-07, OPD used 505,214 hours of overtime (sworn and professional staff) across all funds at a cost of \$28.55M. In FY 2016-17, OPD used 390,033 hours (sworn and professional staff), but spent \$29.05M. Even though OPD reduced the number of hours of overtime by more than 20 percent from FY 2006-07 to FY 2016-17, the cost actually increased by \$.5M (\$500K).

*Chart 2: Overtime Hours Used and Cost for All Funds – Ten Year Comparison*



<sup>1</sup> *Police Overtime Audit for Fiscal Year 2012-13* by the Oakland City Auditor’s Office (“audit,” published January 2015), <http://www.oaklandauditor.com/images/oakland/auditreports/policeot.pdf>

Service Level Demands

OPD has a minimum staffing level of 35 officers per shift. This provides basic levels of service and public and officer safety. With over 500,000 calls for service per year, 35 officers for shift results in extended response times. Many of these calls are related to violent crime, resulting in the highest number of violent crimes per officer of any large American city.

OPD presently has 285 officer positions assigned to Patrol. Two-hundred and forty of these positions are assigned to provide 24-hour-a-day coverage in each of the 35 patrol beats.

All 240 regular patrol officer positions are assigned to three shifts in five patrol areas, as provided below. Depending on the patrol area, day shift is 6:00 am until 4:00 pm or 7:00 am until 5:00 pm and night shift is 9:00 pm until 7:00 am or 10:00 pm until 8:00 am. Swing shift is 2:00 pm until 2:00 am in every patrol area. Table 1 shows the maximum number of officers available for each shift by day of the week for regular patrol squads.

Table 1: Maximum Patrol Officer Staffing per Shift

TOTAL	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Day Shift	48	48	40	40	48	48	48
Swing Shift	40	40	40	40	40	40	40
Night Shift	48	48	40	40	48	48	48

The officer positions shown in Table 1 are the *maximum* number of officer positions per shift. This number is reduced nearly every shift by:

- Unfilled positions
- Injuries
- Special assignment
- Training
- Vacation
- Other time off

The additional 45 patrol officer positions are assigned to tactical squads. They have traditionally been assigned to supplement coverage during peak call times and times when certain resource-intensive incidents (such as shootings and sideshow) occur most frequently. Beginning in January 2018, the scheduling of tactical squads has been modified to help reduce overtime by filling vacancies in the 35 patrol beats. Table 2, below, shows the schedule of tactical squads showing the number of officers assigned. Most of the additional patrol officer positions are currently vacant due to severe staffing shortages.

Table 2: Maximum Tactical Squad Staffing (Number of Officers)

Area 1	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
6:00 pm-4:00 am			8	8	8	8	
Area 5	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
10:00 am-8:00 pm		8	8	8	8		
6:00 pm-4:00 am	8	8	8				8

In order to maintain a minimum staffing level of 35 officers in patrol, OPD is often required to expend overtime (known as “backfill” or “extension of shift” overtime). This is most likely to happen on days and shifts when there are only 40 officers initially available – before training, illness, and vacation or other approved time off reduces this number.

### Federal and State Mandates

The NSA places a number of mandates on OPD that may not otherwise exist, including two mandates that have particular impact on patrol overtime. The first is that a patrol sergeant may not supervise more than eight officers. The second is that OPD cannot use acting sergeants in patrol. Taken together, a significant amount of overtime is generated because OPD must have five regular permanent (not temporary acting) sergeants in patrol for every shift to supervise the minimum of 35 officers.

Administrative sergeant positions have been created to address this issue, but this has not proven to be an effective remedy. Administrative sergeants are regular permanent positions and are often assigned full-time to fill in for sergeants who are on long-term injury or other assignment.

The California Commission on Peace Officer Standards and Training (POST) mandates that every peace officer, public safety dispatcher, and public safety dispatch supervisor complete a minimum of 24 hours of POST-qualifying training every two years.<sup>2</sup> The NSA training requirement (Task 43) requires OPD to exceed the POST mandates by requiring that all sworn personnel receive 40 hours of in-service training every 18 months. NSA Task 43 also mandates 20 hours of supervisory training every eighteen months.

At present, all training is completed by sergeants and officers who are assigned to attend in lieu of their regular work assignment. For those assignments that have minimum staffing requirements (such as patrol), this practice increases the likelihood of overtime being used.

### Critical Understaffing

Per the Uniform Crime Reports (UCRs) published by the Federal Bureau of Investigation (FBI), the number of violent crimes per OPD sworn member for 2016 (the most recent year available) is 8.08. The national large-city average for 2016 is 3.84 violent crimes per sworn position. To meet (and not exceed) this average, OPD would require 2,367 sworn personnel, an addition of 1,575 sworn personnel beyond the current permanently-budgeted 792.

In order to address the highest level of violent crime per officer in the country, OPD relies on overtime to compensate for a lack of sufficient staffing. An incredibly high number of overtime hours result directly from investigative, crime reduction, and problem solving personnel engaged in tasks that could be completed by additional personnel on straight time.

In addition to the critical understaffing caused by the number of approved positions, the problem is further exacerbated by severe staffing shortages. As of December 31, 2017, OPD had 47 sworn and 60.5 professional staff vacancies. This is a six percent vacancy rate for sworn and 16 percent vacancy rate for professional staff positions.

### Crowd Management

The City of Oakland has a long history of civic engagement within its borders, some of which has often taken the form of street demonstrations that OPD has responded to and/or helped facilitate peaceful forms of expression to ensure safety. Previous litigation has mandated OPD’s actions in responding to street demonstrations based on allegations of misconduct and other inappropriate crowd management response. In recent years, OPD has become a nationally-recognized leader in crowd management.

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<sup>2</sup> <https://www.post.ca.gov/refresher-training.aspx>

Harm to individuals, damage to property, and litigation against the City resulting from response to demonstrations have all been dramatically reduced when OPD has been able to provide an appropriate response. Complaints against OPD personnel and uses of force have also been substantially reduced. Substantial human resources is a key ingredient in ensuring continuation of these positive strides. For large-scale demonstrations, OPD deploys hundreds of on-duty and off-duty sworn personnel. While this strategy helps to mitigate negative outcomes, this also results in significant overtime expenditures.

### **Overtime Monitoring and Approval Process**

The processes by which OPD monitors and approves overtime are as follows:

#### **Overtime Monitoring**

OPD monitors overtime usage at both the macro and micro level. At the macro level, overtime usage reports are produced by OPD Fiscal Services on a monthly basis (or as labor is posted in the financial system). These reports are shared with all commanders and managers for review. At the micro level, the Daily Notification Report (DNR) is shared with the Assistant Chief of Police and Bureau of Field Operations (BFO) executive command every day. The DNR includes detailed information about any use of overtime in patrol, including:

- The number of sergeants and officers deployed on overtime and straight time
- The name of any officer normally assigned
- The name of any officer filling in on overtime
- The number of hours of overtime for any officer receiving overtime
- The reason for the overtime

Most importantly, the DNR requires patrol commanders to explain why a sergeant or officer is receiving overtime if a sergeant or officer from another district is available on straight time. The Assistant Chief of Police holds the appropriate command staff member accountable if it is discovered that overtime was used unnecessarily.

Beyond the DNR, the Chief of Police holds division-level commanders accountable for their annual overtime expenditures.

#### **Overtime Approval**

Overtime in OPD can be approved by any commander or manager. This practice is in place due to the dynamic nature of police work. For example, a patrol officer may be in the process of obtaining a victim's statement when the officer's shift is nearing completion. Interrupting this process to obtain approval for the officer to obtain approval from a high-ranking member of the organization would be time-consuming and very insensitive to the victim's needs. Similarly, requiring high-level overtime approval for homicide investigators who are working an unfolding investigation could hinder their progress in identifying or apprehending a violent individual.

When a watch commander is faced with a last-minute unexpected vacancy, the watch commander must act very quickly to ensure that minimum staffing levels are met. To approve higher-level approval (often outside of business hours) would be time-consuming and impractical to the point of endangering public and officer safety.

#### **Overtime Categories**

There are over 50 pay elements used by OPD to capture the various reasons and pay types for overtime. The Department consolidated these elements into 15 categories to assist in monitoring and accountability. They are defined below. Actual expenditures for Special Events/Special Enforcement for FY 2017-18 are provided following the definitions.

Overtime Categories Defined

- *Acting Higher Rank* overtime is paid to individuals who act in a higher rank on overtime, such as a Sergeant of Police serving as an acting Lieutenant of Police.
- *Administrative Investigation* overtime allows OPD to conduct investigations into potential misconduct or other malfeasance by a member of OPD. Such an investigation may result from a personnel complaint or other Internal Affairs matter. It is also used to perform use of force investigations. Failure to conduct – or complete – such investigations will result in increased mistrust in OPD, lack of compliance with the NSA, and a potential increase in misconduct or other malfeasance. This category is also used for other administrative functions.
- *Backfill* overtime allows OPD to fill a position during the absence of the regularly assigned person and meet minimum staffing levels in Patrol. Failure to meet minimum staffing levels in Patrol will result in even longer delays in responding to calls for service and an increased inability to take incident reports and perform preliminary investigations.
- *Callback* overtime allows OPD to request an employee return to work after completing his/her shift and leaving the work site. For example, an investigator may be called back to work to interview a suspect in custody.
- *Canine* overtime allows OPD to meet the requirements of the Memorandum of Understanding between the City of Oakland and the OPOA pursuant to Article III, Section G 1 c, hereof, Each employee regularly assigned and working as a Canine Handler is authorized to spend and shall be deemed to have spent fifteen (15) hours per month, over and above his/her regularly scheduled hours of work, in ordinary care and informal training of the assigned dog for such ordinary care and training that cannot be performed during regularly scheduled work hours. For those overtime hours incident to caring for the dog only, the employee shall receive overtime compensation at the rate of one and one-half (1 1/2) times the hourly rate of the State of California or City of Oakland minimum wage whichever is higher. This same overtime compensation rate of one and one-half times the State of California or City of Oakland minimum wage whichever is higher per hour shall also be paid for hours in addition to the above referenced fifteen hours for extraordinary care of the dog. Any duly authorized additional work performed by such individual not related to caring for the dog, shall be compensated pursuant to Article III, Section E, paragraph 1 at the rate of one and one-half (1 1/2) times the employee's hourly base rate of pay.
- *Community Meeting* overtime allows OPD to attend general community meetings while ensuring staffing levels are met. OPD's participation in community meetings are an intricate part of the overall goal to strengthen community trust and build relationships.
- *Comp Time Earned* overtime allows OPD to compensate employees for overtime worked by allowing the employee to earn time off in lieu of receiving overtime pay.
- *Court* overtime allows OPD to respond to subpoena or give depositions in job-related court appearance on off-duty hours.
- *Extension of Shift* overtime allows OPD to extend the current shift of an employee to complete critical tasks on an extension or hold-over basis. For example, an employee's shift may be extended to complete an on scene investigation or report related to an incident that just

occurred. Extension of Shift also includes the filling of open beats in order to maintain minimum patrol staffing – similar to Backfill overtime.

- *FLSA* overtime allows OPD to comply with the Federal Labor and Standards Act (FLSA). The City's obligations related to FLSA are contained in Administrative Instruction 124.
- *Holiday* overtime allows OPD to maintain minimum staffing levels during scheduled holidays. OPD must comply with overtime requirements outlined in applicable Memorandums of Understanding for represented employees.
- *Recruiting/Background* overtime allows OPD to recruit members and employees and conduct background investigations for Departmental employment. This task is critical to ensure acceptable staffing levels.
- *Special Enforcement* overtime allows OPD to plan and participate in special actions such as violence suppression projects (such as those related to Ceasefire), special task forces, human trafficking operations, and crowd management events that are not covered by Special Events overtime. In FY 2017-18, Special Enforcement also includes many reimbursable special events.
- *Special Events* overtime allows OPD to provide police services at sporting events and parades. Special Events are often captured in Special Enforcement.
- *Training* overtime allows OPD to prepare or present a training course and prepare or participate in Police Academy critical incidents.

#### Special Enforcement and Special Events Examples

In practice, *Special Enforcement* and *Special Events* have become nearly synonymous. As of December 29, 2017, \$5,180,195 in General Purpose Fund (GPF) overtime was charged to Special Enforcement and Special Events. *Table 3*, below, provides expenditures greater than \$30,000 for FY 2017-18 from highest to lowest.

*Table 3: Special Enforcement and Special Events over \$30,000 for FY 2017-18*

Event	Cost		Event	Cost
Patrol Special Enforcement	\$483,351		Berkeley Demonstration (8/27)	\$73,351
North Bay Fires Mutual Aid <sup>1</sup>	\$310,499		SWAT Search Warrants	\$65,256
Uptown Walking	\$275,619		Berkeley Demonstration (9/24) <sup>4</sup>	\$50,300
Criminal Investigation	\$226,192		Special Investigation	\$49,523
Special Operations	\$201,826		CID Ceasefire	\$48,033
AC Transit Project <sup>2</sup>	\$179,141		Berkeley Demonstration (9/25) <sup>4</sup>	\$44,495
Raiders vs. Broncos Game <sup>3</sup>	\$110,655		A's vs. White Sox Game <sup>3</sup>	\$40,369
Raiders vs. Cowboys Game <sup>3</sup>	\$109,441		Berkeley Demonstration (9/26) <sup>4</sup>	\$37,660
Raiders vs. Giants Game <sup>3</sup>	\$107,491		Vice/Narcotics	\$36,127
Raiders vs. Ravens Game <sup>3</sup>	\$107,109		Robbery Suppression Area 2	\$35,358
Raiders vs. Jets Game <sup>3</sup>	\$107,073		Laney Swap Meets <sup>2</sup>	\$35,100
Raiders vs. Chargers Game <sup>3</sup>	\$103,083		North Oakland Fire	\$32,696
Raiders vs. Chiefs Game <sup>3</sup>	\$93,442		Warriors vs. Nuggets Games <sup>3</sup>	\$31,976

Event	Cost		Event	Cost
Raiders vs. Seahawks Game <sup>3</sup>	\$87,952		Warriors vs. Kings Games <sup>3</sup>	\$31,771
Raiders vs. Rams Game <sup>3</sup>	\$87,950		A's vs. Giants (8/1 Game) <sup>3</sup>	\$31,507
DACA Demonstration	\$76,612		A's s. Giants (7/31 Game) <sup>3</sup>	\$31,189
Human Trafficking	\$76,534		First Friday <sup>2</sup>	\$30,405
Berkeley Demonstration (9/14) <sup>4</sup>	\$74,838		The Town's Half Marathon <sup>2</sup>	\$30,275

<sup>1</sup> Full reimbursement is expected for North Bay/Sonoma/Napa Wildfires (State of Emergency).

<sup>2</sup> The AC Transit Project and other such projects/events are completely paid for by outside entities.

<sup>3</sup> Professional football, baseball, and basketball games are reimbursed by their respective teams.

<sup>4</sup> OPD is continuing to collect reimbursement from UC Berkeley for assistance with September 2017 demonstrations.

### Reimbursements

The Department is responsible for recovering costs for reimbursable Special Events. The average turnaround time from event to invoice is 23 days. Per the Master Fee Schedule, customers are billed at top step for officers plus central service overhead costs (currently 14.32% for OPD). OPD has been extremely successful recovering costs. *Table 4* provides invoice amounts for the last four fiscal years.

*Table 4: OPD Invoiced Overtime for Last Four Fiscal Years*

Fiscal Year	Amount Billed		Fiscal Year	Amount Billed
2017-18*	\$3,557,273		2015-16	\$4,469,117
2016-17	\$4,966,071		2014-15	\$3,927,914

\*As of February 2, 2018

### Overtime Reduction Strategies

OPD has and continues to implement overtime reduction strategies. In addition to the monthly notification of commanders and managers of overtime usage and the daily review, monitoring, and accountability protocols described earlier as related to the DNR, OPD has implemented the following overtime reduction strategies:

- Issued a patrol staffing directive.
- Substantially altered tactical squad deployment in patrol.
- Completely changed the way that mandatory training is scheduled.
- Implemented a city-wide minimum staffing mandate that requires time off requests to be approved on a city-wide basis rather than just the bureau or division level.
- Formed an overtime working group.

While not focused on overtime reduction, OPD has substantially altered the testing process for Police Officer Trainees (POTs) to increase accessibility, reduce the time to hire, and increase academy size.

### Patrol Staffing Directive

On May 23, 2017, the Department issued a directive to all OPD commanders concerning overtime use. This directive states the following:

- Area Commanders shall maintain minimum staffing levels of 35 officers Citywide.
- Overtime for backfill shall only be utilized to fill open patrol beats.

- Area Commanders shall share resources (i.e., Sergeants and Officers) in lieu of backfilling on overtime.
- Area Commanders shall ensure the information contained on the Daily Notification Report (DNR) is accurate with respect to patrol staffing.
- Watch Commanders shall plan for staffing vacancies, in advance, to avoid unnecessary backfilling on overtime.
- Compensatory time, extra vacation leave requests, and training shall be reviewed and approved, in advance, by a Watch Commander to minimize unnecessary overtime due to backfilling.
- Watch Commanders shall consider utilizing officers assigned to Tactical Squads in lieu of backfilling on overtime.
- Watch Commanders shall ensure overtime is not utilized on days and shifts when overlap squads are available.

As provided in the Overtime Monitoring section of this report, the Assistant Chief of Police reviews patrol staffing daily to ensure that the above directive is followed.

#### Tactical Squad Deployment

Previously, OPD tactical squads (additional patrol squads) were deployed based on operational need. The primary focus was violent crime and sideshow. As of January 13, 2018, tactical squads have been scheduled with a primary focus on overtime reduction. They are now scheduled to provide maximum beat coverage and reduce backfill (and extension of shift) overtime in patrol. This may have a negative impact on addressing violent crime and sideshow.

#### Mandatory Training Schedule

As mentioned in Federal and State Mandates section of this report, OPD is required to provide 40 hours of in-service training to all sworn personnel every 18 months. Prior to 2018, sergeants and officers were assigned to this training alphabetically without consideration for staffing impacts. OPD has now implemented a system in which only one officer per patrol squad is assigned to training. This should decrease the impact of the mandatory training – potentially significantly.

#### City Wide Minimum Staffing

Prior to 2017, patrol staffing was focused primarily at the area level. As long as there was sufficient staffing for a particular OPD patrol area, consideration was not necessarily given to the other patrol areas (at the bureau or division level), even if other patrol areas were short-staffed. OPD command staff now consider city-wide impacts of patrol staffing. Even if there is sufficient staffing to allow officers time off in one area, all other patrol areas are examined to ensure that officers do not need to be redeployed before time off is approved.

#### Overtime Working Group

The overtime working group includes the Acting Assistant Chief, all Deputy Chiefs, several Captains, and other key stakeholders who meet regularly to achieve the goal of overtime reduction across the organization. The group met on October 18, 2017; November 30, 2017; and January 30, 2018. The group will keep meeting to address overtime issues. The overtime working group first identified the specific causes of OPD overtime and then analyzed categories and use. The group is now working to identify all opportunities to reduce overtime as well as the trade-offs that will accompany these reductions.

### POT Testing Process

Prior to 2018, the City of Oakland was only testing for POT one day every other month. Combined with other factors, this has resulted in very few candidates for hire. Working with the Department of Human Resource Management, OPD has worked with the South Bay Regional Training Consortium (South Bay) to substantially expand access to POT testing. South Bay provides a physical ability exam and written exam at least once a week.

### Impacts Associated with Further Overtime Reductions

While OPD has and will continue to monitor and reduce overtime wherever possible, it is important to understand that consideration of any overtime reduction measures must include examination of impact upon service levels and federal and state mandates. To that end, this section of the report attempts to explain the potential impacts of several reduction measures.

### Reduction in Patrol

In the Bureau of Field Operations (BFO), OPD has spent \$1.55M on backfill overtime and an additional \$1.09M on extension of shift overtime as of December 29, 2017. Much of these expenditures have taken place in patrol in order to maintain minimum citywide staffing levels of 35 officers. While OPD will continue to monitor daily patrol staffing ensure that unnecessary overtime funds are not expended, reducing staffing levels below 35 officers per shift will likely result in:

- Decreased safety to the public due to an inadequate number of patrol officers being able to address situations in which community residents are threatened with harm.
- Increases in crime due to officers being unable to respond to calls for service and perform sufficient preliminary investigations.
- Longer response times because an inadequate number of officers are able to respond to the 500,000-plus calls for service each year.
- Increased number of community complaints due to increased response times and other reductions in service.
- Diminished officer safety due to an inadequate number of officers being able to deal with violent individuals.

### Reduction in Criminal Investigations

As of December 29, 2017, OPD has spent \$1.17M on overtime in the Criminal Investigations Division (CID) and an additional \$550,876 on overtime in Ceasefire. While OPD will continue to monitor CID to ensure that unnecessary overtime funds are not expended, substantially reducing overtime expenditures in CID and Ceasefire will likely result in an increase in crime due to incomplete and delayed investigations as well as a reduced number of prosecutions. This is particularly true in the Homicide Section, which has incurred \$731,422 in overtime as of December 29, 2017. Substantially reducing overtime in Homicide will likely result in fewer murders being solved, as homicides are rapidly-evolving events that require immediate response and investigation.

### Reduction in Call Taking and Dispatching

As of December 29, 2017, OPD has spent just over \$1M on overtime in the Communications Division. While OPD will continue to monitor Communications to ensure that unnecessary overtime funds are not expended, substantially reducing overtime expenditures in Communications will likely result in further delays in answering emergency (9-1-1) and non-emergency calls. Substantial overtime reductions will also likely result in increased danger for the public and OPD personnel when calls are not responded to or dispatched in a timely manner.

Reductions in Background and Recruiting

As of December 29, 2017, OPD has spent \$340,955 on overtime in the Recruiting and Backgrounds Unit. While OPD will continue to monitor Recruiting and Backgrounds to ensure that unnecessary overtime funds are not expended, substantially reducing overtime expenditures in Recruiting and Backgrounds will likely result in further delays in hiring personnel. Such delays will, in turn, likely increase overtime in the many OPD units experiencing staffing shortages.

Reduction in Records Processing

As of December 29, 2017, OPD has spent \$264,828 on overtime in the Records Section. While OPD will continue to monitor Records to ensure that unnecessary overtime funds are not expended, substantially reducing overtime expenditures in Records will likely result in further delays in processing records requests for community members and failure to meet deadlines imposed by such entities as the California Department of Justice. Failure to process arrest warrants and requests for public records in a timely manner could pose risk for the City.

Reduction in Administrative (Internal) Investigations

As of December 29, 2017, OPD has spent \$124,566 on overtime in the Internal Affairs Division (IAD). While OPD will continue to monitor IAD to ensure that unnecessary overtime funds are not expended, substantially reducing overtime expenditures in IAD will likely result in non-compliance with the NSA and an inability to discipline personnel for misconduct.

# Overtime in the Oakland Fire Department

FEBRUARY 20, 2018

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Attachments (7):

1. Article 4.2.4 Fire Suppression Staffing, IAFF, Local 55 MOU
2. OFD Historical Overtime Spending
3. Overtime Spending for Current Fiscal Year
4. Summary of Current and Potential 40-Hour Assignments
5. OFD Policy and Procedure 400.9, Overtime Sworn Personnel
6. Memo regarding Fire Chief Approval for Overtime, November 8, 2017
7. Fire Academy Costing

**EXECUTIVE SUMMARY**

On January 9, 2018, the Finance and Management and Public Safety Committees requested that additional information from the Oakland Fire Department (OFD) and Oakland Police Department (OPD) pertaining to service levels, drivers of overtime, and plans to reduce overtime be presented in supplemental reports prepared by each department.

As shown in **Table 1**, based on year-to-date overtime expenditures, OFD is projected to overspend the overtime budget in FY 2017-18 in the General-Purpose Fund (GPF) by approximately \$18.5 million. OFD's projection includes overtime for special deployments (e.g. recent hurricanes and fires to the extent they are funded in the GPF) and other reimbursable events.

**Table 1. FY 2017-18 Overtime Projection v. Adopted Budget in the GPF (in Millions)**

	Projected OT FY 2017-18	Budgeted OT FY 2017-18	Projected (Over) / Under Budget
Fire Department	\$20.0	\$1.5	(\$18.5)

Overtime expenditures are largely the result of backfill due to vacancies, training and other special assignments, and other negotiated provisions pursuant to Memoranda of Understanding (MOU), such as leave accruals (vacation, sick, personal, etc.). For OFD, a key driver of overtime is the MOU mandated minimum staffing requirement in Fire Suppression. OFD ended FY 2016-17 with overspending of approximately \$7.59 million, primarily due to suppression staff overtime. Overall, ninety-three percent (93%) of overtime authorized in FY 2016-17 was necessary to meet MOU staffing requirements. Details on OFD overtime spending was provided in a separate report to the Finance and Management Committee on February 27, 2018.

There is no single solution to reduce overtime in OFD to the amount authorized in the FY 2017-19 Adopted Budget. OFD has adopted administrative and procedural changes to reduce overtime and improve accountability. However, because overtime expenditures are mostly driven by service levels and labor provisions, the proposed strategies are likely insufficient to reduce overtime spending to budgeted levels. Such a result will require substantial changes to service levels and/or negotiated collective bargaining agreements. OFD will continue to work cooperatively to explore and implement measures to control expenditures and improve accountability.

**BACKGROUND / LEGISLATIVE HISTORY**

On October 24, 2017, staff in the Finance Department presented the FY 2016-17 Fourth Quarter Revenue and Expenditure report to the Finance and Management Committee. This report included an overview of the unaudited overtime expenditure results for all departments across all funds, including in the GPF.

The report showed significant overtime overspending by OFD relative to the FY 2016-17 Adjusted Budget. As shown in **Table 2**, as reported in the fourth quarter, OFD overspent its overtime budget by \$16.8 million.

**Table 2. FY 2016-17 Adjusted Overtime Budget & Unaudited Actuals in the GPF<sup>1</sup>**

	Adjusted OT Budget	Unaudited OT Actuals	(Over) / Under Budget
Fire Department	\$2.2	\$19.0	(\$16.8)

In response to the year-end results, the Council requested that staff provide more detailed information on overtime expenditures, including information on the following:

- Year-to-date overtime results and projections for FY 2017-18;
- Policies, procedures, and processes in place in the department for authorizing and controlling overtime; and,
- Level of decision making authority by rank and accountability mechanisms.

The Finance Department, in cooperation with OPD and OFD presented a report to the Finance and Management and Public Safety Committees on January 9, 2018. The Committees requested that additional department specific information on service levels, drivers of overtime, and plans to reduce overtime be presented in a supplemental report.

### **ANALYSIS AND POLICY ALTERNATIVES**

#### ***Why OFD Has Exceeded Its Authorized Overtime Budget***

There are a number of factors that contribute to OFD's overtime spending:

- Fire Suppression minimum staffing mandates within the MOU result in overtime. However, these minimum staffing levels are there to preserve public safety, and are consistent with National Fire Protection Association (NFPA) guidelines.
- Fire Department staffing and service levels demonstrate that the Department is not overstaffed – vacancy information combined with national data suggest otherwise.
- Conducting training to maintain operational readiness and effectiveness is a driver of overtime.
- Strike Team and Urban Search and Rescue (US&R) deployments, which are in large part are reimbursable costs to the City, result in overtime due to required position backfill in suppression.
- "40 Hour Assignments" which in recent years, have been a means to cover diminished administrative capacity in the sworn and civilian, reduce available suppression staffing, and result in backfill.
- Reduced administrative capacity in civilian positions.
- Insufficient funds have been budgeted to support OFD's overall daily operations and unplanned large events both within Oakland and nationally.

<sup>1</sup> As reported in the FY 2016-17 4<sup>th</sup> Quarter Revenue & Expenditure Report.

- Qualified internal proctors/raters for recruit academy and probationary exams result in overtime to comply with State and Federal mandates.

The sections that follow are intended to provide an overview of the Department’s daily operations and to provide an analysis of the factors cited above.

**Departmental Overview**

OFD operates twenty-five (25) fire stations located throughout the city, twenty-four (24) hours per day, seven (7) days per week. OFD is responsible for fire and medical dispatch, fire prevention, fire suppression, mitigation, emergency medical response, specialized rescue operations, fire investigation, emergency management, and fire code inspection within the city.

OFD is authorized five hundred and eight (508) full time equivalent sworn personnel and ninety-four and nine hundredths (94.09) civilian personnel, for a total of six hundred and two and nine thousandths (602.09) full time equivalents.

OFD sworn members operate using a “chain of command” or “rank” system. **Table 3** shows the department’s sworn rank organizational structure by job classification:

**Table 3. Sworn Ranks**

Rank
Fire Chief
Deputy Chief of Fire Department
Battalion Chief
Assistant Fire Marshal (Sworn)
Captain of Fire Department
Lieutenant of Fire Department
Fire Investigator
Engineer of Fire Department
Firefighter Paramedic
Firefighter

There are eleven (11) 40-Hour staff positions; and there are four hundred and ninety-seven (497) 24-Hour shift positions totaling five hundred and eight (508) authorized sworn members. Operationally, OFD fire suppression shift staff is organized into three (3) shifts referred to as A, B and C Shift. Members operate on a 24/48 schedule whereby members work one (1) shift (24-Hours) followed by two (2) days off.

**Fire Suppression Minimum Staffing**

The Memorandum of Understanding (MOU) with the International Association of Firefighters, Local 55 (Local 55) guides working conditions of the represented OFD sworn personnel (**Attachment 1**). Also, OFD operates under an MOU with the Port of Oakland which guides the Aircraft Rescue Fire Fighting (ARFF) Services provided at the Oakland International Airport.

Section 4.2.4 of the MOU between the City and Local 55 identified through the year 2027 daily minimum staffing levels for "Fire Suppression Staffing" of OFD sworn members. The MOU minimum staffing sets a daily number of sworn staff, broken out by specific ranks, which must

be in the field at any given time. The total suppression staffing equates to one hundred and thirty-seven (137) sworn members per shift and four hundred and eleven (411) members to cover all three (3) shifts. This staffing level includes the ARFF staffing requirements of a minimum of six (6) sworn personnel (one (1) Officer and five (5) Firefighters).

**Table 4** shows the minimum fire suppression staffing by rank required based upon these two (2) MOUs.

**Table 4. Fire Suppression Minimum Staffing**

Rank	Daily Staffing	A, B, C Shift Staffing
Battalion Chief	3	9
Captain of Fire Department	13	39
Lieutenant of Fire Department	19	57
Engineer of Fire Department	24	72
Fire Investigator	1	3
Firefighter Paramedic	26	78
Firefighter	51	153
<b>Total Minimum Staffing</b>	<b>137</b>	<b>411</b>

Sworn members are assigned daily as follows:

- Three (3) Battalions staffed with one Battalion Chief each
- Twenty-four (24) Engine Companies each staffed with a minimum of one (1) Officer, (1) one Engineer, one (1) Firefighter Paramedic and one (1) Firefighter
- One (1) Aircraft Rescue Firefighter (ARFF) company staffed with a minimum of one Captain and five (5) Firefighters
- Seven Truck Companies staffed as follows:
  - Three Truck companies with a minimum of one Captain and three Firefighters;
  - One Truck company with a minimum of one Captain, one Firefighter Paramedic and two Firefighters;
  - Two Truck companies with a minimum of one Captain and four Firefighters;
  - One Truck company staffed with a minimum of one Captain, one Firefighter Paramedic and three Firefighters; and
  - One Fire Investigator.

The positions shown in **Table 4** are the *minimum* number of sworn positions per shift. However, achieving this daily staffing level is hampered by the following:

- Vacancies;
- "40-Hour" Assignments
- Training;
- Vacation;

- Injuries;
- Deployments; and
- Other time off.

### ***Fire Staffing and Service Levels***

The Oakland Fire Department is an all-risk mitigation agency. In addition, to providing for structure fire response, advanced life support (ALS) emergency medical services and wildland urban interface fire response, the department operates a technical (heavy) rescue team, an aircraft rescue firefighting team, a water rescue response team and a Type 1 hazardous materials response team. Members from the Oakland Fire Department also staff the FEMA Task Force 4 Urban Search and Rescue (US&R) team.

According to a comprehensive multi-hazard deployment study conducted for the City of Oakland by City Gate Associates, LLC in 2012, as an urban fire department, the Oakland Fire Department's response configuration was then determined to be in alignment with the City's size, risks, population density, age and condition of housing stock, and service demands. In performing their analysis, City Gate relied in part upon best practices as outlined in the National Fire Protection Association's (NFPA) Standard 1710: Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments. However, 2015 NFPA data, the most recent year data is available, suggests that OFD's authorized staffing level of five hundred and eight (508) sworn positions may be insufficient to cover a City of this size of Oakland.

The NFPA has found that in 2015, on average, career fire departments had one and fifty-four hundredths (1.54) sworn personnel per thousand (1,000) persons.<sup>2</sup> Therefore, a city of Oakland's size (420,005 as estimated by the U.S. Census Bureau in the 2016 American Community Survey) could be expected to have as many as six hundred and forty-seven (647) sworn personnel. As detailed in **Table 9** (page 16 of this report), there are currently fifty-four (54) vacant positions. This number of vacancies combined with national fire service data clearly indicates that OFD is critically understaffed in the sworn ranks. To address these staffing shortages, OFD must rely on overtime.

In addition to the critical understaffing of sworn positions, this problem also exists in the civilian positions. As of December 31, 2017, OFD had fifteen and three hundredths (15.3) civilian staff vacancies. Overall, OFD has an approximately ten-point six (10.6%) vacancy rate for sworn and an approximately sixteen-point three (16.3) percent vacancy rate in authorized civilian positions. Filling civilian positions will help to alleviate the workload for existing staff; however, there is diminished capacity in the civilian positions that the Department is planning to address during the Mid-Cycle Budget Process.

In fiscal year 2016-17, the Oakland Fire Department provided seventy-two thousand five hundred and eighty-six (72,586) total responses (counted by the number of responding units). Most of these incidents were calls for emergency medical response. **Table 5** shows responses in fiscal years 2014-15, 2015-16 and 2016-17.

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<sup>2</sup> U.S. Fire Department Profile- 2015, National Fire Protection Association, April 2017

**Table 5. Total Responses for Fiscal Years 2014 through 2017**

Fiscal Year	Fire Response	EMS Response*	Other Response**	Total Response
2014-15	2,718	48,093	7,602	58,413
2015-16	1,782	41,889	15,984	59,655
2016-17	2,973	55,144	14,469	72,586

\*EMS Response – medical

\*\*Other Response – good intent, non-fire hazard, false alarm

While staffing levels have remained steady, it is clear service levels are trending upwards.

#### **OFD Sworn Relief Usage**

The main contributing factor to overtime is the MOU minimum staffing - Article 4.2.4 Fire Suppression Staffing (**Attachment 1**). This provision is in effect through June 30, 2027. The MOU requires the above described daily fire suppression staffing. Each day where TeleStaff, the software program used to manage the staffing levels within the Oakland Fire Department, shows required minimum fire suppression staffing will be inadequate, members volunteer or are mandated to work at an overtime rate to achieve this staffing level.

Relief staff is utilized with the sworn ranks to cover minimum staffing requirements for coverage of regular day off (RDO). Additionally, relief staff is utilized to cover vacation, sick, disability leaves, and for unfilled vacancies. Relief (backfill) staff is paid at a rate that is one and a half (1.5) times the regular rate. California Labor Code Section 4850 permits sworn members to take up to a one (1) year leave of absence at full pay, and without a tax deduction, for persons temporarily or totally disabled due to an industrial injury.

The Department averages twenty-five to thirty (25-30) members per month on 4850 leave, 1-2 members per month on long term non-industrial disability leave, or on light duty assignments. In FY 2016-17, there were up to (30) thirty members per month on 4850 leave creating a greater number.

**Table 6** shows by fiscal year the sworn hours of vacation, sick, disability leaves and sworn vacancies over the last ten (10) fiscal years.

**Table 6. OFD Sworn Hours of Vacation, Sick, Disability Leave**

Leave Hours	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
Vacation Hours Taken	88,045	92,699	90,288	87,311	67,763
Sick Hours Taken	23,328	28,902	42,415	44,741	50,921
4850 Hours Taken <sup>1</sup>	46,183	56,503	79,167	67,323	54,561
Temporary Disability Hours Taken	9,577	9,314	7,631	13,536	26,355
<b>Total Hours</b>	<b>167,133</b>	<b>187,418</b>	<b>219,501</b>	<b>212,911</b>	<b>199,600</b>
Sworn Vacancies (as of January)	39	53	65	23	40

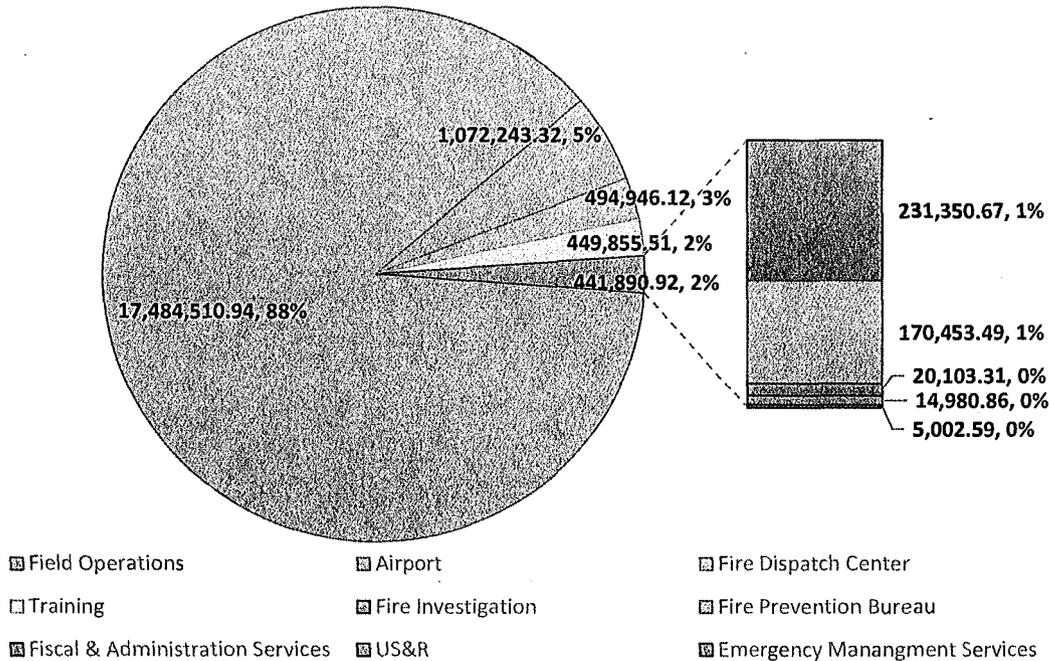
Leave Hours	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
Vacation Hours Taken	65,614	67,145	82,741	82,444	84,065
Sick Hours Taken	49,431	54,086	56,500	51,632	53,963
4850 Hours Taken*	57,204	47,350	55,102	62,610	67,094
Temporary Disability Hours Taken	16,759	11,471	10,680	11,834	9,287
<b>Total Hours</b>	<b>189,008</b>	<b>180,052</b>	<b>205,023</b>	<b>208,520</b>	<b>214,409</b>
Sworn Vacancies (as of January)	75	95	95	79	64

\*Labor Code Section 4850 provides public safety officers, who become disabled while performing their duties, one-year leave of absence without loss of salary in lieu of temporary disability payments.

**Fire Department Overtime Usage**

Staffing shortages due to unfilled vacancies are predictable and costs are covered by the budgeted vacancy. Staffing shortages due to sick leave, family medical leave under the Family Medical Leave Act (FMLA), industrial illness or injury, military leave and mutual aid are unpredictable and costs are unbudgeted. **Chart 1** shows a breakdown of OFD overtime usage by division in Fiscal Year 2016-17.

**Chart 1. FY 2016-17 Overtime Usage by Division**



Ninety-three percent (93%) of overtime authorized in FY 2016-17 was authorized to meet the Local 55 and ARFF MOU staffing requirements.

In order to ensure that minimum staffing is in place at every fire station and at the Fire Dispatch Center, voluntary and mandated backfill is utilized. For sworn suppression personnel, vacancies occur due to sick leave use, vacation leave, family medical leave use, industrial and non-industrial injury leaves and the scheduled regular day off (RDO).

At the Fire Dispatch Center, vacancies occur primarily in two (2) ranks (Fire Communications Dispatcher and Fire Communications Supervisor). Fire Dispatch Center personnel use sick leave, vacation leave, family medical leave, industrial and non-industrial leave, and compensatory time. All leave requires backfill to maintain minimum public safety service delivery to the community.

### ***Overtime Budget versus Overtime Actuals***

Attached is an overtime report showing the OFD spending of overtime for all funds for the last ten fiscal years (***Attachment 2***). In years 2007-08 through 2014-15, Measure Y provided four million (\$4,000,000) each fiscal year for the OFD to maintain adequate personnel resources to respond to fire and medical emergencies. This funding offset sworn overtime backfill expenses incurred to meet daily staffing requirements. In years 2015-16 and 2016-17, Measure Z provided a significantly reduced amount of two million (\$2,000,000) each fiscal year for the OFD to maintain adequate personnel resources.

OFD overtime costs averaged fifteen million eight hundred and twenty thousand five hundred and sixty-six (\$15,820,566) per fiscal year while the overtime budget averaged five million seven hundred and twenty thousand two hundred and fifteen dollars (\$5,720,215) per fiscal year. It should be noted in fiscal years 2015-16 and 2016-17, OFD overtime budgets were two million six hundred and twenty-two thousand two hundred and sixty dollars (\$2,622,260) and two million seven hundred and thirty-six thousand one hundred and sixty-six dollars (\$2,736,166) respectively.

The FY 2015-16 and 2016-17 Adopted Budgets do not account for the cost of living adjustments (COLAs) received by sworn members in those years. The COLA received accounts for a five percent (5%) increase in overtime sworn salaries.

Overtime expenditures for the current fiscal year are provided in ***Attachment 3***.

### ***Additional Drivers of Overtime Hours***

Another factor to consider is the cost of testing and evaluating our probationary firefighters. Recruit Academy Class 1-15 had their final 18 month exams in FY 2016-17. Also, Recruit Academy Class 2-15 and Class 1-16 had their twelve (12) month exams. These large recruit classes required hiring back a cadre of proctors each shift to conduct these exams, resulting in overtime and backfill costs to the Department. In previous years, Recruit Academies were funded with cost savings from unfilled vacancies; however, as the Department increases its staffing this practice is no longer feasible.

### ***40-Hour Assignments***

Currently, there is a staffing shortage of 40-hour personnel. For example, OFD uses fire suppression line personnel to work on special projects and assume responsibilities that would normally be assigned to a 40-hour workweek staff. This is proving to be problematic as

members communicate their increased frustration, fatigue (burnout) and conflict with normally assigned duties.

Examples include the Department's migration to the Accela database, our fleet and apparatus maintenance, our specialized response team training and representation at local, county and regional preparedness meetings. The expertise required by the Department in these and other areas causes OFD to rely on these members during their regular 24-hour shift, and oftentimes while off duty. In an effort to reduce overtime, civilianization and/or conversion of sworn positions may be an option for duties that do not require participation in emergency fire suppression activities.

Staff does not recommend this option due to the required operational knowledge of sworn members to fill these roles. Any realized savings may be offset by the cost of fully burdened civilian positions. The omission of line staff to fulfill these responsibilities who are not receiving overtime on a frequent basis will require adding positions to the sworn ranks. **Attachment 4** summarizes the current 40-hour Assignments, as well as, projects where a 40-hour Assignment would be appropriate.

### ***Incident Management Team, Strike Team, and US&R Deployments***

#### **Incident Management Team**

Although the primary purpose of an incident management team (IMT) is for wildfire response, an IMT can respond to a wide range of emergencies, including fires, floods, earthquakes, hurricanes, tornadoes, tsunamis, riots, spilling of hazardous materials, and other natural or human-caused incidents. The Oakland Fire Department Operations Division has members who are part of County, State and Federal All Hazard incident management teams. The City of Oakland benefits from the opportunity for its public safety members to respond to local and natural disasters by gaining firsthand knowledge of how large scale incidents should be prepared for and outlying necessary resources and critical training for public safety workers, Fire and Police. The State and Federal Team deployments are similar to the CFAA, while the East Bay Incident Management is a dual county team where deployments may or may not be covered for backfill expenses dependent on the requesting agency and the length and type of emergency incident. The Fire Chief has discretion to allow IMT members to deploy, in the absence of a declaration or documentation that is forwarded to the requesting agency advising the fiscal responsibility for the allocated resources.

#### **Strike Team**

The California Governor's Office of Emergency Services (Cal OES) manages a statewide fire and rescue program, that the Oakland Fire Department is part of, providing apparatus on loan to local fire departments for use in their districts, while requiring those departments to staff the vehicles for the state when needed. This program has been around since 1950, and is the cornerstone of the California Fire and Rescue Mutual Aid System.

The Cal OES Operations (Ops) Section under the Fire and Rescue Division coordinates The California Fire and Rescue Mutual Aid System. Coordinated response through the Mutual Aid System includes responses to major fires, earthquakes, tsunamis, hazardous materials and other disasters.

The Oakland Fire Department has an agreement with the California Emergency Management

Agency (CAL EMA), known as the "California Fire Assistance Agreement" (CFAA). Cal EMA is responsible to provide for systematic mobilization, organization, and operation of necessary fire and rescue resources through the California Fire Rescue Mutual Aid system in mitigating the effects of disasters and to ensure that the responding agencies understand the terms and conditions of the agreement applicable to their response.

In FY 2016-17, Oakland Fire Department went on twenty-six (26) deployments under the CFAA agreement. The State of California uses the CFAA agreement as the primary fiscal authority for reimbursing local government agencies for the use of their resources.

### **Urban Search and Rescue Deployments**

Urban Search and Rescue (US&R) involves the location, rescue (extrication), and initial medical stabilization of victims trapped in confined spaces. Structural collapse is most often the cause of victims being trapped, but victims may also be trapped in transportation accidents, mines and collapsed trenches. US&R is considered a "multi-hazard" discipline, as it may be needed for a variety of emergencies or disasters, including earthquakes, hurricanes, typhoons, storms and tornadoes, floods, dam failures, technological accidents, terrorist activities, and hazardous materials releases. The events may be slow in developing, as in the case of hurricanes, or sudden, as in the case of earthquakes.

A FEMA US&R Task Force is teams of individuals comprised of firefighters, engineers, medical professionals, canine/handler teams and emergency managers with highly specialized training in urban search and rescue environments, and which serve as a resource for disaster response at local, state, federal, and international levels. There are twenty-eight (28) FEMA US&R Task Forces within the continental United States, with eight (8) located in the State of California.

US&R California Task Force 4 (CA-TF4) is based in Oakland, California and is sponsored by the Oakland Fire Department. CA-TF4 is composed of individuals from a number of different agencies including Alameda City Fire Department, Alameda County Fire Department, American Medical Response, Berkeley Fire Department, Camp Parks, Dublin Fire Department, Fremont Fire Department, Contra Costa County Fire Protection District, Livermore-Pleasanton Fire Department, Marin County Fire Department, Novato Fire Department, Oakland Fire Department, San Ramon Valley Fire Protection District, Santa Rosa Fire Department and the Stockton Fire Department.

In August 2017, CA-TF4 deployed to Hurricane Harvey and Hurricane Irma, assisting emergency operations in and around the hardest hit areas of Texas, conducting search and water rescue operations. **Table 7** and **Table 8** summarize the costs and reimbursements anticipated with these deployments.

**Table 7. Hurricane Harvey Costs and Projected Reimbursements for OFD Deployments**

<b>Category</b>	<b>Amount</b>
OFD Deployed Member Costs	\$713,651.78
OFD Support Personnel Costs	\$30,602.04
<b>OFD Total Costs</b>	<b>\$744,253.82</b>
OFD Partial Reimbursement	\$558,190.37
OFD Pending Reimbursement	\$186,063.45

**Table 8. Hurricane Irma Costs and Projected Reimbursements for OFD Deployments**

<b>Category</b>	<b>Amount</b>
OFD Deployed Member Costs	\$1,064,450.30
OFD Support Personnel Costs	\$16,021.74
<b>OFD Total Costs</b>	<b>\$1,080,472.04</b>
OFD Partial Reimbursement	0
OFD Pending Reimbursement	\$1,080,472.04

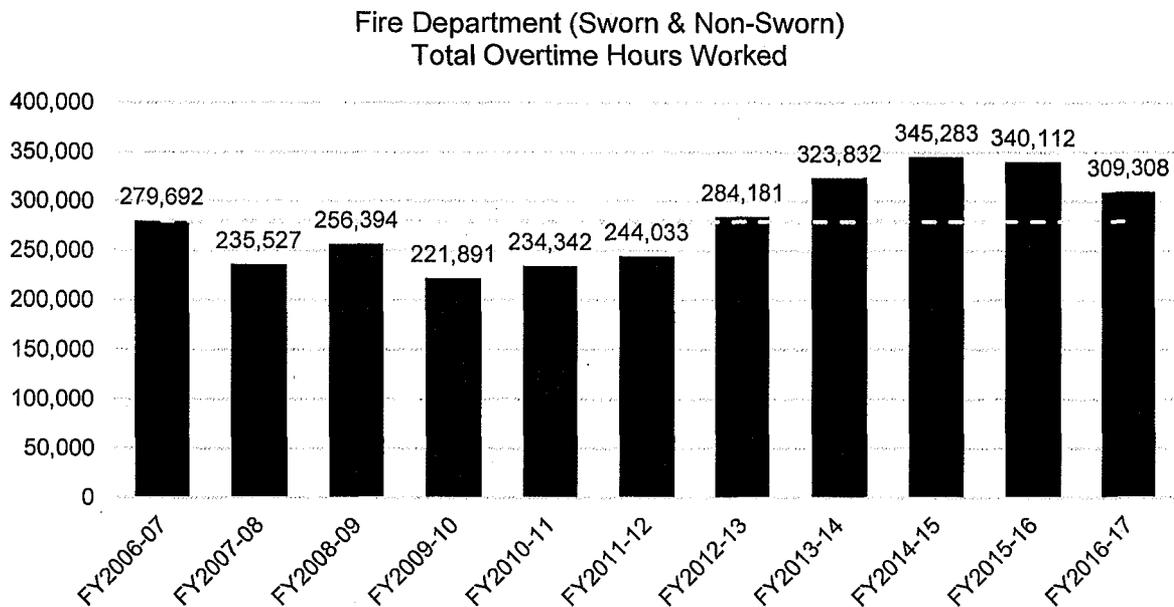
***Reduced Capacity in Civilian Positions***

OFD's reduced capacity among its civilian personnel is most evident in the Fire Dispatch Center. The use of annuitants began this past Fall at the Fire Dispatch Center and there is pending discussion about the merits of negotiating/requesting that Fire Dispatchers be exempted from the International Federation of Professional and Technical Engineers (IFPTE), Local 21 "lifetime" retired annuitant limit of nine hundred and sixty (960) hours. However, they would still be subject to nine hundred and sixty (960) hour annual limitation imposed by the California Public Employee Retirement System (Cal PERS).

Staff has determined the need to pursue the creation of a permanent part time classification for both Fire Communications Dispatcher and Fire Communications Supervisor to provide for trained staff to fill on a straight time basis. The conversion of the sole Fire Dispatch Senior position (currently vacant) to a Fire Dispatch Supervisor will also reduce overtime in the rank of Dispatch Supervisor.

***Management of Overtime Usage***

OFD Policy and Procedure 400.9, Overtime Sworn Personnel (**Attachment 5**) provides guidance on overtime approval, tracking and accountability. As noted above, OFD sworn personnel utilize the TeleStaff system to track staff hours, including overtime. This system can generate reports and data showing overtime use. OFD has and will continue to work to ensure that overtime use is being used to fill a specific operational need. For the past ten years, the total of overtime hours worked has averaged two hundred and seventy-six thousand five hundred and nine (276,509) hours. In FY 2014-15, overtime use reached a high of three hundred and forty-five thousand two hundred and eighty-three (345,283) hours and in FY 2016-17, that number of hours has been reduced to three hundred and nine thousand three hundred and eight hours (309,308) or a more than ten percent (10%) reduction in overtime hours. Please see **Chart 2** for more information.

**Chart 2. OFD Total Overtime Hours Worked**

We have also taken steps to further minimize overtime not related to backfill to maintain minimum staffing levels in fire suppression and fire dispatch center. The most recent action includes issuing a November 8, 2017 memo to Deputy Chiefs and Division Managers directing that any overtime needs outside of fire suppression and fire dispatch center minimum staffing requirements must be submitted at least forty-eight (48) hours in advance for review to identify an appropriate funding source and must have Fire Chief approval (**Attachment 6**).

#### **Efforts to Reduce Overtime Usage in Sworn Ranks**

Due to the MOU fire suppression minimum staffing provision for sworn members, OFD has two primary areas of focus on reducing overtime use: 1) filling vacancies and 2) analysis and training required to reduce the number of preventable injuries in all ranks. **Table 9** shows by rank sworn funded positions that are vacant as of December 31, 2017:

**Table 9. Sworn Vacancies by Rank**

Rank	Authorized	Filled	Vacant
Deputy Chief of Fire Department	2	1	1
Assistant Fire Marshal	1	0	1
Captain of Fire Department	57	44	13
Lieutenant of Fire Department	67	56	11
Engineer of Fire Department	85	81	4
Firefighter Paramedic	93	86	7
Firefighter - Suppression	168	163	5
Firefighter - Airport	19	7	12
<b>Total Vacant</b>			<b>54</b>

A small academy, Academy 1-2018, commenced on January 22, 2018 with one (1) Firefighter Paramedic Trainee and five (5) Firefighter Trainees. These recruits have been excluded from the above vacancies and those graduating from 1-2018 will reduce the above vacancies.

A recruitment is in progress for Deputy Chief of Fire. Also, Human Resources Management (HRM) currently is conducting civil service examinations for the ranks of Battalion Chief, Assistant Fire Marshal, Lieutenant, and Engineer. In 2018, HRM will also conduct examinations for Firefighter Paramedic Trainee and Firefighter Trainee, replacing the 2015 eligible lists. As upper ranks are filled through promotion, this will create vacancies in the Firefighter Paramedic and Firefighter ranks, which are less costly on an overtime basis and will be filled after the establishment of the anticipated Summer of 2018 eligible lists.

Another focus is an analysis and implementation of training required to reduce the number of preventable injuries. This includes injuries sustained in both emergency and non-emergency environments. In an effort to address and reduce mental health related injuries reported by sworn members, OFD has already increased the number of annual behavioral health sessions offered through the Claremont Employee Assistance Program (EAP) from three (3) to twelve (12).

### ***Insufficient Overtime Budget***

In Fiscal Years 2014-15, 2015-16 and 2016-17, for sworn members the average fiscal year vacation, sick, 4850 leave, and temporary disability leave hours taken was two hundred and nine thousand three hundred and seventeen (209,317) hours. The unburdened average hourly salary of a Battalion Chief, Captain, Lieutenant, Fire Investigator, Engineer, Firefighter Paramedic and a Firefighter is fifty-one dollars and forty-one cents (\$51.41). If all positions were filled and vacation, sick, 4850 leave, temporary disability leave usage remained steady, at an overtime rate (1.5), the cost to cover the vacancies is estimated at sixteen million one hundred and forty-one thousand four hundred and eighty (\$16,141,480). This would be partially covered by two million dollars (\$2,000,000) Measure Z funding and offset by salary saving from vacancies resulting from retirements. Funding of five million dollars (\$5,000,000) is needed for overtime to maintain daily minimum fire suppression and fire dispatch center staffing levels.

Additionally, a portion of the salary savings from the vacant positions has historically been used to fund unbudgeted Fire Recruit Academies: salaries of trainees; overtime backfill for training cadre members; and the purchase of new recruits' Personal Protective Equipment (PPE) and uniforms.

Academy costs cannot be absorbed as the vacancies are filled. OFD must have a continuous recruitment and hiring model that can accommodate impacts from attrition and promotions within the Department. Line item funding of eight hundred and seventy-five thousand (\$875,000) for one (1) annual Fire Academy to maintain adequate fire suppression personnel resources to respond to fire and medical emergencies is also needed (***Attachment 7***).

### ***Reimbursements***

In addition to the reimbursements received by the City from IMT, Strike Team and US&R deployments, the overtime expenses associated with the ARFF program are full paid by the Port of Oakland. Overtime costs relating to the inspection and plan review services provided by the Fire Prevention Bureau are paid by the applicant. OFD has been working with the Finance Department to improve cost recovery. Other workflow enhancements, and the implementation of

the Accela database is also expected to improve billing and payment processes for the Department.

### ***Impacts of Further Overtime Reductions***

Overtime plays a critical role in the Oakland Fire Department's ability to deliver service to its residents. If overtime were to be reduced further, there will be significant impacts. This portion of the document attempts to explain the impacts of those reductions.

#### Operational Impacts:

- Likely realization of rapid incident escalation in size and scope (i.e. Wildland Fires, Fires in multi-story occupancies, High Rises or other high-risk events).
- Inability to effectively provide for emergency medical response to large scale events involving hundreds of thousands of residents.
- Failure to meet minimum staffing provision of the MOU with Local 55.
- Decreased emergency response capability which would inevitably impact our ability to effect civilian rescues at structure fires.
- Delayed response to single and multi-alarm emergencies as more apparatus will be required to achieve similar fire ground resource requirements.
- Potential firefighter safety concerns pertaining to a cultural shift in how we manage incidents and seek to save lives, protect property and the environment by becoming less aggressive and more defensive.
- Becoming more defensive oriented on smaller and mid-size incidents may result in substantial increases in fire losses and related costs as more damage to primary structures and exposures is realized (fewer members= fewer staff to immediately deploy to firefighting and specialized tactical operations).
- More reliance on and burden to neighboring fire departments for mutual aid assistance.
- Reduced ability to up staff to patrol hill areas during Red Flag days.

#### Training Impacts:

- Inability to effectively conduct mandated training.
- Restrictions on ability to effectively train and exercise for special operations including aircraft rescue firefighting, water rescue response, hazardous materials response, technical (heavy) rescue, and urban search and rescue.
- Inability to secure staff to accept training cadre assignments for new firefighter trainee recruit academies and related probationary firefighter training, testing and evaluation. Although initially included in the FY 2017-19 Budget, \$1.5 million dollars

of funding that had been slated for Fire Department Recruit Academies was removed from the final adopted Budget.

- Decreased inability to participate in functional exercises such as MOBEX, Silver Sentinel, Urban Shield, Golden Guardian, BayEx, the Oakland Airport Triennial (Multi- Casualty Incident) exercises.

#### Recruitment:

- Significant decrease in the department's outreach and interaction with Oakland Unified School District (OUSD) elementary and high school age students.
- Loss of recruitment liaison and point of contact for local and regional firefighter recruitment effort, and related design, outreach, testing process development and evaluation.

#### Appearance at Court:

- OFD personnel may be required to respond to subpoena or give depositions in job-related court appearance on off-duty hours.

#### Extension of Shifts:

- Extension of Shift overtime allows OFD to extend the current shift of an employee to allow them to complete critical tasks on an extension or hold-over basis. For example, an employee's shift may be extended to complete an on-scene investigation or report related to an incident that just occurred.

#### Special Events:

- Special events overtime allows OFD to provide services at sporting events, parades and other planned events. Reductions in overtime would limit OFD's ability to effectively engage in planning necessary for large scale championship celebration/victory parade, as well as to provide staffing for the events themselves.

#### Fire Dispatch Communications:

- OFD will continue to monitor Communications to ensure that unnecessary overtime funds are not expended; however, substantially reducing overtime expenditures in Communications will likely result in further delays in answering emergency (9-1-1) and non-emergency calls.
- Substantial overtime reductions will also likely result in increased danger for the public and OFD personnel when calls are not responded to or dispatched in a timely manner.

Urban Search and Rescue:

- Eliminating the US&R team would do the residents of Oakland and the region a disservice. There is an immense value in having a dedicated FEMA US&R team in an area regarded as having the 5<sup>th</sup> highest high terror threat level among United States metropolitan areas.

Vegetation Management Oversight:

- Reduction of vegetation management oversight of data collection, technological improvements, and training will further hamper efforts to manage this continuous but necessary function for the safety and oversight the hills area.

Incident Management Team (Overhead Assignments) Strike Team Deployments:

- Elimination or reduction of overhead and strike team deployments would remove Fire Department from being active participants in the mutual aid system, a system which every department relies on to effectively mitigate large scale incidents. This would also result in the inability to maintain existing participation in both in/out of county strike team and overhead resource deployments (i.e. recent Hurricanes and North Bay and Southern California Wildland Fires).
- For public safety workers to become certified and qualified for Incident Command Teams, they must first be deployed to incidents to fulfill duties and receive oversight to complete their qualification/certification status. The Fire Department would not be able to build a team of active, experienced members to assist with management of large scale incidents.

Information Technology (IT):

- The technological advancements to the fire service are not limited to computers; they are evident in training, in the daily running of our Department, and in numerous areas that make the jobs of emergency responders safer and more efficient. Not having a dedicated internal Information and technology officer severely effects our efforts to meet the demands of the City.
- Additional reductions to overtime would curtail or eliminate OFD's ability to provide representation and critical contributions to ongoing Fire Department centric projects involving communications/IT including, but not limited to: computer aided dispatch (CAD), Fire records management system (RMS), TeleStaff, Accela, OneStep and the East Bay Radio Communications System Authority (EBRCSA).

Safety Officer After Hours Coverage:

- The OFD Safety Officer is a 40-hour Assignment; however, they may also be dispatched after hours on calls resulting in a 3<sup>rd</sup> alarm or greater response. The Safety Officer monitors the incident to ensure that personnel are acting in accordance with established safety policies and operating procedures. Eliminating overtime for this position would result in the lack of oversight and overall safety of our personnel, and would likely result in fines to the City for failure to comply.

that the 2014 comprehensive successor MOU will terminate before June 30, 2027 and, for that reason, the parties agree to continue incorporating this Section 4.2: Staffing Agreement in future comprehensive successor MOUs until June 30, 2027.

**4.2.2 Agreement Supersedes Prior Agreements.**

The parties agree that specific provisions contained in this Section 4.2 Staffing Agreement shall supersede any previous agreement, whether oral or written, regarding staffing of bargaining unit positions.

**4.2.3 Definition Of Status Quo.**

After this Section 4.2 Staffing Agreement terminates on June 30, 2027, the status quo ante for all purposes including any interest arbitration under Charter Section 910 or any state statute shall be defined as the Section 4.2 language in this Agreement.

**4.2.4 Fire Suppression Staffing.**

Engines: Twenty-four (24) fire engines shall be regularly and routinely staffed, and deployed daily, with the minimum of one Officer, one Engineer, one Firefighter/Paramedic, and one Firefighter.

Aircraft Rescue Fire Fighting ("ARFF") Fire Station: During the term of this Section 4.2 Agreement and as long as the Port of Oakland contracts with the City for ARFF services, the ARFF Fire Station shall be regularly and routinely staffed, and deployed daily, with the minimum of six (6) unit members or the number of unit members mandated by federal regulations.

Trucks: Four (4) fire trucks shall be regularly and routinely staffed and deployed daily, with the minimum of four (4) unit members per truck (including one officer) and three (3) fire trucks, trucks 1, 2, and 4, shall be regularly and routinely staffed, and deployed daily, with the minimum of five (5) unit members per truck (including one officer).

**4.2.4.1 Companies And Bargaining Unit Members Out Of Service.**

The Fire Chief or sworn designee retains the discretion to temporarily "detail" or place a maximum of seven (7) companies out of service at any one time, inclusive of training company described in Section 4.9 for a maximum of nine (9) hours during a twenty-four (24) hour shift. Such "detail" assignments shall not create an opportunity for nor shall the Department be required to backfill the temporarily vacated station assignment with classified relief. Companies on detail that remain in service on the air shall not be included as a company out of service as defined by this Section.

In addition to the seven (7) companies referenced above, the Fire Chief or sworn designee retains the discretion to temporarily "detail" a maximum of four (4) unit members per shift from their normal station assignments for a maximum of eight (8) hours during a twenty-four (24) hour shift. Such "detail" assignments shall not create an opportunity for, nor shall the Department be required to backfill the temporarily vacated assignment with classified relief.

The Fire Chief or sworn designee retains the discretion to temporarily detail one (1) company out of service because the company's equipment, apparatus, or vehicles are being serviced. The one (1) company removed from service because the company's equipment, apparatus, or vehicles are being serviced is not a "detail" or "a company out of service" as those terms are used in Section 4.2.1.1 and shall not be counted as one of the "maximum of seven (7) companies" in Section 4.2.1.1.

#### **4.2.4.2 Fire Chief's Right To Reassign.**

The Fire Chief or designee retains the discretion to temporarily reassign one of the five Firefighters from Truck 1, 2, or 4 (i.e., up to three (3) Firefighters per shift) to other duties as the Fire Chief deems necessary. Such reassignments will be made, without limitation, to increase the Department's coverage and response capability. For the purpose of this Section, "increasing the Department's coverage and response capability" includes duties such as responding to known hazards, patrolling at risk areas, performing other operational needs, and providing service in geographic areas where hazards are higher than normal on a given day. In addition, the Department may temporarily reassign one (1) of the five (5) Firefighters from Truck 1, 2, or 4 (i.e., up to three (3) Firefighters per shift) to patrol in the interest of public safety and/or fire prevention on "Red Flag" or "High Hazard Days." The Department's dispatch procedures shall prescribe appropriate modified response procedures in the event of such reassignment(s).

#### **4.2.5 Fire Prevention Staffing.**

One (1) arson (fire) investigator shall be on-duty each twenty-four (24) hour shift.

#### **4.2.6 Chief Officer Staffing.**

Three (3) supervisory chief officers (Battalion Chiefs) shall be on-duty each twenty-four (24) hour shift.

**ATTACHMENT 2 - OFD HISTORICAL OVERTIME SPENDING**  
**Overtime FY 2007-17**

Fund Description	FY 2007 - 08		FY 2008 - 09		FY 2009 - 10		FY 2010 - 11		FY 2011 - 12	
	Budget	Actual								
General Purpose Fund (1010)	2,937,372	9,901,807	4,403,925	10,615,237	396,890	7,916,510	2,141	7,897,044	15,560	8,273,938
Measure Y Fund (2251)	4,021,349	4,021,349	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	3,866,527
US Dept. of Homeland Security Fund (2123)	0	0	11,189	2,933	1,464	0	5,333	6,650	0	6,443
FEMA Fund (2124)	45,606	45,802	41,781	41,781	28,053	27,566	30,000	26,690	26,945	(13,491)
Dept. of Health and Human Svcs. Fund (2128)	0	0	5,820	5,792	3,373	1,602	1,771	916	0	0
Calif. State Emerg. Svcs. Fund (2146)	0	0	32,041	32,041	0	0	0	0	0	0
State of California Other (2159)	0	0	0	0	0	0	0	0	0	0
County of Alameda Grants (2160)	0	0	0	0	0	0	0	0	939	939
Measure N Fund (2250)	0	1,246	2,121	3,410	0	0	0	1,600	0	5,908
Measure Z Fund (2252)	0	0	0	0	0	0	0	0	0	0
Wildland Fire Prev. Asses. Dist. (2321)	10,000	7,388	24,516	24,516	10,000	4,442	10,000	0	25,000	1,071
<b>Total</b>	<b>7,014,327</b>	<b>13,977,593</b>	<b>8,521,394</b>	<b>14,725,711</b>	<b>4,439,780</b>	<b>11,950,120</b>	<b>4,049,245</b>	<b>11,932,899</b>	<b>4,068,445</b>	<b>12,141,335</b>

Fund Description	FY 2012-13**		FY 2013-14		FY 2014-15		FY 2015-16		FY 2016 - 17	
	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual
General Purpose Fund (1010)	10,916,511	10,916,511	395,411	13,194,187	275,884	16,734,537	597,933	19,060,106	723,466	17,229,120
Measure Y Fund (2251)	4,000,000	3,866,527	4,000,000	4,266,947	4,000,000	4,000,000	-	-	-	-
US Dept. of Homeland Security Fund (2123)	-	-	-	-	-	-	-	-	-	-
FEMA Fund (2124)	5,232	10,340	-	6,797	24,138	75,147	14,327	3,280	(1,300)	8,715
Dept. of Health and Human Svcs. Fund (2128)	5,000	-	9,000	-	-	-	-	-	4,000	-
Calif. State Emerg. Svcs. Fund (2146)	-	-	-	-	-	-	-	-	-	-
State of California Other (2159)	67,361	16,516	-	-	-	-	-	-	-	-
County of Alameda Grants (2160)	-	-	-	-	-	-	-	-	-	-
Measure N Fund (2250)	-	2,379	-	27,965	-	12,237	-	25,210	-	6,267
Measure Z Fund (2252)	-	-	-	-	-	-	2,000,000	2,000,000	2,000,000	2,000,000
Wildland Fire Prev. Asses. Dist. (2321)	25,000	7,406	12,000	6,566	15,000	1,241	10,000	-	10,000	-
<b>Total</b>	<b>15,019,103</b>	<b>14,819,679</b>	<b>4,416,411</b>	<b>17,502,463</b>	<b>4,315,022</b>	<b>20,823,162</b>	<b>2,622,260</b>	<b>21,088,596</b>	<b>2,736,166</b>	<b>19,244,102</b>

### ATTACHMENT 3 - OAKLAND FIRE DEPARTMENT

#### GPF (1010) Overtime Expenditures

July 1, 2017 through December 29, 2017

Division	Organization	Purpose of Overtime	Cost of Overtime	Cost Recovery
Fire Chief	20110 - Chief's Office	FLSA Overtime Premium system error	120.24	<i>paid in error and employee submitted repayment</i>
Operations	20411 - Suppression	Maintain minimum staffing levels in accordance with IAFF, Local 55 MOU.	9,283,200.59	<b>Partial</b> <i>Hurricane Harvey Projected Reimbursement \$744,253.82; Hurricane Irma Projected Reimbursement \$1,080,472.04</i>
Operations	20341 - Arson Investigation	Maintain minimum staffing levels in accordance with IAFF, Local 55 MOU.	103,283.46	<b>No</b>
Operations	20814 - Airport	Maintain minimum staffing as required by the MOU between the City and the Port of Oakland for airport rescue firefighting services.	316,735.34	<b>Yes</b> <i>reimbursed by Port of Oakland</i>
Training & Support Services	20631 - In-Service Training	Provide staff training to maintain operational effectiveness.	37,788.31	<b>No</b>
Training & Support Services	20816 - Support Services	Overtime as needed to provide logistical support.	802.32	<b>No</b>
Fire Prevention Bureau	20311 - Fire Marshal's Office	After-hours staffing for fire safety education school and other public events	4,134.61	<b>No</b>
Fire Prevention Bureau	20331 - Inspectional Services	Overtime inspection for special event permit, public assembly, festivals, circus, fire alarm, fire underground, fire sprinkler, hood & duct inspections, training, monitor Council meetings for public assembly code requirements	33,287.39	<b>Partial</b> <i>cost recovery is limited to customer requested overtime for special event permit, festival, circus, fire alarm, fire underground, fire sprinkler, or hood &amp; duct inspections</i>
Fire Prevention Bureau	20351 - Engineering Services	Plan review for fire life safety systems such as fire alarm, fire sprinkler, fire underground, hood and duct	68,672.13	<b>Yes</b> <i>customer requested overtime for expedited plan review</i>
Fire Prevention Bureau	20371 - Vegetation Management	After-hours staffing for vegetation management community meetings, Council meetings, time sensitive projects, and data entry	11,527.02	<b>No</b>
Emergency Management Services	20711 - Emergency Services	2.5 hours for Emergency Planning Coordinator to support Valdez Fire on 7/1/17	162.31	<b>No</b>
Fiscal & Administration Services	20511 - Budget Planning	4 hours for Accountant II to close FY13 and FY14 PSGP Grant in preparation of audit	253.08	<b>No</b>
Fiscal & Administration Services	20521 - Budget Unit	3 hours for Accountant III to prepare US&R Grant Application by deadline	219.08	<i>charges for US&amp;R to be removed from GPF and charged to correct fund</i>
		Accountant III preparation of Hurricane Harvey Reimbursement Package	2,059.38	<i>charges for Hurricane Harvey to be removed from GPF and charged to correct fund</i>
Medical Services	20241 - Communications (Fire Dispatch Supervisor)	Quarterly Training	790.56	<b>No</b>
		Backfill for Daily Minimum Staffing	118,664.75	
Medical Services	20251 - Emergency Dispatchers (Fire Dispatcher)	Quarterly Training	2,869.57	<b>No</b>
		Backfill for Daily Minimum Staffing	92,731.73	
<b>TOTAL GPF (1010) OVERTIME</b>			<b>\$10,077,301.87</b>	

**ATTACHMENT 4 - SUMMARY OF CURRENT AND POTENTIAL 40 HOUR ASSIGNMENTS**

<b>Assignment</b>	<b>Rank(s) Assigned</b>	<b>Description of Duties</b>	<b>Cost Recovery</b>
Assistant Fire Marshal, Sworn	TBD; filled until recently by Fire Investigator	<ul style="list-style-type: none"> <li>• Conducts fire inspections for all new and existing occupancies to ensure safety; re-inspects to ensure violations have been corrected and to verify fire code compliance.</li> <li>• Schedules and/or conducts fire prevention and public education classes.</li> <li>• Develops and maintains records and reports of fire inspections; enters data into software programs; files and maintains hard copies.</li> <li>• Assists new shift personnel with interpretation of codes and standards; prepares personnel for code qualification testing.</li> <li>• Conducts plan reviews for new buildings as well as renovations and repairs to existing structures; provides consultations for prospective new and existing business owners as requested.</li> <li>• Serves as the Acting Fire Marshal in their absence.</li> </ul>	Partial, if time is charged to an applicant.
Computer Aided Dispatch Project Lead	TBD; recruitment in process	Personnel is needed to assist in coordinating the computer aided dispatch upgrade project, as well as other major communications projects for the Department which have a nexus to fire suppression.	None.
Recruitment Coordinator	Engineer of Fire	An Engineer of Fire led and coordinated OFD's recent recruitment for Firefighter and Firefighter Paramedic Trainees. The goal of this assignment was to increase the quality of the candidate pool, with an emphasis on the recruitment and preparation of local candidates.	None.
Administrative Officer	Firefighter Paramedic	Assist both Deputy Chiefs by working on numerous day to day administrative assignments, and special projects as assigned such as policy development.	None.
Captain of Fleet Management	Captain of Fire	The fleet manager is responsible for selecting and maintaining vehicles to maintain service delivery. Develops and implements standard operational standards to maintain vehicles by advocating best practices in the fire service/public sector. This is currently not a 40 Hour Assignment, but is done by a Captain of Fire in addition to their day to day Company Officer duties which is no longer sustainable.	None.

Assignment	Rank(s) Assigned	Description of Duties	Cost Recovery
Captain of Support Services	Captain of Fire	Strategically plan and manage departmental logistics, including equipment and facilities needs to support effective emergency response.	None.
Vegetation Management Inspection Preparation	Captain and Lieutenant of Fire	Provide administrative and IT support necessary to prepare for the vegetation inspections, including making updates to the OneStep database; preparing, sorting and delivering more than 21,000 forms to stations. In addition, these persons provide training and ongoing technical assistance to fire suppression personnel performing inspections in the Oakland Hills.	None.
Various Information Technology/ Communications Assignments	TBD	<p>The following list reflects the information technology/communications needs of OFD:</p> <ul style="list-style-type: none"> <li>• Accela Project</li> <li>• Computer Aided Dispatch (CAD) Conversion</li> <li>• Application development</li> <li>• Administrative Documentation conversion</li> <li>• Web page and social media management</li> <li>• Training and Professional development</li> <li>• TeleStaff Administration</li> <li>• Fire Records Management System (RMS)</li> <li>• Radio Communications</li> </ul> <p>Each item listed above could be its own standalone 40 Hour Assignment; however, in many cases they are addressed intermittently, or when serious problems arise. Person(s) assigned to any of these projects will be tasked with recommending information technology strategies, policies, and procedures for OFD. They will also advise on project outcomes; proactively identify problems and develop appropriate solutions.</p>	Positions are unfilled, but activities are not reimbursable.
Assistant Safety Officers	TBD	<p>This position does not currently exist within the Department; however, OFD believes that a robust safety program is essential to the health and wellness of its members. The responsibilities assigned to these persons would include the following:</p> <ul style="list-style-type: none"> <li>• In addition to the Safety Officer, these persons support and provide oversight to the training, health, and safety for needs for the Department.</li> <li>• Safety officers must also respond to after-hours incidents as needed.</li> </ul>	Positions are unfilled, but activities are not reimbursable.



# OAKLAND FIRE DEPARTMENT POLICY AND PROCEDURES



APPROVED:

Mark Hoffmann, Acting Chief

REFERENCE:

Field Operations Bureau

NUMBER:

400.9

EFFECTIVE:

June 1, 2002

REVISED:

March 15, 2017

## OVERTIME SWORN PERSONNEL

### I. PURPOSE:

- A. To establish the guidelines for the administering of overtime for sworn members.

### II. DEFINITIONS:

- A. AHO: Acting Higher Rank Overtime.
- B. AHR: Acting Higher Rank Regular, no overtime.
- C. ASSIGNED THE SHIFT BEFORE: Those members who are assigned as regular members to the shift, i.e., members assigned to the shift before the "B" shift are "A" shifters, etc.
- D. BUCKET: The area and method TeleStaff uses to keep track of the various classifications of overtime hours and special details hours.
- E. C/R: Classified Relief or overtime.
- F. DECLINE: Same action as reject but is done while using Webstaff.
- G. MANDATORY OVERTIME: Members manually selected by the TeleStaff Officer, based on a list generated by TeleStaff according to the Oakland Fire Department Rules and Regulations.
- H. RDO: Regular Day Off, also known as Scheduled Day Off.
- I. MANDATORY RECALL: The notification of sworn members going off-duty to remain on-duty or to report back on-duty. Recall will be exercised to meet minimum staffing needs or during a time of operational need. Response to recall is mandatory.
- J. REJECT: The action of selecting the "reject" option when listening or viewing overtime choices. Also known as "rejecting C/R" which removes the member from the overtime pool for the day and adds twenty-four (24) hours to their overtime bucket.

- K. RESERVE TIME: A period of time, usually four (4) hours, reserved for a member to make overtime selections before going to the next member on the overtime list.
- L. SIGN UP: The act of placing a “sign up” code on your calendar that notifies TeleStaff of the days you want to work overtime.
- M. STAND-BY: Members manually selected by the TeleStaff Officer, based on a list generated by TeleStaff according to the Oakland Fire Department’s Rules and Regulations and sign up codes, to “Stand-By” in a station at the beginning of each shift, to fill non-projected overtime positions.
- N. SYMBOLS: “+”, “!”, “^” signs indicate that another action has been taken on the work code or bucket.
- a) “+” sign indicates that the hours on the work code are being logged to a bucket, often an overtime bucket, example; +OTS.
  - b) “!” sign indicates a penalty has been applied and the hours on the work code are being logged to an overtime bucket, example; !+OTS.
  - c) “^” sign is used when hours are manually logged to a bucket often due to penalty or averaging overtime hours, example; +^LOGOSTR.
- O. TELESTAFF: Automated Scheduling Solution.
- P. WEBSTAFF: Internet version of TeleStaff.

### III. POLICY:

- A. The language contained in this document shall supersede all preceding written or otherwise implied Policies and Procedures relating to overtime. Overtime shall be administered in a fair and equitable manner pursuant to the language contained herein only. Any changes to this document shall be handled by the Deputy Chief of Field Operations Bureau in the form of a replacement section or page. The daily administering Officer for overtime shall be the Captain of Station 22 with assistance from other companies as necessary.
- B. The chain of command for addressing overtime issues is:
- Company Officer.
  - Battalion Chief.
  - Captain at Station 22 (only for current or following shift needs).
  - TeleStaff Administrator.
  - Deputy Chief of Field Operations Bureau.
- C. The guiding principles for assigning overtime are:
1. Rank for rank.
  2. Acting Higher Rank Overtime (AHO) before acting on shift (AHR).

3. Acting Higher Rank (AHR) on shift before mandatory (OTSM).
4. Mandatory overtime before depletion of the minimum staffing level.
5. Recall of members to meet staffing requirements.

#### IV. PROCEDURES:

##### A. MANAGEMENT:

1. Management of the regular Overtime Sworn (OTS) needs of the Department shall be the direct responsibility of the Deputy Chief of Field Operations Bureau.
2. The House Captain of Station 22 shall monitor the actions of all three (3) shifts to ensure that they are in accordance with the Overtime Sworn Policy.
3. Assignments of overtime shall be made in accordance with the Overtime Sworn Policy. Members shall be given their choice of all available assignments in the order they are due under normal circumstances. Deviation from this policy for other than the needs of the Department as approved by the Deputy Chief of Field Operations Bureau, or delegate, will be viewed as a violation of the Overtime Sworn Policy. Violation of the Overtime Sworn Policy shall be deemed a serious offense affecting the morale of Department Personnel, and thereby the efficiency of the Department. Any member violating this policy shall be subject to disciplinary action.
4. The Captain of Station 22 administering overtime shall maintain records in accordance with this Overtime Sworn Policy.
5. Only TeleStaff Administrators and the Captain of Station 22 have the ability to assign members to overtime positions.
6. In the event that TeleStaff is not functional, overtime opportunities will be done manually in order of seniority in rank by shift. This may cause a suspension of some rules to meet the needs of the Department. When TeleStaff returns to operation, payroll data will be updated into TeleStaff as soon as possible and normal TeleStaff operations will resume.

##### B. ADMINISTRATION:

1. Officers administering overtime shall maintain a daily record of the Stand-By worksheet and "Fill by Rules" list.
2. These records shall be maintained by the Captain of Station 22 for a period of three (3) years and are subject to periodic audit.
3. All assignments for the following day shall be placed in TeleStaff and an email listing the Stand-By assignments will be sent to all stations, all shifts, and the TeleStaff Administrators before 1600 hours. (A standard email format will be set

by the House Captain of Station 22).

4. All members with prior day assignments shall notify the Officer of the company to which they are assigned, and shall report for duty at that company by 0800 hours. Failure to report at the station by 0800 hours (unless approved by the Battalion Chief) or failure to notify the station Officer upon receiving the assignment may result in the assignment being canceled and an assessment of twenty (24) hours in the regular overtime sworn bucket.

C. SIGNING UP TO WORK OVERTIME:

1. TeleStaff software is a dynamic system. Each time TeleStaff initiates a call to offer an OTS job, it recalculates the "Fill by Rules" list based upon the current data. Starting at 0900 hours, one week before the target roster date, TeleStaff starts to fill vacancies. TeleStaff will continue to fill openings up until it runs out of people or all jobs have been assigned.

Example: If TeleStaff is filling for July 8, it will begin the process of selecting members at 0900 hours on July 1.

2. Members who wish to work on a particular date are advised to place the appropriate signup code on their TeleStaff Calendar for that date before 0900 hours one week ahead of that date.
3. The maximum amount of weeks in advance a member can sign up is eight (8) weeks.
4. Members who return from SCK, zSCK, ICF, FML, or FDL may make themselves available for OTS by contacting the Captain of Station 22 after the conclusion of the SCK, zSCK, ICF, FML, or FDL. For example, a member off sick for twenty-four (24) hours on June 1, cannot make themselves available until June 2 at 0800 hours.
5. A member can remove their "Signup" code (in short, take their name off the overtime list) at any time before they have been offered an overtime job or Stand-By opportunity without any penalties up to 0800 hours the day before the overtime day.
6. Members who remove the overtime signup code after 0800 hours the day before the overtime may already be assigned a Stand-By or overtime position.
7. Members assigned to a 40 hour schedule can work overtime on Saturdays and Sundays or relieve a member assigned to a mandatory overtime after their scheduled work day and no later than 1800 hours, Monday through Friday in accordance with Section E.6.

8. Members shall not work more than seven (7) days in a row, unless they are “deployed” out of county.
  - a) Members must be off for twenty-four (24) continuous hours to “restart” the seven (7) day count.
  - b) When members become aware they are scheduled to work more than seven days (7) in a row, they are directed to have their Company Officer notify their Battalion Chief of the overtime or shift trade work that they want to be backed out of without penalty.
  - c) Members discovered attempting to work, or who have worked, more than seven (7) days in a row without notifying their Company Officer or Battalion Chief shall be subject to disciplinary action.
  - d) The Operations Chief, or designee, may make exceptions to this rule under special circumstances.

D. STAND-BYS:

1. A Stand-By list will be established the day prior to the day of work assignment.
2. Members wishing to Stand-By must have a “Signup” code on their calendar by 0800 hours the day before the overtime shift to be considered for a Stand-By position.
3. Members shall monitor their “Signup” status whether on or off duty and be prepared to receive a Stand-By assignment for any day that they have a “signup” on their calendar.
4. When attempting to contact off-duty members for Stand-By positions, the TeleStaff Officer has the option to “outbound” calls to qualified members. When doing so they shall outbound for a four (4) hour period with six (6) calls scheduled to be made in that time period.
5. Off-duty members who are signed up to work and fail to respond after the four (4) hour period will be “skipped” and twenty-four (24) hours will be added to their bucket.
6. The following wording shall be used by the TeleStaff Officer when “outbounding” for a standard CR assignment or Stand-By assignment: “You are due to work CR or be a Stand-By, contact the Captain of Station 22 as soon as possible. Failure to do so will subject you to overtime penalties.”
7. Members who are eligible to Stand-By and who will not be available by phone, must contact the TeleStaff Officer with their status to avoid any delays or penalties.
8. Stand-Bys will be assigned in order from the Stand-By list.

9. Members who wish to make themselves available for Stand-By for the two (2) days following any SCK, zSCK, FML, or ICF must call the Captain of Station 22 (TeleStaff Officer), after the conclusion of the SCK, zSCK, FML, or ICF shift, to be placed on the Stand-By list.
10. Members shall not be made available to work OTS for two (2) calendar days following Authorized Leave without Pay (ANP), unless approved by the Deputy Chief of Field Operations Bureau.
11. Members standing by shall be given their choice of all available vacancies in the order they are due. Exceptions may be made if there is an immediate need as determined by a Battalion Chief.
12. It is the intent that Stand-Bys are to be assigned overtime positions as soon as possible beginning the prior shift.
13. Members must be present at a fire station to Stand-By. When notified of the Stand-By by the Captain of Station 22, members will establish where they will Stand-By.
  - a) Members shall be at their Stand-By station no later than 0715 hours and be prepared to depart to their overtime assignment immediately.
  - b) Members that are not available by 0715 hours may be skipped and twenty-four (24) hours will be added to their buckets.
  - c) The Operations Chief may make exceptions to this rule under special circumstances.
14. The Company Officer on-duty at 0730 hours shall review their staffing needs and report to their Battalion Chief any unfilled vacancies.
15. Battalion Chiefs shall notify the Captain of Station 22 of its staffing needs by 0745 hours.
16. Any Battalion Chief that notifies the Captain of Station 22 of their need for overtime members after 0800 hours shall submit in writing to the Deputy Chief of Field Operations Bureau as to why this request was made after 0800 hours.
17. Battalion Chiefs and Company Officers failing to identify overtime staffing needs before 0800 hours shall be subject to disciplinary action.
18. If circumstances dictate, the Stand-By may be required to Stand-By beyond 0800 hours and paid to the next quarter (1/4) hour.
19. The notification for Stand-Bys to remain beyond 0800 hours will be made over the station speaker system. The TeleStaff Officer must notify the Duty Chief through channels of the need to hold the Stand-Bys past 0800 hours.
20. Stand-By assignments will be done via a phone call from the TeleStaff Officer.

21. Members standing by to work overtime must immediately notify the Officer at the assigned station and depart for their assignment immediately, thereafter.
22. Members shall arrive at their assigned overtime station by 0800 hours. Members unable to arrive at this time shall contact the Officer of their assigned overtime location to inform them that they will be late and why.
23. Any member not arriving at their assigned overtime station by 0800 hours may be required to submit the reason in writing to the Battalion Chief through channels.
24. Any member not arriving at their assigned overtime station by 0800 hours without sufficient cause may have their overtime assignment canceled and an assessment of twenty-four (24) hours added to their regular overtime bucket.
25. Members who fail to follow the above guidelines are subject to being skipped for overtime and penalized.
26. Members failing to adhere to the above policies during mandatory conditions will be subject to discipline.
27. The minimum number of Stand-Bys needed for each rank is as follows, unless special situations require more:
  - a) Battalion Chief – 1.
  - b) Captain – 2 each.
  - c) Lieutenant – 2 each.
  - d) Engineer – 3 each.
  - e) Paramedic – 3 each.
  - f) Firefighter – 5 each.
  - g) ARFF – 1.

E. MANDATORY OVERTIME:

1. Stand-Bys will stand by until 0800 hours or later as directed.
2. Members will be assigned manually starting the day before the mandatory member is due to work.
3. Members will be assigned twenty-four (24) hour jobs before mandatory assignments of shorter duration.
4. Mandatory will be based on the least total number of opportunities of mandatory worked and reverse seniority in rank.

5. Members will be given choices, if any, based on their position on the list.
6. In the cases where a member steps forward to work overtime to eliminate mandatory overtime, the last member assigned to work mandatory overtime sworn will be given the following options:
  - a) If prior to 1600 hours the day before the mandatory, the member:
    - 1) Becomes mandatory number one (1) Stand-By; or
    - 2) Works a voluntary regular overtime sworn.
  - b) If after 1600 hours the day before the mandatory, the member:
    - 1) Keeps the mandatory assignment; or
    - 2) Becomes mandatory number one (1) Stand-By.
7. Should that member decide to work mandatory overtime, the above steps are repeated until the voluntary overtime gets an assignment.
8. Should all members initially assigned mandatory overtime sworn decide to work, the voluntary overtime becomes the number one (1) Stand-By.
9. When mandatory occurs in a rank to fill a technical specialty, i.e.; ARFF, HazMat and Rescue Team, then that rank will not be considered to be in "mandatory" to fill non-specialty openings.
10. The mandatory overtime assignments will be made using the following priorities:
  - a) Members Working Regular Duty.
  - b) Members Working a Trade or Overtime (Regular or Mandatory).
  - c) Recall.
  - d) Qualified members of another rank on-duty (even if this causes mandatory in said members rank).

**F. MANDATORY PROTECTION:**

1. Shift Trade Work (STW) Ten (10) or more hours on the day of the mandatory.
  - a) When working less than ten (10) hours, the trade is not an excuse from mandatory overtime.
  - b) An employee who is STW less than ten (10) hours, and has been assigned a Mandatory OTS will begin the Mandatory OTS upon being relieved from their trade.

- c) When an employee working a trade is assigned OTSM, that period that they are working the trade will be covered by another OTSM employee, if possible.
2. The day of, and the two (2) days after you are off due to Sick (SCK), injury (ICFS), Shift Trade Off (STO), Authorized Leave without Pay (ANP), Family Medical Leave (FML), Organization Leave (OPA), Maternity Leave No Pay (MLV), Military Duty (MIL), Military Leave No Pay (MNP) & Jury Duty (JDL).
3. Battalion Chiefs need to direct the Captain of Station 22 to manually back members out who have a conflict due to jury duty.
4. The two (2) days before and the two (2) days after Vacation (VAC), Family Death Leave (FDL) & Family Death Leave without Pay (FDN), unless said member has chosen to work overtime or a trade during the protected period.
5. Loss of Protection – If a member “Signs Up” to work regular overtime sworn (including working their RDO) or works a trade (STW) any time during the above periods, they forfeit their mandatory protection during the above period and become eligible to work Mandatory Overtime (OTSM).
6. Working on the fifth (5<sup>th</sup>) consecutive day; the member must have been in the fire station four (4) days (96 hours) in a row already.

Example:

Scenario #1 – Acceptable: Day 1 – Worked Regular, Day 2 – Worked OTS, Day 3 – Worked STW, Day 4 – Worked Regular, Day 5 – Cannot receive mandatory OTS on this day because they will have already been in the fire house 4 days (work codes are just an example, could be any combination of work codes).

Scenario #2 – Not Acceptable: Day 1 – Worked Regular, Day 2 – Not Working – Off Duty, Day 3 – Worked STW, Day 4 – Worked Regular, Day 5 – Working STW. If a member’s name came up to be mandatory on Day #2, that member would not be excused from mandatory even though that would create five (5) days in a row. Because they have yet to work all five (5) days, they are not excused.

G. MANDATORY RECALL:

1. The City may require sworn members going off-duty to remain at their assignments. The Deputy Chief of Field Operations Bureau or designee may have sworn members called back to work from a “recall list.” Off going sworn members or those who have most recently reported off-duty shall be called first. The Deputy Chief of Field Operations Bureau or designee shall determine the timeframe within which sworn members shall be required to report back to work. Response to recall is mandatory.
2. The designated shift roster shall be exhausted before calling the next shift.

3. Response to recall is not optional. Upon notification of a recall, personnel shall proceed immediately to their assignment.
4. Pay for recall starts upon notification of recall assignment.

H. REMOVAL / BACKING OUT OF OVERTIME:

1. Members will be able to back out of an overtime to work a trade with approval of a Battalion Chief.
2. A member who will not be able to fulfill a regular overtime sworn assignment because of jury duty, family death leave, military duty, other paid leave or organizational leave, is required to contact their Company Officer (or Battalion Chief if Officer is unavailable) to have the regular overtime sworn assignment removed.
3. Members failing to contact their Company Officer or Battalion Chief will receive twenty-four (24) hours in their regular overtime sworn bucket.
4. If a member has been assigned a regular overtime sworn position and is off sick on that day, they will be required to notify the Officer of the station of the regular overtime sworn assignment by 0700 hours of their sick status to be removed from the overtime position.
5. If members are unable to contact the Company Officer, they shall then contact in the following order, until successful:
  - Chief of that Battalion
  - Chief of another Battalion
  - Captain at Station 22
6. Company Officers are required to contact their Battalion Chief and the Captain of Station 22 to relay the sick information.
  - a) When a member makes a notification of their sick status on a regular day, they are required to notify the Company Officer of any regular overtime sworn they have accepted in the next two (2) calendar days.
    - 1) Battalion Chiefs will remove any overtimes that are scheduled the next two (2) calendar days per Policy 1400.6 – Sick Leave, Non-Industrial Injury/Illness for Sworn Members.
  - b) If a member is backed out of an overtime position, the hours will be automatically removed from their bucket.
7. If a member working regular overtime sworn needs to be backed out of that assignment, due to a mistake or someone coming on duty unexpectedly, a member shall be backed out based on overtime hours at the time that they are being backed out. When a member is “Backed Out” of a C/R assignment they can:

- a) Take an unfilled overtime position if available.
- b) Be given the position of the member with the most overtime hours in their bucket who will then be backed out.
- c) Be reverted to their "Sign Up" code.
- d) If there is a mandatory overtime the member being backed out will fill a mandatory position. This section takes precedence over Section IV.F.5.

8. Notification of Classified Relief Change (Backing Out):

- a) It shall be the responsibility of the Battalion Chief where the initial change occurred to contact the Captain of Station 22. The Captain of Station 22 will determine which member should be backed out and notify the affected member(s) that they have been backed out of an assignment.
- b) All efforts shall be made, via phone calls or e-mail, to notify members when they have been backed out of a classified relief assignment.

9. If a member works a mandatory overtime (the mandatory is not the fifth (5<sup>th</sup>) day in a row) and that mandatory now causes the member to be scheduled five (5) days in a row and the fifth (5<sup>th</sup>) day in the five (5) day cycle is a regular overtime day, the member can choose to back out of the regular overtime day that is on the fifth (5<sup>th</sup>) day. The member will still be required to work the mandatory overtime job.

Example: The member is OTSM on day two (2), they can request to be backed out the OTS on day five (5).

Day 1	Day 2	Day 3	Day 4	Day 5
REG	OTSM	OTS	REG	OTS

I. WORKING YOUR REGULAR DAY OFF (RDO):

- 1. A member is eligible to work OTS on their Regular Day Off (RDO). Working on an RDO is the same as working on any other "off" day.
  - a) Members must "Sign Up" to work their RDO.
  - b) Members signing up for overtime on their RDO will be chosen using the same criteria for all overtime positions, which is by total overtime hours and seniority.
  - c) Members are NOT guaranteed an overtime position on their RDO.
  - d) Members will make their overtime selection based on the openings available.
  - e) Members are NOT guaranteed they will be able to work in their regularly assigned station.

- f) Members must follow all rules and procedures for detailing.
- g) Members can be recalled to work their RDO.

J. TRACKING OVERTIME & DETAIL HOURS:

1. Overtime & Detail hours will be tracked in the following Buckets:
  - a) Overtime Sworn – Regular.
  - b) Overtime Sworn – Mandatory.
  - c) Overtime Sworn – Mandatory Recall.
  - d) Overtime Sworn – Acting Higher Rank Battalion Chief.
  - e) Overtime Sworn – Acting Higher Rank Captain.
  - f) Overtime Sworn – Acting Higher Rank Lieutenant.
  - g) Overtime Sworn – Acting Higher Rank Engineer.
  - h) Overtime Sworn – Acting Higher Rank Firefighter.
  - i) Overtime Sworn – Acting Higher Rank Fire Investigator.
  - j) Overtime Sworn – Acting Higher Rank Paramedic.
  - k) Overtime Sworn – Special No Mark Days.
  - l) Paramedic Support Pool Hours.
  - m) ARFF Detail Hours.
  - n) HazMat Detail Hours.
  - o) Rescue Team Detail Hours.
  - p) Strike Team Hours.
  - q) Strike Team Acting Hours.
2. Overtime Sworn – Regular: Will be zeroed out every year starting November 1, 2011.
3. Overtime Sworn – Mandatory and Overtime Sworn – Mandatory Recall: Will be zeroed out every 5 years starting November 1, 2011.
4. Overtime Sworn – Acting Higher Rank: All Acting Higher Ranks will be zeroed out every year starting November 1, 2016.

5. All Strike Team, ARFF Detail, HazMat Detail, Rescue Team Detail, and Paramedic Support Program Buckets will be zeroed out every three (3) years starting November 1, 2011.
6. Overtime Sworn – Special No Mark Days: will be zeroed out every five (5) years starting from November 1, 2011.
7. New Sworn employees, promoted/demoted employees, will receive hours in the following buckets as described below:
  - a) Regular Overtime Sworn: Average of hours plus forty-eight (48) hours. Average hours are determined by the total overtime hours divided by the actual number of employees in said rank.  
  
 Formula: (Total Hours) divided by (Total in Rank) plus forty-eight (48) hours = hours in bucket.  
  
 Total Hours = Total overtime hours worked by all members in the rank.  
  
 Total in Rank = Total Number of members in the rank.  
  
 Plus forty-eight (48) hours = forty-eight (48) hours of overtime added to the total average hours.  
  
 Example: Adding a newly promoted Engineer to the Engineer pool.  
  
 If the total number of Engineers is fifty (50), and the total number of hours those Engineers have worked equals 4550, then the equation would be: 4550 divided by 50 = 91 + 48 = 139 hours.  
  
 The new Engineers have zero (0) hours in their Regular OTS bucket to begin with, they would have one hundred thirty-nine hours (139) hours added to their Regular OTS bucket, thus being brought up to forty (48) hours above the average.
8. Overtime Sworn – Mandatory: Average of Mandatory hours minus one hundred (100) hours. Average hours are determined by the total mandatory overtime hours divided by the actual number of employees in said rank.
9. Overtime Sworn – Mandatory Recall: Members will be placed at the same total number of hours as the member with the lowest number of hours in said rank.
10. ARFF Detail, HazMat Detail, Rescue Team Detail, and Paramedic Support Program Buckets will be carried forward from each member's previous rank. All new employees will receive zero hours.
11. Overtime Sworn – Special No Mark Days: Member would be placed at the total number of hours as the member with the highest total number of hours in said rank.

12. All Strike Team Buckets will be zeroed out upon promotion to new rank, except for Officers promoted from Lieutenant to Captain. Lieutenants promoting to the rank of Captain will have their hours carried forward. All new employees will receive zero (0) hours.
13. Members are responsible for tracking their own overtime buckets. This includes making sure their overtime is being logged to the correct buckets which include, Regular Overtime, Mandatory Overtime and Special Day Overtime. Members finding discrepancies shall contact the TeleStaff Administrators via e-mail ([FireTelestaffAdministrators@oaklandnet.com](mailto:FireTelestaffAdministrators@oaklandnet.com)) with a description of the problem.

K. ACTING HIGHER / LOWER RANK:

1. Members must have their name on an approved list as set forth in the MOU and will be hired according to the MOU policies.
2. Members will have their names added to the acting lists in TeleStaff when approved by the Field Operations Bureau.
3. Any members on an established eligibility list will have priority to act in said rank over an actor not on an eligibility list.
4. Members may be allowed to work lower or higher rank when sufficient members to fill that rank are not available.
5. Qualified members who wish to work Acting Higher/Lower Rank Overtime MUST "Sign Up" on their calendar for both their own rank and for the higher/lower rank position for the day they want to work.
6. Members working overtime in a lower or higher rank will be paid at the rate for the rank worked.
7. Promoted members working as firefighter will be paid at the rate for top step firefighter.
8. Members must accept an assignment in their own rank, even if offered an assignment in another rank. Violation of this rule will result in seventy-two (72) hours added to their overtime regular bucket in each rank.
9. Acting Higher Rank Overtime (AHO) positions will be filled forty-eight (48) hours before the start of the shift. Once a member has been assigned an Acting Higher Rank Overtime (AHO) position, they cannot be removed because someone in the rank volunteers to work.
10. All other overtime rules apply to working overtime in lower or higher rank.
11. Members assigned long term Acting Higher Rank shall work regular overtime sworn in their own rank, not in the rank in which they are Acting Higher Rank. Members in an LDA position will be treated as members in their appointed rank.

12. Members who qualify to Act Higher Rank Lieutenant are not allowed to Acting Higher Rank or Acting Higher Overtime in a Captain position. To avoid mandatory overtime for a Captain, a Lieutenant (regular duty or overtime) is to be moved into a Captain's assignment and the Lieutenant's position backfilled with an Acting Higher Rank or Acting Higher Overtime.
13. Members on an acting list, who sign up for Acting Higher Rank Overtime (AHO) in that rank, will be offered an AHO position, based upon staffing rules if they are already assigned an overtime in their current rank. It is the employee's responsibility to immediately notify an on-duty Battalion Chief or the Captain of Station 22 that they need to be removed from the pre-existing overtime and that they now have an AHO position.
14. Members that are on multiple acting lists and make themselves available for an acting assignment can be made to act in any rank they're qualified to act in.
15. Procedures for selecting Acting Hire Overtime (AHO) members.
  - a) Members need to be signed up for their own rank as well as in the Acting rank.
  - b) An Acting Higher Overtime position will be offered via TeleStaff forty-eight (48) hours before the day of the job.
  - c) Members must take a job in their rank if their rank goes to mandatory overtime before taking an Acting Higher Overtime job.
  - d) Members will be selected based on their eligibility and Acting Higher Overtime bucket hours.
    - 1) Members who take jobs in their own rank before being offered acting jobs must work their own rank unless there are no other actors available and it will not cause mandatory in their own rank.
  - e) Members cannot lose an Acting Higher Overtime position to a member of the rank they are acting in when it is less than forty-eight (48) hours before the start of the job.

L. DISCIPLINARY MARKS:

1. All members will be responsible for managing their trades and signing up for overtime.
2. Members who are off-duty as a result of disciplinary action (suspension with no pay) are not allowed to work overtime during the period that they are serving the suspension. They will be eligible for overtime after returning to a regular duty status following the suspension.

3. Members are responsible for the selection they make while using TeleStaff. If a member selects "Reject" or "Decline" they will be given twenty-four (24) hours in their bucket whether it is an accident or not. It is important to understand that after selecting "reject" or "decline" you will no longer be available for overtime on the day you select "reject" or "decline." Members that still want to work after mistakenly selecting "Reject" will need to contact a TeleStaff Administrator as soon as possible, who will, if there are overtime vacancies still available, help the member select an available job if they qualify to work.
4. If a member fails to remove their "Sign Up" code from their calendar; is offered a Stand-By position and does not accept the Stand-By position, they will have twenty-four (24) hours overtime added to their regular overtime sworn bucket (1 – 24 hour period).
5. Members signing up for overtime are responsible for accepting an overtime job if offered to them. Members who have signed up for overtime, and respond by declining the overtime offer, will have twenty-four (24) hours added into their regular overtime sworn bucket (1 – 24 hour period).
6. If you accept an overtime position, then back out of the overtime job you will have forty-eight (48) hours added to your regular overtime sworn bucket (2 – 24 hour periods).
7. Members failing to show up for a regular overtime sworn assignment will be considered "Failure to Report" and will have seventy-two (72) hours added to their regular overtime sworn bucket (3 – 24 hour periods) and are subject to progressive discipline.
8. If a member refuses or fails to work an assigned mandatory job they will be given seventy-two (72) hours in the regular OTS bucket. Seventy-two (72) hours will also be subtracted from their mandatory bucket and they will be subject to progressive discipline.
9. A member who will not be able to fulfill an overtime assignment because of sick, jury duty, family death leave, military duty, other paid leave or organizational leave, is required to contact their Company Officer to have the overtime assignment removed. Members failing to contact their Battalion Chief or Company Officer will receive twenty-four (24) hours in their regular overtime sworn bucket.
10. Members who are off sick, family medical leave, family death leave or injury on a regular scheduled day are not allowed to work overtime the two (2) calendar days after the sick day, family medical leave, family death leave or injury day. They will be required to notify the Officer of the station of the regular overtime sworn assignment by 0700 hours of their sick, family medical leave, family death leave or injury status to be removed from the overtime position. Members failing to do so will have a penalty of twenty-four (24) hours added to their overtime bucket. Failing to properly report off "sick" may result in a "Failure to Report".

11. Penalty hours will be given immediately and documented by the Captain of Station 22.
12. To resolve any overtime issues, it shall be the responsibility of the member and their Company Officer to review all TeleStaff Procedures, Overtime Policy & Procedures or Rules and Regulations pertaining to the issue of contention before using the chain of command to address said overtime issues including contacting the Captain of Station 22. If the issue involves the current or following shift, ONLY the Company Officer shall contact the Captain of Station 22 to resolve any questions or disputes. Members failing to follow this procedure, including the Company Officer, will have twenty-four (24) hours added to their Regular Overtime Bucket.

M. BATTALION CHIEFS' AUTHORITY:

1. Battalion Chiefs, based on the needs of their Battalions, may request specific members with particular skills or experience to ensure Department efficiency and safety. Battalion Chiefs should scrutinize such requests by companies and deny any request for specific members that are not justified by the circumstances. Battalion Chiefs will send an e-mail to the Deputy Chief of Field Operations Bureau when this rule is utilized.
2. Battalion Chiefs shall project three (3) shifts out, monitor, and approve changes to the roster.
3. Battalion Chiefs will approve trades with less than seventy-two (72) hours' notice (for emergencies only). Battalion Chiefs will send an e-mail to the Deputy Chief of Field Operations Bureau when this rule is utilized.
4. Trades cannot be removed less than seventy-two (72) hours in advance of the trade without the approval of the Battalion Chief and then must be removed by the Battalion Chief. The Battalion Chief or the Captain at Station 22 will then run the Mandatory Pick List, upon removing a trade under this provision, to confirm that neither member involved in the canceled trade is due for mandatory Stand-By or assignment.  
  
Example: A member sets up a trade for June 4. The member decides to cancel the trade. The member must remove the trade from their calendar before the start of the shift (0800 hours) on June 1.
5. Only TeleStaff Administrators and the Captain of Station 22 have the authority to assign members to overtime positions.

N. VACATIONS:

1. Member will be eligible to work overtime during their vacation period (the two (2) days before and two (2) days after their vacation day).

2. Members will not be eligible to work on their actual day of vacation. This includes trading, overtime and mandatory.
3. Members working OTS or Trades during their vacation period will forfeit their mandatory protection, also known as "Loss of Protection," and will be subject to all mandatory rules during the vacation period.

O. OFFICERS' MANDATORY OVERTIME:

1. Because of the unique, interchangeable relationship between the ranks of Captain and Lieutenant (i.e.; the RDO routes include both positions and they can trade together), rules must exist to define the overtime relationship between the two (2) ranks. Under certain circumstances, the need to fill overtime positions outweighs the philosophy of rank for rank overtime.
2. If all the on-duty members of an Officer rank have been called, and overtime or Stand-By positions still needs to be filled, on-duty members of the other Officer rank will be called.
3. Officer mandatory overtime will be assigned based on how many Officers are already working in overtime positions.
  - a) Because Captains and Lieutenants are being offered jobs in each other's rank before mandatory OTS is assigned, the Captain of Station 22 will need to figure out how many Captains are working and how many Lieutenants are working, to make sure they mandatory the proper number for each rank.
  - b) The Captain of Station 22 will begin by counting the total number of overtime jobs for each rank, this includes overtime jobs that have already been assigned as well as overtime vacancies that have not been filled yet.

Example: There are a total of 4 Captains and 6 Lieutenants overtime jobs for the day.

4 Captains      6 Lieutenants

Total members needed would be as follows: 6 Captains – 4 for overtime positions, 2 for Stand-Bys; 8 Lieutenants – 6 for overtime positions, 2 for Stand-Bys.

Total 6 Captains      8 Lieutenants

- c) The Captain at Station 22 will count how many members at the rank of Captain and Lieutenant that are already assigned to overtime jobs. The Captain of Station 22 is not counting how many Captain's jobs or Lieutenant's jobs there are, but how many actual Captains and Lieutenants are already assigned to overtime jobs.

Example: There are a total of 5 Captains and three 3 Lieutenants already assigned overtime jobs for the day.

5 Captains    3 Lieutenants

Formula #1:

6 Captains total needed	8 Lieutenants total needed
5 Captains have jobs	3 Lieutenants have jobs
1 Captain is needed	5 Lieutenants are needed

Results: Need to mandatory 2 Lieutenants for actual jobs and 3 Lieutenants for Stand-By positions because 2 are for Lieutenant Stand-Bys and 1 is for a Captain Stand-By, i.e. you are over because 1 Captain is working as a Lieutenant and you need to mandatory 1 Captain for Stand-By.

Formula # 2:

7 Captain jobs plus 2 Stand-Bys = 9 Captains needed  
(Currently 2 Captains are working)

3 Lieutenant jobs plus 2 Stand-Bys = 5 Lieutenants needed  
(Currently 8 Lieutenants are working)

9 Captains total needed	5 Lieutenants total needed
2 Captains have jobs	8 Lieutenants have jobs
7 Captains are needed	3 extra Lieutenants are working

Results: All vacancies are filled – 3 Lieutenants are working in Captain vacancies. Need to mandatory 4 Captains all to be Stand-Bys.

**P. 40 HOUR WEEK PERSONNEL:**

1. Members working a 40 hour week will be permitted to work overtime on Saturdays and Sundays. They will also be allowed to relieve mandatory overtime Monday – Friday in accordance with Section IV.E.6.
  - a) To work Saturday or Sunday, 40 hour members will need to “Sign Up” on their calendar in accordance with Section IV. C.
  - b) To relieve mandatory overtime Monday – Friday, forty (40) hour members must notify the Captain of Station 22 of their willingness to work the day of the mandatory.
  - c) Members working a forty (40) hour week are exempt from mandatory.

Q. PROBATIONARY FIREFIGHTERS:

1. Probationary Firefighters are not permitted to work overtime until their sixth (6<sup>th</sup>) month anniversary and they have successfully completed their sixth (6<sup>th</sup>) month probation test as set forth by the Director of Training or designee. Unsuccessful completion of any probationary evaluation examination, an incomplete monthly assignment binder, or placement on special assignment for training shall subject a Probationary Firefighter to a loss of regular sworn overtime privileges.
2. Probationary Firefighters are subject to Recall.
3. Probationary Firefighters shall be placed into the overtime system in accordance to Section IV., J.

R. SPECIAL DAYS:

1. "Special Days" are days members will not get hours logged for working regular overtime sworn. Members will, however, get hours logged in the "Special Days" overtime bucket.
  - a) Special Days are: Fourth of July, Thanksgiving, Christmas Eve, Christmas Day, and New Year's Eve. Other "Special Days" may be granted in advance by the Deputy Chief of Field Operations Bureau.
2. It is the intent to minimize people being forced to work both Christmas Eve and Christmas Day. It is the intent to fill mandatory from those who do not have an assignment on Christmas Eve or Christmas Day.
3. If the "A" shift is working Christmas Eve and the "B" shift is working Christmas Day, then the "C" shift will receive mandatory OTS first for both days. If a member has received mandatory OTS for Christmas Eve they will be last picked for mandatory for Christmas Day (and vice versa based on members available).
4. The Captain of Station 22 along with at least one (1) TeleStaff Administrator, at the direction of the Deputy Chief of Field Operations Bureau, will make mandatory assignments for Christmas Eve and Christmas Day no later than one (1) week prior to December 24.

S. HAZARDOUS MATERIALS TECHNICIANS:

1. Station 3 staffing procedures will be as follows: To fill for vacancies, a minimum of six (6) HazMat members certified as either a Tech or Specialist, with one (1) of those six (6) members being an Officer will be required.
2. The sequence for filling HazMat positions is as follows:
  - a) Members working overtime (regular or mandatory), the fewest HazMat detail hours and the lowest seniority in rank.

- b) Members working regular duty, the fewest HazMat detail hours and the lowest seniority in rank.
- c) Members working trades, the fewest HazMat detail hours and the lowest seniority in rank.
- d) Mandatory a HazMat member.
- e) Recall a HazMat member.

If the HazMat positions still cannot be filled we will use the following:

- 1) Regular overtime sworn non-HazMat members.
- 2) Mandatory overtime sworn non-HazMat members.

T. RESCUE TEAM (STATION 1):

- 1. Station 1 staffing procedures will be as follows: To fill for vacancies, a minimum of six (6) Rescue Team certified members, with one (1) of those six (6) members being an Officer will be required.
- 2. The sequence for filling Rescue Team positions is as follows:
  - a) Members working overtime, the fewest Rescue Team detail hours and the lowest seniority in rank.
  - b) Members working regular duty, the fewest Rescue Team detail hours and the lowest seniority in rank.
  - c) Members working trades, the fewest Rescue Team detail hours and the lowest seniority in rank.
  - d) Mandatory a Rescue Team member.
  - e) Recall a Rescue Team member.

If the Rescue Team positions still cannot be filled, the following will be used:

- 1) Regular overtime sworn non-Rescue Team members.
- 2) Mandatory overtime sworn non-Rescue Team members.

U. AIRCRAFT RESCUE FIREFIGHTERS (ARFF):

- 1. ARFF certified members are the only members who can work at Station 22.
- 2. Only an ARFF certified Captain can be the Captain of Station 22. ARFF certified Lieutenants cannot work in the Captain's spot at Station 22.

3. There will be an ARFF Firefighter Stand-By every day, even if it is necessary to use mandatory overtime.
4. The following is the priority for filling ARFF vacancies:
  - a) Any ARFF qualified members available for overtime.
  - b) An ARFF certified promoted member who is signed up for lower rank ARFF Firefighter overtime position.
  - c) ARFF member working overtime away from Station 22 will be detailed to the ARFF vacancy.
  - d) ARFF member working regular duty will be detailed to the ARFF vacancy. Members will be selected in reverse seniority order and the lowest detail hours.
  - e) ARFF member working a trade (STW) will be detailed to Station 22.
  - f) Mandatory ARFF overtime.
  - g) Promoted ARFF member working regular duty away from Station 22, will be detailed to the ARFF Firefighter vacancy in reverse rank order and the lowest detail hours.

V. OFFICERS MANAGING OVERTIME:

1. Overtime will be tracked, managed and assigned by the Captain of Station 22, with assistance from other stations as necessary.
  - a) The Captain of Station 22, when needed, will send the assisting station(s) a list of members needing to be contacted for overtime assignments and the assignment location.
  - b) Members from the assisting station(s) will contact each member on the list, in list order, until all positions have been filled.
  - c) Members will report back to the Captain of Station 22 with the results.
2. Once overtime has been assigned, it will be the responsibility of the Captain at Station 22 to send an email to all stations listing the Stand-By assignments for the next day as soon as possible or before 1600 hours.
3. The format of the email will be set by the House Captain and be consistent across all three (3) shifts.
4. If the TeleStaff system goes down, Battalion Chiefs will fax to Station 22 the roll call sheet for the day to be filled.

5. The Officer managing overtime will be required to print a copy of the Stand-By lists for the next day.
6. All lists shall be kept on file as directed by Administration. The general guideline will be to keep records until the affected bucket is zeroed (0).
7. If the Officer managing overtime discovers that TeleStaff is not working properly either from software or hardware issues, they shall contact the TeleStaff Administrators via email at [FireTelestaffAdministrators@oaklandnet.com](mailto:FireTelestaffAdministrators@oaklandnet.com).
8. If a member refuses a mandatory Stand-By position or mandatory overtime position, the Overtime Officer will log the appropriate penalty hours on the member's calendar.
9. The Officer managing overtime will send an email to the TeleStaff Administrators and Battalion Chiefs with the names of any member who reports off sick or refuses an overtime assignment including Stand-Bys assignment. Battalion 3 will verify that proper penalties and codes have been placed on each member's calendar.
10. To resolve any overtime issues, it shall be the responsibility of the member and their Company Officer to review all TeleStaff Procedures, Overtime Policy and Procedures or Rules and Regulations pertaining to the issue of contention to clarify or resolve the issue before contacting the Captain of Station 22. ONLY the Company Officer shall contact the Captain of Station 22 to resolve any questions or disputes. Members failing to follow this procedure, including the Company Officer, will have twenty-four (24) hours added to their Regular Overtime Bucket.
  - a) Members who are not on-duty will need to go through the Officer working at their normally assigned station for the day to resolve any overtime issues. The Company Officer is expected to be able to answer most questions before calling the Captain of Station 22.
    - 1) Making yourself available for OTS after SCK, zSCK, FML and responding to an outbound from Station 22 are exceptions to the above rule.
11. Under normal daily operations, the Captain of Station 22 is only responsible for managing overtime that affects the current or next shift's overtime staffing needs. They are not responsible for overtime issues that are 2-7 days out from the current shift. If there is a TeleStaff issue that is within the 2-7 day window, contact a TeleStaff Administrator to resolve those issues. If an overtime issue involves the current or next shift's staffing needs, then contact the Captain of Station 22, after you have followed all the proper policies and procedures for contacting the Captain of Station 22.



**ATTACHMENT 7 - FIRE ACADEMY COSTING**

**COSTS FOR FIREFIGHTER TRAINEE ACADEMY**  
**1-2016 AT CURRENT SALARY (18 Weeks)**  
**22 FF TRAINEE**  
**12 FF PARAMEDIC TRAINEE**  
**34**

Jun 6, 2016 -  
 Oct 7, 2016

Trainee (34) Personnel Costs	Weekly Salary	18 Weeks	PART TIME	SALARY &
			BENEFITS RATE 34.93%	PART TIME BENEFITS RATE 34.93%
Fire Fighter Trainee (22) \$13.74 hr	\$12,091	217,641.60	76,022.21	\$293,664
Fire Fighter Paramedic Trainee (12) \$16.48 hr	7,910	142,387.20	49,735.85	192,123
<b>TOTAL</b>				<b>\$485,787</b>

**Equipment Costs**

Safety & Protective Clothing	Cost Per Item	34 FF/FFPM	TOTAL
Masks (w/IHUD)	\$400.44	13,614.96	13,614.96
Mask Bag	\$39.42	1,340.28	1,340.28
Structure Helmet	\$315.00	10,710.00	10,710.00
Turnouts (2 sets)	\$2,065.00	140,420.00	140,420.00
Structure Boots	\$147.83	5,026.22	5,026.22
Flash Hood (2)	\$33.00	2,244.00	2,244.00
Spanner	\$15.50	527.00	527.00
Webbing	\$5.00	170.00	170.00
Structure Gloves (2 sets)	\$60.00	4,080.00	4,080.00
Wildland Jacket	\$297.00	10,098.00	10,098.00
Wildland Pant	\$195.00	6,630.00	6,630.00
Wildland Boots	\$260.00	8,840.00	8,840.00
Wildland Gloves	\$32.85	1,116.90	1,116.90
Wildland Helmet	\$52.61	1,788.74	1,788.74
Wildland Backpack	\$293.00	9,962.00	9,962.00
Wildland Canteen	\$5.60	190.40	190.40
Wildland Shelter	\$355.00	12,070.00	12,070.00
Wildland Helmet Lantern	\$36.23	1,231.82	1,231.82
Wildland Goggles	\$25.00	850.00	850.00
BDU's	\$100.00	3,400.00	3,400.00
Name Tag	\$15.00	510.00	510.00
Station Boots	\$132.00	4,488.00	4,488.00
Helmet Shield	\$45.00	1,530.00	1,530.00
Binders	\$6.00	204.00	204.00
Books	\$45.00	1,530.00	1,530.00
<b>Total Equipment Costs</b>	<b>\$4,976.48</b>	<b>242,572.32</b>	<b>242,572.32</b>

**ATTACHMENT 7 - FIRE ACADEMY COSTING**

**CADRE**

<b>Cadre (7) Personnel Costs</b>	<b>Annual Salary</b>	<b>FTE</b>	<b>Cadre</b>	<b>TOTAL</b>
1 Lieutenant of Fire 5% Premium Pay (21 Weeks)	127,303	-	2,570.55	2,571
1 Lieutenant of Fire Backfill (21 Weeks)	127,303	1.00	77,116.43	77,116
1 Lieutenant of Fire 5% Premium Pay (20 Weeks)	127,303	-	2,448.14	2,448
1 Lieutenant of Fire Backfill (20 Weeks)	127,303	1.00	73,444.22	73,444
1 Lieutenant of Fire 5% Premium Pay (19 Weeks)	127,303	-	2,325.73	2,326
1 Lieutenant of Fire Backfill (19 Weeks)	127,303	1.00	69,772.01	69,772
1 Engineer of Fire 5% Premium Pay (20 Weeks)	118,991	-	2,288.28	2,288
1 Engineer of Fire Backfill (20 Weeks)	118,991	1.00	68,648.40	68,648
1 Fire Fighter Paramedic 5% Premium Pay (19 Weeks)	120,202	-	2,195.99	2,196
1 Fire Fighter Paramedic Backfill (19 Weeks)	120,202	1.00	65,879.72	65,880
1 Fire Fighter 5% Premium Pay (20 Weeks)	109,282	-	2,101.58	2,102
1 Fire Fighter Backfill (20 Weeks)	109,282	1.00	63,047.42	63,047
1 Fire Fighter 5% Premium Pay (19 Weeks)	109,282	-	1,996.50	1,997
1 Fire Fighter Backfill ( 19 Weeks)	109,282	1.00	59,895.05	59,895
<b>TOTAL</b>		<b>7.00</b>	<b>493,730.04</b>	<b>\$493,730</b>

**Summary:**

Personnel Costs (Trainee Salary & Fringe Benefit)	\$485,787
Safety & Protective Clothing Costs	242,572
Cadre 5% Staff Assignment Pay & Backfill Costs	493,730
<b>Grand Total</b>	<b><u>\$1,222,089</u></b>

11/18/2016

**ATTACHMENT 7 - FIRE ACADEMY COSTING**

**COSTS FOR FIREFIGHTER TRAINEE ACADEMY  
2-2016 AT CURRENT SALARY (18 Weeks)  
29 FF TRAINEE  
9 FF PARAMEDIC TRAINEE  
38**

Dec 19, 2016 -  
Apr 21, 2017

Trainee (38) Personnel Costs	Weekly Salary	18 Weeks	PART TIME	SALARY &
			BENEFITS	PART TIME
			RATE 34.93%	BENEFITS RATE
				34.93%
Fire Fighter Trainee (29) \$14.01 hr	\$16,252	292,528.80	102,180.31	\$394,709
Fire Fighter Paramedic Trainee (9) \$16.81 hr	6,052	108,928.80	38,048.83	146,978
<b>TOTAL</b>				<b>\$541,687</b>

Safety & Protective Clothing Equipment Costs	Cost Per Item	38 FF/FFPM	TOTAL	
Masks (w/IHUD)	\$400.44	15,216.72	15,216.72	
Mask Bag	\$39.42	1,497.96	1,497.96	
Structure Helmet	\$315.00	11,970.00	11,970.00	
Turnouts (2 sets)	\$2,065.00	156,940.00	156,940.00	
Structure Boots	\$147.83	5,617.54	5,617.54	
Flash Hood (2)	\$33.00	2,508.00	2,508.00	
Spanner	\$15.50	589.00	589.00	
Webbing	\$5.00	190.00	190.00	
Structure Gloves (2 sets)	\$60.00	4,560.00	4,560.00	
Wildland Jacket	\$297.00	11,286.00	11,286.00	
Wildland Pant	\$195.00	7,410.00	7,410.00	
Wildland Boots	\$260.00	9,880.00	9,880.00	
Wildland Gloves	\$32.85	1,248.30	1,248.30	
Wildland Helmet	\$52.61	1,999.18	1,999.18	
Wildland Backpack	\$293.00	11,134.00	11,134.00	
Wildland Canteen	\$5.60	212.80	212.80	
Wildland Shelter	\$355.00	13,490.00	13,490.00	
Wildland Helmet Lantern	\$36.23	1,376.74	1,376.74	
Wildland Goggles	\$25.00	950.00	950.00	
BDU's	\$100.00	3,800.00	3,800.00	
Name Tag	\$15.00	570.00	570.00	
Station Boots	\$132.00	5,016.00	5,016.00	
Helmet Shield	\$45.00	1,710.00	1,710.00	
Binders	\$6.00	228.00	228.00	
Books	\$45.00	1,710.00	1,710.00	
<b>Total Equipment Costs</b>	<b>\$4,976.48</b>	<b>\$271,110.24</b>	<b>\$271,110.24</b>	<b>271,110.24</b>

**CADRE**

Cadre (7) Personnel Costs	Annual Salary	FTE	Cadre	TOTAL
1 Lieutenant of Fire 5% Premium Pay (21 Weeks)	127,303	-	2,570.55	2,571
1 Lieutenant of Fire Backfill (21 Weeks)	127,303	1.00	77,116.43	77,116
3 Lieutenant of Fire 5% Premium Pay (20 Weeks)	127,303	-	7,344.42	7,344
3 Lieutenant of Fire Backfill (20 Weeks)	127,303	3.00	220,332.67	220,333
1 Engineer of Fire 5% Premium Pay (20 Weeks)	118,991	-	2,288.28	2,288
1 Engineer of Fire Backfill (20 Weeks)	118,991	1.00	68,648.40	68,648
2 Fire Fighter Paramedic 5% Premium Pay (20 Weeks)	120,202	-	4,623.14	4,623
2 Fire Fighter Paramedic Backfill (20 Weeks)	120,202	2.00	138,694.15	138,694
<b>TOTAL</b>		<b>7.00</b>	<b>521,618.05</b>	<b>521,618</b>

**Summary:**

Personnel Costs (Trainee Salary & Fringe Benefit)	\$541,687
Safety & Protective Clothing Costs	271,110

**ATTACHMENT 7 - FIRE ACADEMY COSTING**

Cadre 5% Staff Assignment Pay & Backfill Costs

521,618

**Grand Total** \$1,334,415

11/18/2016

**ATTACHMENT 7 - FIRE ACADEMY COSTING**

**COSTS FOR FIRE FIGHTER TRAINEE ACADEMY**

**2-2018 (18 Weeks)\***

**16 FF TRAINEE**

**4 FF PARAMEDIC TRAINEE**

<b>Personnel Costs</b>	<b>ACADEMY SALARY PER TRAINEE</b>	<b>18 Week Academy Salary For All Trainees</b>	<b>PART TIME FRINGE BENEFIT RATE 32.44%</b>	<b>SALARY &amp; PART TIME FRINGE BENEFIT RATE</b>
Fire Fighter Trainee (16)	\$9,893	\$158,284.80	\$51,348	\$209,632
Fire Fighter Paramedic Trainee (4)	12,348	49,392	16,023	65,415
<b>TOTAL</b>				<b><u>\$275,047.15</u></b>

**Equipment Costs**

<b>Safety &amp; Protective Clothing</b>	<b>Cost Per Item</b>	<b>16 FFT/ 4 FFPMT</b>	<b>TOTAL</b>	
Cairns 880 Helmet	\$200	\$4,000	\$4,000	
Coat*	2,050	\$82,000	82,000	*two items each
Pants*	1,330	\$53,200	53,200	*two items each
Boots	285	\$5,700	5,700	
Pro-Tech 8 Fusion Glove	55	\$1,100	1,100	
Fire Hood*	60	\$2,400	2,400	*two items each
Facepiece w/iHUD	545	\$10,890	10,890	
Headlamp	48	\$958	958	
Wildland PPE (jacket and pants)	351	\$7,020	7,020	
Wildland Boots	207	\$4,140	4,140	
Fire Shelter	242	\$4,849	4,849	
Harness	96	\$1,920	1,920	
Day Pak	115	\$2,300	2,300	
<b>SUBTOTAL</b>		5,584	180,477	180,477
Estimated 9.25% Sales Tax		517	16,694	16,694
<b>TOTAL</b>		<b>\$6,100</b>	<b>\$197,171</b>	<b>\$197,171.34</b>

**CADRE**

<b>Personnel Costs</b>	<b>Annual Salary</b>	<b>FTE</b>	<b>Cadre</b>	<b>TOTAL</b>
Lieutenant of Fire 5% Premium Pay (21 Weeks)	127,303	5	12,853	12,853
Lieutenant of Fire Backfill (21 Weeks)	127,303	5	385,582	385,582
<b>TOTAL</b>		<b>10</b>	<b>\$398,435</b>	<b>\$398,434.91</b>

**Summary:**

Trainees	\$275,047.15
Equipment	197,171.34
Cadre	398,434.91
<b>Grand Total</b>	<b><u>870,653.41</u></b>

costing as of 9/15/17 (at 2017 minimum wage rates, employee wages without COLAs, 2017 PPE costs)

\*It should be noted this class size would keep up with current attrition rates but would not further fill sworn vacant positions above current levels.

**Overtime in the Oakland Police Department**

**March 20, 2018**

Different Overtime Categories in Budget with Actual Amounts .....3  
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**Different Overtime Categories in Budget with Actual Amounts**

The \$12.4M in overtime is officially budgeted in very broad overtime categories. The categories and amounts are provided in *Table 1*, below.

*Table 1: OPD Overtime Budget FY 2017-18*

<b>Account and Description</b>	<b>FY2017-18 Budget</b>
51211 - Civilian: Holiday Overtime	\$582,420
51212 - Civilian: Other Overtime	\$614,748
51213 - Sworn: Holiday Overtime	\$813,630
51214 - Sworn: Overtime	\$10,388,920
51219 - Civilian: Overtime	\$18,933
51228 - Overtime: Canine Handlers	\$56,780
<b>Grand Total</b>	<b>\$12,475,431</b>

There are 21 overtime accounts and 56 pay elements that can be used. OPD internally consolidates the 56 pay elements to 15 categories for more efficient tracking. These overtime categories are listed below and were previously defined on pages 7 and 8 of **Attachment A**.

1. Acting Higher Rank
2. Administrative Investigation
3. Backfill
4. Callback
5. Canine
6. Community Meetings
7. Comp Time Earned
8. Court
9. Extension of Shift
10. FLSA
11. Holiday
12. Recruiting/Background
13. Special Enforcement
14. Special Events
15. Training

Internally, overtime is budgeted at the org (organizational code) level, not at the category level.

**Breakdown Where Overtime is Budgeted per Org**

The Department created an internal overtime budget of \$21M that is far less than the annual overtime spent in each of the past five years, but more realistic than the adopted overtime budget of \$12.4M. At the beginning of the fiscal year, each commander, manager and supervisor who oversees an org is provided with their overtime budget. The internal FY 2017-18 budget is provided below in *Table 2*. Overtime is internally budgeted into 37 orgs.

Table 2: Internal OPD Overtime Budget

<b>ORG</b>	<b>FY 2017-18 BUDGET</b>
101110 - Office of Chief - Administration	\$18,000
101112 - Public Information Unit	\$20,000
101120 - Internal Affairs	\$120,000
101130 - Office of the Inspector General	\$10,000
101140 - Intelligence Unit	\$40,000
102120 - Property and Evidence	\$80,000
102130 - Special Victims Section	\$750,000
102140 - Research & Planning	\$5,000
102280 - Crime Analysis Section	\$10,000
102310 - Criminal Investigations	\$100,000
102320 - Homicide	\$975,000
102321 - Misdemeanor Crimes & Task Forces	\$400,000
102324 - Felony Assault & Gang Section	\$300,000
102330 - Robbery & Burglary Section	\$450,000
102350 - Youth & School Services Section	\$250,000
102610 - Criminalistics Unit	\$32,500
103110 - Bureau of Services - Administration Unit	\$17,000
103242 - Records & Warrants	\$475,000
103310 - Communications Unit	\$1,150,000
103430 - Training Unit	\$1,200,000
106210 - Police Personnel	\$35,000
106410 - Police Information Technology	\$20,000
106510 - Fiscal Services	\$2,500
106610 - Background & Recruiting	\$400,000
106810 - PAS Administration	\$10,000
107410 - Support Operations	\$100,000
107510 - Traffic Operations	\$150,000
107710 - Special Operations	\$4,650,000
108010 - BFO Administration	\$70,000
108110 - District Area 1	\$2,500,000
108120 - District Area 2	\$1,000,000
108130 - District Area 3	\$1,450,000
108140 - District Area 4	\$1,450,000
108150 - District Area 5	\$2,100,000
108630 Ceasefire	\$650,000
108710 - Neighborhood Services Section 1	\$5,000
108820 - Neighborhood Services Section 2	\$5,000
	<b>\$21,000,000</b>

### **Explanation of Who Approves Overtime Expenditures**

Generally speaking, “authorized” overtime is pre-approved, while “approved” overtime is overtime that is approved after it is worked. Authorized overtime is endorsed by a division commander or manager; approved overtime is endorsed by any commander or manager. Watch commanders (lieutenants) do not need higher-level authorization or approval to conform to the requirement of minimum staffing levels. In all instances, each overtime “slip” is audited before compensation is paid to the employee.

A further explanation of who approves overtime expenditures was previously provided on page 6 of **Attachment A** from the February 27, 2018 overtime report, under Overtime Approval. A portion of that explanation is provided here:

Overtime in OPD can be approved by any commander or manager. This practice is in place due to the dynamic nature of police work. For example, a patrol officer may be in the process of obtaining a victim’s statement when the officer’s shift is nearing completion. Interrupting this process to obtain approval for the officer... from a high-ranking member of the organization would be time-consuming and very insensitive to the victim’s needs.

[In another example,] when a watch commander is faced with a last-minute unexpected vacancy, the watch commander must act very quickly to ensure that minimum staffing levels are met. To [obtain] higher-level approval (often outside of business hours) would be time-consuming and impractical to the point of endangering public and officer safety.

### **Amount of Overtime Internally Allocated for Each Commander**

The amount of overtime provided to each division and the amount spent in General Purpose Fund (GPF) as of February 9, 2018, are provided in *Table 3*, below:

*Table 3: Internal OPD Budget and Actual Amount Spent by Org as of February 9, 2018*

<b>Org</b>	<b>Internal Budget</b>	<b>Actual Spent</b>
101110 - Office of Chief - Administration	\$18,000	\$12,187
101112 - Public Information Unit	\$20,000	\$12,073
101120 - Internal Affairs	\$120,000	\$155,379
101130 - Office of the Inspector General	\$10,000	\$788
101140 - Intelligence Unit	\$40,000	\$20,106
102120 - Property and Evidence	\$80,000	\$69,741
102130 - Special Victims Section	\$750,000	\$577,769
102140 - Research, Planning & Crime Analysis	\$5,000	\$3,199
102280 - Crime Analysis Section	\$10,000	\$153
102310 - Criminal Investigations	\$100,000	\$13,884
102320 - Homicide	\$975,000	\$867,037
102321 - Misdemeanor Crimes & Task Forces	\$400,000	\$170,467
102324 - Felony Assault & Gang Section	\$300,000	\$154,585

Org	Internal Budget	Actual Spent
102330 - Robbery & Burglary Section	\$450,000	\$204,616
102350 - Youth & School Services Section	\$250,000	\$86,382
102610 - Criminalistics Unit	\$32,500	\$2,318
103110 - Bureau of Services - Administration Unit	\$17,000	\$163
103242 - Records & Warrants	\$475,000	\$327,492
103310 - Communications Unit	\$1,150,000	\$1,247,649
103430 - Training Unit	\$1,200,000	\$1,260,962
106210 - Police Personnel	\$35,000	\$77,546
106410 - Police Information Technology	\$20,000	\$110,637
106510 - Fiscal Services	\$2,500	\$497
106610 - Background & Recruiting	\$400,000	\$414,142
106810 - PAS Administration	\$10,000	\$33,460
107410 - Support Operations	\$100,000	\$167,222
107510 - Traffic Operations	\$150,000	\$230,895
107710 - Special Operations	\$4,650,000	\$4,475,997
108010 - District Command Administration	\$70,000	\$35,911
108110 - District Area 1	\$2,500,000	\$1,674,652
108120 - District Area 2	\$1,000,000	\$964,366
108130 - District Area 3	\$1,450,000	\$1,097,634
108140 - District Area 4	\$1,450,000	\$879,976
108150 - District Area 5	\$2,100,000	\$1,657,568
108630 - Ceasefire	\$650,000	\$606,740
108710 - Neighborhood Services Section 1	\$5,000	\$1,723
108820 - Neighborhood Services Section 2	\$5,000	\$2,907
Incorrect/Expired Org	\$0	\$22,006
<b>Grand Total</b>	<b>\$21,000,000</b>	<b>\$17,640,833</b>

### **Service Level Demands, Insufficient Overtime Budget, and Crime**

As provided in the February 27, 2018 overtime report (**Attachment A**), there are a number of reasons why the approved overtime budget is insufficient for OPD. Along with frequent wage increases, mandates such as the Negotiated Settlement Agreement (NSA), critical understaffing, and crowd management, service level demands were cited. Service level demands were defined as minimum patrol staffing of 35 officers per shift per day. However, a surge in violent crime activity requires strategic deployment of personnel on overtime beyond minimum staffing levels.

A detailed explanation of how service level demands drive overtime has previously been included in **Attachment A** in the Service Level Demands section on pages 4 and 5. Basically, OPD has 35 patrol beats to fill 24 hours a day, seven days a week. Since there are three shifts, OPD is required to deploy 35 officers in patrol three times a day. Thirty-five officers are required because there are 35 patrol beats in the City of Oakland. The *maximum* number of officers available is between 40 and 48 per shift, depending on the day of the week and the shift. This maximum number is diminished by staffing reductions due to vacant positions, training

assignments, injuries, illnesses, vacation, special assignment, or other time away from a patrol assignment. The average number of instances in which a beat was not filled for a shift from March 2017 through February 2018<sup>1</sup> was 38 times per month.

OPD has undertaken a number of measures to mitigate the overtime impacts resulting from service level demands (addressed in **Attachment A** under Overtime Reduction Strategies, pages 9 to 11) and included in this document under the same heading). As provided in the Overtime Reduction Strategies section in both places, OPD has revised its Police Officer Trainee (POT) hiring process to increase the frequency of testing. This should significantly expand the POT hiring pool and academy size, resulting in fewer vacant positions in patrol.

OPD is working diligently to mitigate the impact of potential service retirements through an improved hiring process. Officers are eligible to retire at age 50 with a minimum of five years of service. The following are the numbers of sworn personnel eligible to retire by calendar year:

- 2018: 53 possible sworn retirees
- 2019: 25 possible sworn retirees
- 2020: 25 possible sworn retirees
- 2021: 22 possible sworn retirees
- 2022: 25 possible sworn retirees

As previously provided on page 11 of **Attachment A**, the following impact is expected from failing to meet service level demands:

In the Bureau of Field Operations (BFO), OPD has spent \$1.55M on backfill overtime and an additional \$1.09M on extension of shift overtime as of December 29, 2017. Much of these expenditures have taken place in patrol in order to maintain minimum citywide staffing levels of 35 officers. While OPD will continue to monitor daily patrol staffing to ensure that unnecessary overtime funds are not expended, reducing staffing levels below 35 officers per shift will likely result in:

- Diminished officer safety due to an inadequate number of officers being able to deal with violent individuals.
- Decreased safety to the public due to an inadequate number of patrol officers being able to address situations in which community residents are threatened with harm.
- Increases in crime due to officers being unable to respond to calls for service and perform sufficient preliminary investigations.
- Longer response times because an inadequate number of officers are able to respond to the 500,000-plus calls for service each year.
- Increased number of community complaints due to increased response times and other reductions in service.

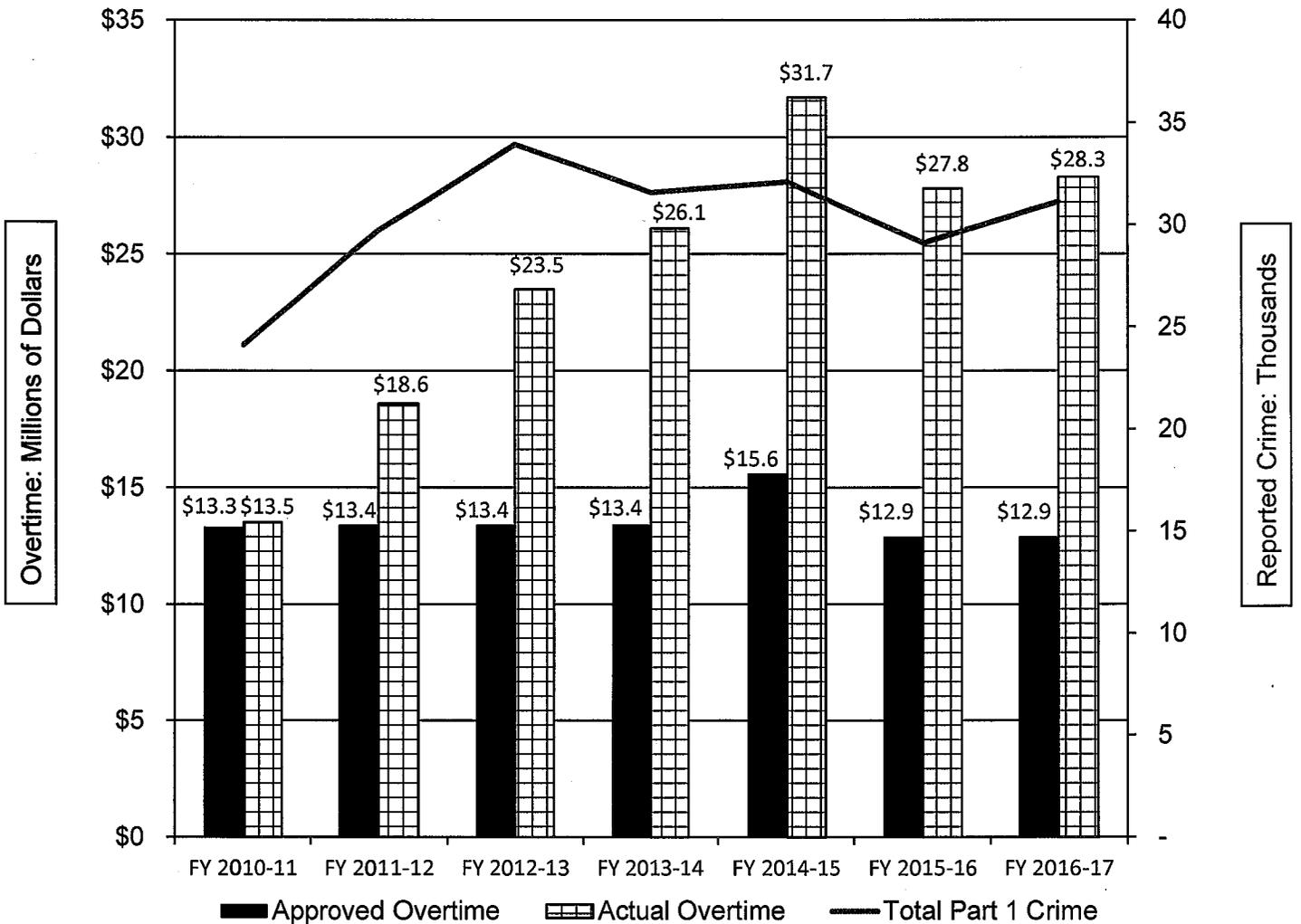
Several charts are provided below that provide information on overtime expenditures and amount of reported crime as well as crowd management and filled positions.

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<sup>1</sup> Data was available for nine months of this 12-month period. Data was not recorded for April, June, and September 2017 because no staffing report was provided to the Public Safety Committee for those months.

Chart 1, below, provides GPF overtime in OPD – approved versus actual in millions of dollars as well as the total number of reported Part 1<sup>2</sup> crimes for each year.

Chart 1: OPD GPF Overtime– Approved versus Actual (in Millions) and Reported Part 1 Crime

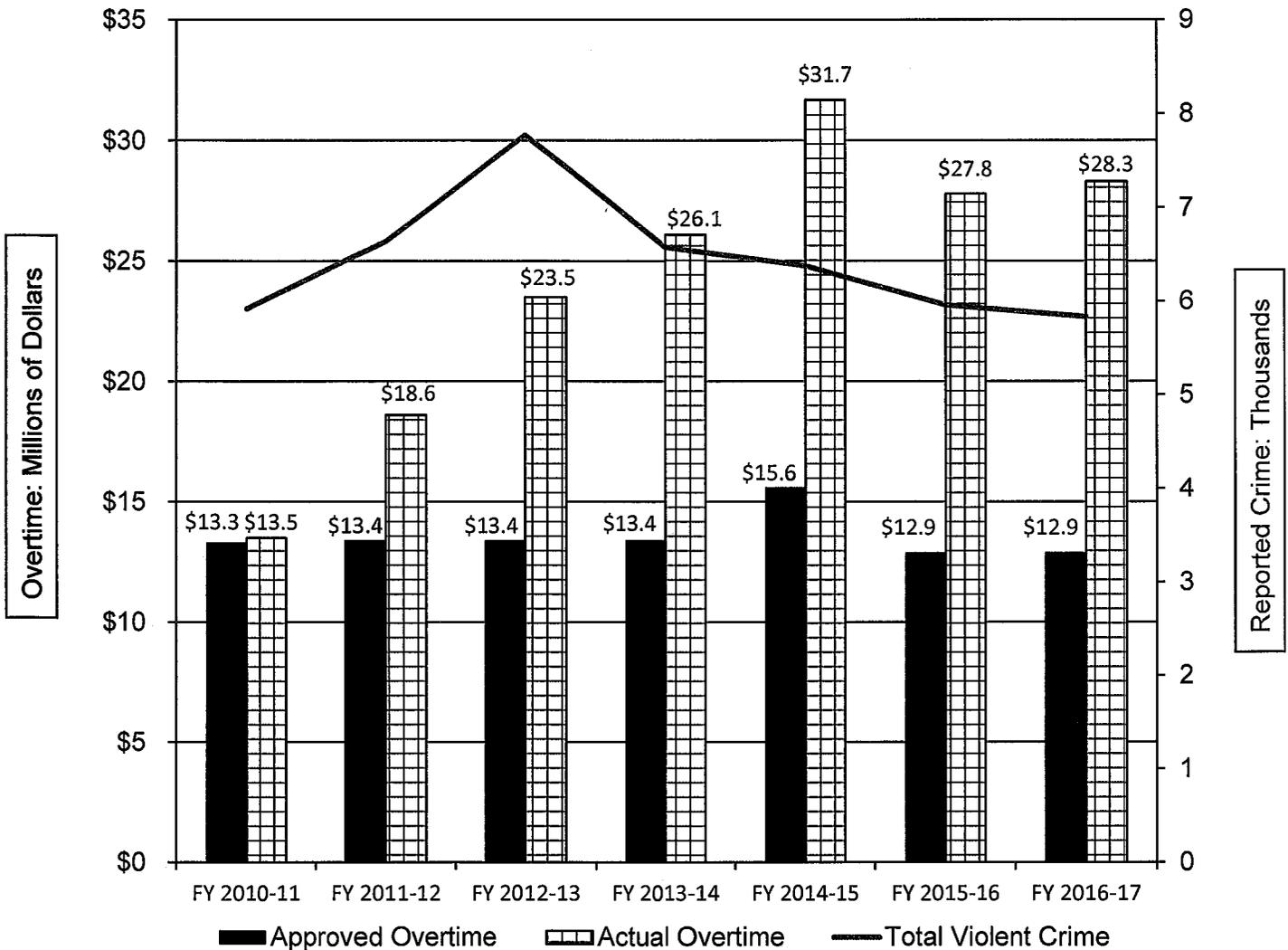


The total number of reported Part 1 crimes increased from FY 2010-11 to FY 2012-13 by 41 percent. Overtime expenditures increased by 74 percent over the same time period. The total number of reported Part 1 crimes decreased by seven percent from FY 2012-13 to FY 2013-14 and overtime expenditures increased by 11 percent over the same period. The total number of reported Part 1 crimes increased by two percent from FY 2013-14 to FY 2014-15 and overtime expenditures increased by 21 percent over the same period. The total number of Part 1 crimes decreased by nine percent from FY 2014-15 to FY 2015-16 and overtime decreased by 12 percent over the same period. The total number of Part 1 crimes increased by seven percent from FY 2015-16 to FY 2016-17 and overtime increased by two percent over the same period. The total number of reported Part 1 crimes is not provided by fiscal year for FY 2009-10 because this data is not readily available by fiscal year. Data is not provided for FY 2017-18 because the year has not yet been completed.

<sup>2</sup> Part 1 Crimes, as defined by the Federal Bureau of Investigation (FBI) in the Uniform Crime Reports (UCR) are homicide, aggravated assault, rape, robbery, burglary, motor vehicle theft, larceny, and arson.

Chart 2, below, provides GPF overtime in OPD – approved versus actual in millions of dollars as well as the total number of reported violent<sup>3</sup> crime for each year.

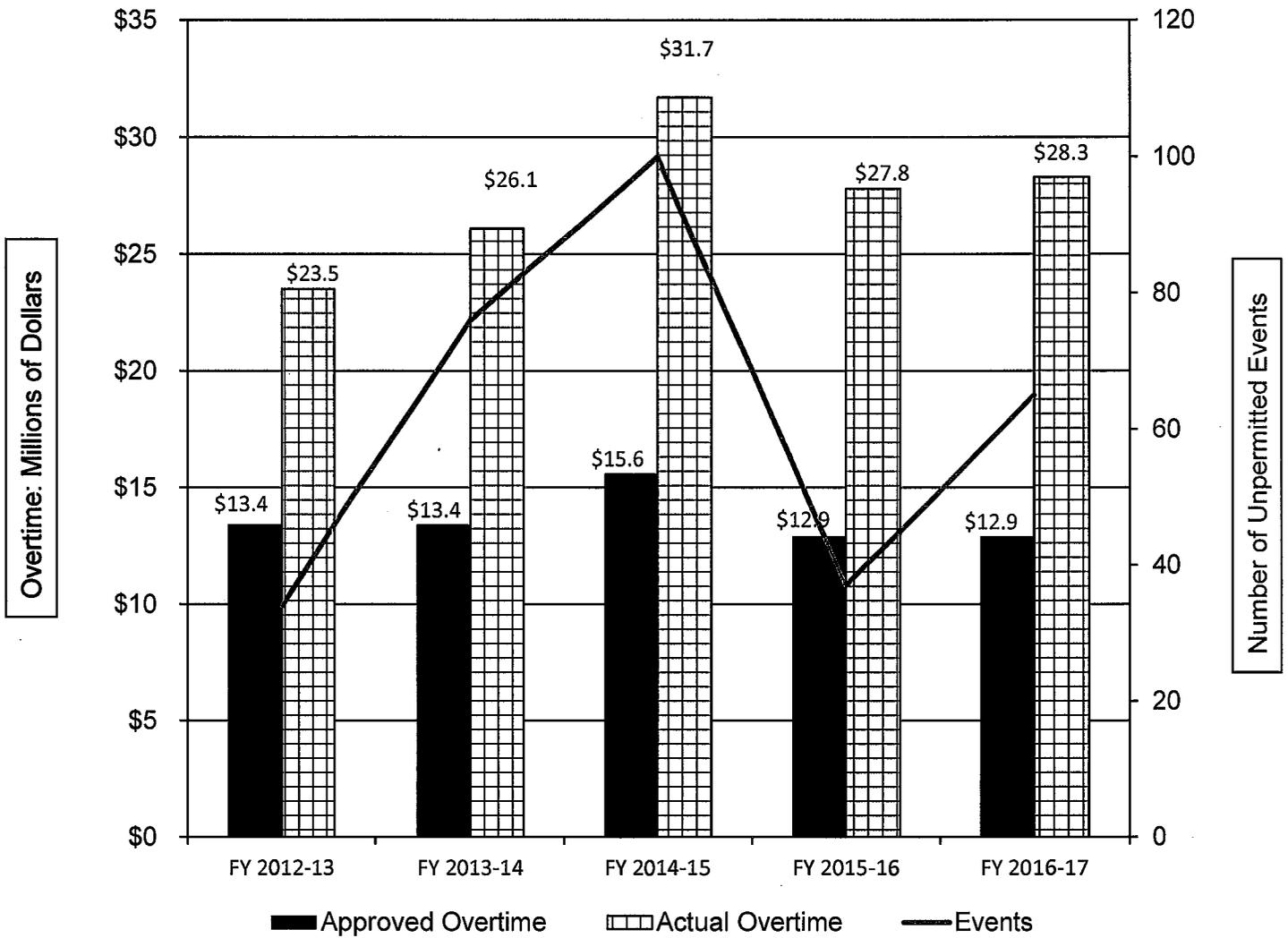
Chart 2: OPD GPF Overtime– Approved versus Actual (in Millions) and Reported Violent Crime



Reported violent crime increased from FY 2010-11 to FY 2012-13 by 31 percent. Overtime expenditures increased by 74 percent over the same time period. Reported violent crime decreased by 15 percent from FY 2012-13 to FY 2013-14 and overtime expenditures increased by 11 percent over the same period. Reported violent crime decreased by three percent from FY 2013-14 to FY 2014-15 and overtime expenditures increased by 21 percent over the same period. Reported violent crime decreased by seven percent from FY 2014-15 to FY 2015-16 and overtime decreased by 12 percent over the same period. Reported violent crime decreased by two percent from FY 2015-16 to FY 2016-17 and overtime increased by two percent over the same period. Reported violent crime is not provided by fiscal year for FY 2009-10 because this data is not readily available by fiscal year. Data is not provided for FY 2017-18 because the year has not yet been completed.

<sup>3</sup> Violent crimes are homicide, aggravated assault, rape, and robbery.

Chart 3, below, provides GPF overtime in OPD – approved versus actual in millions of dollars as well as the total number of non-reimbursed crowd management events (including demonstrations) for each year.



Data is not available for FY 2009-10 through FY 2011-12. FY 2017-18 is not included because the fiscal year has not yet been completed.

**Special Events/Special Enforcement and Reimbursable Events**

Table 3 on pages 8 and 9 of **Appendix A** provided a list of 36 Special Enforcement and Special Events over \$30,000. This table included a number of events that were reimbursed because reimbursable events show up as expenditures from GPF overtime. The Department tracks Special Enforcement and Special Events via tasks created in the Oracle. The Finance Department provided general guidelines for creating tasks that are not tied to a sponsored project. The format is FUND.PROGRAM.XXXXX.XXX (ex. 1010.PS01.REIMB.001). Internally, we use "TRACK" and "REIMB" to identify which tasks are for "tracking only" and which tasks are reimbursable events. Note, some "tracking only" tasks end up being reimbursable when an outside entity agrees to pay for the services (ex. Napa/Sonoma Fires, Warriors Parade). Once the Department creates the invoice for the reimbursable special event, the invoiced amount is posted in our revenue account to offset the cost of the event.

**NSA Requirements and Actual Overtime Costs**

As previously provided on page 5 of **Attachment A**:

The NSA places a number of mandates on OPD that may not otherwise exist, including two mandates that have particular impact on patrol overtime. The first is that a patrol sergeant may not supervise more than eight officers. The second is that OPD cannot use acting sergeants in patrol. Taken together, a significant amount of overtime is generated because OPD must have five regular permanent (not temporary acting) sergeants in patrol for every shift to supervise the minimum of 35 officers. Administrative sergeant positions have been created to address this issue, but this has not proven to be an effective remedy.

Administrative sergeants are regular permanent positions and are often assigned full-time to fill in for sergeants who are on long-term injury or other assignment.

**Cost of Acting Sergeants in Select Assignments**

For the month of October 2017 alone<sup>4</sup>, the number of hours of overtime mandated by the NSA for patrol sergeants was 620. At \$95.08 per hour, the cost of this overtime was \$58,950. Extrapolating this to an entire fiscal year indicates the estimated cost to be \$707,395. Including the COLA provided in January 2018, the estimated cost of sergeant overtime mandated by NSA Task 20.2 for FY 2017-18 is \$719,857. If not for the NSA, OPD could use acting sergeants in patrol or increase the ratio of officers to sergeants. Officers in acting sergeant roles would receive a higher hourly rate than officers normally do. The difference in hourly rate between acting sergeant and a Step 3 officer is currently \$24.62 per hour. The current cost of a sergeant on overtime is \$98.43 per hour. While there may be other overtime costs in providing a sufficient number of officers if acting sergeants are used in operational assignments, the cost would be less than paying sergeants on overtime.

**Cost of NSA-Mandated Training for Sergeants and Officers**

As previously provided on page 5 of **Attachment A**:

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<sup>4</sup> While OPD carefully tracks sergeant deployment in order to comply with NSA Task 20.2, OPD does not track how many sergeants are deployed on overtime for this purpose, the number of sergeant overtime hours for this purpose, or the cost of sergeants deployed on overtime for this purpose. The October numbers required several hours of staff time manually reviewing the staffing roster for each day.

The California Commission on Peace Officer Standards and Training (POST) mandates that every peace officer, public safety dispatcher, and public safety dispatch supervisor complete a minimum of 24 hours of POST-qualifying training every two years. The NSA training requirement (Task 43) requires OPD to exceed the POST mandates by requiring that all sworn personnel receive 40 hours of in-service training every 18 months. NSA Task 43 also mandates 20 hours of supervisory training every eighteen months.

At present, all training is completed by sergeants and officers who are assigned to attend in lieu of their regular work assignment. For those assignments that have minimum staffing requirements (such as patrol), this practice increases the likelihood of overtime being used.

It is challenging to estimate the actual amount of overtime used due to NSA Task 43 because POST has a similar – but lesser – requirement, as explained above. If it is assumed that OPD would provide 24 hours of POST-mandated training to officers every 24 months in the absence of the NSA, then the information in *Table 4*, below, would apply.

*Table 4: POST versus NSA Training Hours for Officers*

Elapsed Time after Academy Graduation	Number of Mandated Training Hours	
	POST	NSA Task 43
Two Years	24	40
Three Years	24	80
Four Years	48	80
Five Years	48	120
Six Years	72	160
Seven Years	72	160
Eight Years	96	200

As provided by *Table 1*, over an eight-year period, the number of hours mandated by the NSA per officer is more than twice the number of training hours mandated by POST. The estimated expenditure for Training for FY 2017-18 is \$1.9M. This does not include any Backfill or Extension of Shift overtime that may be expended to maintain staffing levels while officers attend training in lieu of their normal assignment.

**Overtime Reduction Strategies and Tracking**

As previously provided, pages 9 through 11 of **Appendix A** include a section titled Overtime Reduction Strategies. The following language is from pages 9 and 10.

OPD has and continues to implement overtime reduction strategies. In addition to the monthly notification of commanders and managers of overtime usage and the daily review, monitoring, and accountability protocols described earlier as related to the DNR, OPD has implemented the following overtime reduction strategies:

- Issued a patrol staffing directive.
- Substantially altered tactical squad deployment in patrol.
- Completely changed the way that mandatory training is scheduled.

- Implemented a city-wide minimum staffing mandate that requires time off requests to be approved on a city-wide basis rather than just the bureau or division level.
- Formed an overtime working group.

While not focused on overtime reduction, OPD has substantially altered the testing process for Police Officer Trainees (POTs) to increase accessibility, reduce the time to hire, and increase academy size.

Patrol Staffing Directive

On May 23, 2017, the Department issued a directive to all OPD commanders concerning overtime use. This directive states the following:

- Area Commanders shall maintain minimum staffing levels of 35 officers Citywide.
- Overtime for backfill shall only be utilized to fill open patrol beats rather than filling each squad to maximum capacity (i.e., 1:8 ratio).
- Area Commanders shall share resources (i.e., Sergeants and Officers) in lieu of backfilling on overtime.
- Area Commanders shall ensure the information contained on the Daily Notification Report (DNR) is accurate with respect to patrol staffing.
- Watch Commanders shall plan for staffing vacancies, in advance, to avoid unnecessary backfilling on overtime.
- Compensatory time, extra vacation leave requests, and training shall be reviewed and approved, in advance, by a Watch Commander to minimize unnecessary overtime due to backfilling.
- Watch Commanders shall consider utilizing officers assigned to Tactical Squads in lieu of backfilling on overtime.
- Watch Commanders shall ensure overtime is not utilized on days and shifts when overlap squads are available and can fill open beats.

Effective January 2018, OPD has modified the patrol schedule to better position the availability of squads on overlap. While there are no overlap squads available on swing shift or on dayshift and night shift on Tuesdays or Wednesdays, there are three tac squads available to cover staffing shortages. OPD changed the hours and days off of tac squads specifically to reduce overtime while filling all 35 patrol beats 24 hours a day, seven days a week. This change may have adverse consequences in addressing violent crime and sideshow during peak evening and weekend hours.

**Appendix A** also includes the below language in Overtime Reduction Strategies, which states the following on page 10:

As provided in the Overtime Monitoring section of this report, the Assistant Chief of Police reviews patrol staffing daily to ensure that the above directive is followed.

Tactical Squad Deployment

Previously, OPD tactical squads (additional patrol squads) were deployed based on operational need. The primary focus was violent crime and sideshow. As of January 13, 2018, tactical squads have been scheduled with a primary focus on

overtime reduction. They are now scheduled to provide maximum beat coverage and reduce backfill (and extension of shift) overtime in patrol. This may have a negative impact on addressing violent crime and sideshow.

#### Mandatory Training Schedule

As mentioned in Federal and State Mandates section of this report, OPD is required to provide 40 hours of in-service training to all sworn personnel every 18 months. Prior to 2018, sergeants and officers were assigned to this training alphabetically without consideration for staffing impacts. OPD has now implemented a system in which only one officer per patrol squad is assigned to training. This should decrease the impact of the mandatory training – potentially significantly.

#### City Wide Minimum Staffing

Prior to 2017, patrol staffing was focused primarily at the area level. As long as there was sufficient staffing for a particular OPD patrol area, consideration was not necessarily given to the other patrol areas (at the bureau or division level), even if other patrol areas were short-staffed. OPD command staff now consider city-wide impacts of patrol staffing. Even if there is sufficient staffing to allow officers time off in one area, all other patrol areas are examined to ensure that officers do not need to be redeployed before time off is approved.

#### Overtime Working Group

The overtime working group includes the Acting Assistant Chief, all Deputy Chiefs, several Captains, and other key stakeholders who meet regularly to achieve the goal of overtime reduction across the organization. The group met on October 18, 2017; November 30, 2017; and January 30, 2018. The group will keep meeting to address overtime issues. The overtime working group first identified the specific causes of OPD overtime and then analyzed categories and use. The group is now working to identify all opportunities to reduce overtime as well as the trade-offs that will accompany these reductions.

One of the primary goals of the Overtime Working Group is to update OPD Department General Order (DGO) D-1, Overtime Policy, Accounting and Compensation. This process is underway and an updated draft is expected in the next several weeks. It is the goal to have an approved policy in place entering FY 2018-19. **Appendix A** includes the following on page 11:

#### POT Testing Process

Prior to 2018, the City of Oakland was only testing for POT one day every other month. Combined with other factors, this has resulted in very few candidates for hire. Working with the Department of Human Resource Management, OPD has worked with the South Bay Regional Training Consortium (South Bay) to substantially expand access to POT testing. South Bay provides a physical ability exam and written exam at least once a week.

The above change in the POT testing process has allowed OPD to double the number of qualified applicants in a single testing cycle.

Concerning tracking of overtime, page 6 of **Appendix A** includes a section titled Overtime Monitoring:

OPD monitors overtime usage at both the macro and micro level. At the macro level, overtime usage reports are produced by OPD Fiscal Services on a monthly basis (or as labor is posted in the financial system). These reports are shared with all commanders and managers for review. At the micro level, the Daily Notification Report (DNR) is shared with the Assistant Chief of Police and Bureau of Field Operations (BFO) executive command every day. The DNR includes detailed information about any use of overtime in patrol, including:

- The number of sergeants and officers deployed on overtime and straight time
- The name of any officer normally assigned
- The name of any officer filling in on overtime
- The number of hours of overtime for any officer receiving overtime
- The reason for the overtime

Most importantly, the DNR requires patrol commanders to explain why a sergeant or officer is receiving overtime if a sergeant or officer from another district is available on straight time. The Assistant Chief of Police holds the appropriate command staff member accountable if it is discovered that overtime was used unnecessarily.

Beyond the DNR, the Chief of Police holds division-level commanders accountable for their annual overtime expenditures.

OPD is currently working to develop more robust overtime tracking measures, including adding additional tasks to track overtime related to Internal Affairs cases, primary sergeant patrol backfill, in-custody arrests, critical incidents, use of force, interviews, violence suppression by area, victim transports, hospital guards, etc. OPD is planning to upgrade its scheduling system to provide much better accountability.

# Monthly Report on Overtime in the Oakland Fire Department: January and February 2018

MARCH 27, 2018

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Attachments (3):

1. Article 4.2.4 Fire Suppression Staffing, IAFF, Local 55 MOU
2. Memo regarding Fire Chief Approval for Overtime, November 8, 2017
3. Overtime Spending for Current Fiscal Year

**EXECUTIVE SUMMARY**

At its February 27, 2018 meeting, the Public Safety Committee requested that additional information from the Oakland Fire Department (OFD) and Oakland Police Department (OPD) provide a monthly report on overtime use in their respective departments. While OPD was asked to provide additional information regarding their use of overtime, there were no specific questions directed to OFD.

There is no single solution to reduce overtime in OFD to the amount authorized in the fiscal year (FY) 2017-19 Adopted Budget. OFD has adopted administrative and procedural changes to reduce overtime and improve accountability. However, because overtime expenditures are mostly driven by service levels and labor provisions, the proposed strategies are likely insufficient to reduce overtime spending to budgeted levels. Such a result will require substantial changes to service levels and/or negotiated collective bargaining agreements.

**BACKGROUND / LEGISLATIVE HISTORY**

On October 24, 2017, staff in the Finance Department presented the FY 2016-17 Fourth Quarter Revenue and Expenditure report to the Finance and Management Committee. This report included an overview of the unaudited overtime expenditure results for all departments across all funds, including in the GPF.

The report showed significant overtime overspending by OFD relative to the FY 2016-17 Adjusted Budget. As shown in **Table 1**, as reported in the fourth quarter, OFD overspent its overtime budget by \$16.8 million.

**Table 1. FY 2016-17 Adjusted Overtime Budget & Unaudited Actuals in the GPF<sup>1</sup>**

	Adjusted OT Budget	Unaudited OT Actuals	(Over) / Under Budget
Fire Department	\$2.2	\$19.0	(\$16.8)

In response to the year-end results, the Council requested that staff return with more detailed information on overtime expenditures, including information on the following:

- Year-to-date overtime results and projections for FY 2017-18;
- Policies, procedures, and processes in place in the department for authorizing and controlling overtime; and,
- Level of decision making authority by rank and accountability mechanisms.

Subsequently, the Finance Department, in cooperation with OPD and OFD presented a report to the Finance and Management and Public Safety Committees on February 27, 2018. The Finance Committee requested a follow up report in three months to coincide with a quarterly report on the City's revenue and expenditures, and the Public Safety Committee requested that OPD and OFD draft a monthly report.

<sup>1</sup> As reported in the FY 2016-17 4<sup>th</sup> Quarter Revenue & Expenditure Report.

**ANALYSIS AND POLICY ALTERNATIVES**

***Departmental Overview***

OFD operates twenty-five (25) fire stations located throughout the city, twenty-four (24) hours per day, seven (7) days per week. OFD is responsible for fire and medical dispatch, fire prevention, fire suppression, mitigation, emergency medical response, specialized rescue operations, fire investigation, emergency management, and fire code inspection within the city.

OFD is authorized five hundred and eight (508) full time equivalent sworn personnel and ninety-four and nine hundredths (94.09) civilian personnel, for a total of six hundred and two and nine thousandths (602.09) full time equivalents.

OFD sworn members operate using a “chain of command” or “rank” system. **Table 2** shows the department’s sworn rank organizational structure by job classification:

**Table 2. Sworn Ranks**

<b>Rank</b>
Fire Chief
Deputy Chief of Fire Department
Battalion Chief
Assistant Fire Marshal (Sworn)
Captain of Fire Department
Lieutenant of Fire Department
Fire Investigator
Engineer of Fire Department
Firefighter Paramedic
Firefighter

There are eleven (11) 40-Hour staff positions; and there are four hundred and ninety-seven (497) 24-Hour shift positions totaling five hundred and eight (508) authorized sworn members. Operationally, OFD fire suppression shift staff is organized into three (3) shifts referred to as A, B and C Shift. Members operate on a 24/48 schedule whereby members work one (1) shift (24-Hours) followed by two (2) days off.

***Fire Suppression Minimum Staffing***

The Memorandum of Understanding (MOU) with the International Association of Firefighters, Local 55 (Local 55) guides working conditions of the represented OFD sworn personnel (**Attachment 1**). Also, OFD operates under an MOU with the Port of Oakland which guides the Aircraft Rescue Fire Fighting (ARFF) Services provided at the Oakland International Airport.

Section 4.2.4 of the MOU between the City and Local 55 identified through the year 2027 daily minimum staffing levels for "Fire Suppression Staffing" of OFD sworn members. The MOU minimum staffing sets a daily number of sworn staff, broken out by specific ranks, which must be in the field at any given time. The total suppression staffing equates to one hundred and thirty-seven (137) sworn members per shift and four hundred and eleven (411) members to cover all three (3) shifts. This staffing level includes the ARFF staffing requirements of a minimum of six (6) sworn personnel (one (1) Officer and five (5) Firefighters).

**Table 3** shows the minimum fire suppression staffing by rank required based upon these two (2) MOUs.

**Table 3. Fire Suppression Minimum Staffing**

Rank	Daily Staffing	A, B, C Shift Staffing
Battalion Chief	3	9
Captain of Fire Department	13	39
Lieutenant of Fire Department	19	57
Engineer of Fire Department	24	72
Fire Investigator	1	3
Firefighter Paramedic	26	78
Firefighter	51	153
<b>Total Minimum Staffing</b>	<b>137</b>	<b>411</b>

Sworn members are assigned daily as follows:

- Three (3) Battalions staffed with one Battalion Chief each
- Twenty-four (24) Engine Companies each staffed with a minimum of one (1) Officer, (1) one Engineer, one (1) Firefighter Paramedic and one (1) Firefighter
- One (1) Aircraft Rescue Firefighter (ARFF) company staffed with a minimum of one Captain and five (5) Firefighters
- Seven Truck Companies staffed as follows:
  - Three (3) Truck companies with a minimum of one (1) Captain and (3) three Firefighters;
  - One (1) Truck company with a minimum of one (1) Captain, one (1) Firefighter Paramedic and two Firefighters;
  - Two (2) Truck companies with a minimum of one (1) Captain and four (4) Firefighters;
  - One (1) Truck company staffed with a minimum of one (1) Captain, one (1) Firefighter Paramedic and three (3) Firefighters; and
  - One (1) Fire Investigator.

The positions shown in **Table 3** are the *minimum* number of sworn positions per shift. However, achieving this daily staffing level is hampered by the following:

- Vacancies;
- "40-Hour" Assignments
- Training;
- Vacation;
- Injuries;
- Deployments; and

- Other time off.

**Efforts to Reduce Overtime Usage in Sworn Ranks**

Due to the MOU fire suppression minimum staffing provision for sworn members, OFD has two primary areas of focus on reducing overtime use: 1) filling vacancies and 2) analysis and training required to reduce the number of preventable injuries in all ranks. **Table 4** shows by rank sworn funded positions that are vacant as of February 28, 2018:

**Table 4. Fire Suppression Sworn Vacancies by Rank**

Rank	Authorized	Filled	Vacant
Battalion Chief	9	9	0
Captain of Fire Department	54	43	11
Lieutenant of Fire Department	67	56	11
Engineer of Fire Department	84	80	4
Fire Investigator	3	2	1
Firefighter Paramedic	93	87	6
Firefighter - Suppression	168	162	6
Firefighter - Airport	19	7	12
<b>Total Filled / Vacant</b>	<b>497</b>	<b>446</b>	<b>51</b>

\*excludes eleven (11) 40-Hour Sworn Staff Assignments (Fire Chief, 2 Deputy Chief, Assistant Chief, 2 Battalion Chief, Assistant Fire Marshal, 3 Captain, 1 Engineer)

A small academy, Academy 1-2018, commenced on January 22, 2018 with one (1) Firefighter Paramedic Trainee and five (5) Firefighter Trainees. These recruits have been excluded from the above vacancies and those graduating from 1-2018 will reduce the above vacancies.

A recruitment is in progress for Deputy Chief of Fire. Also, Human Resources Management (HRM) currently is conducting civil service examinations for the ranks of Battalion Chief, Assistant Fire Marshal, Lieutenant, and Engineer. In 2018, HRM will also conduct examinations for Firefighter Paramedic Trainee and Firefighter Trainee, replacing the 2015 eligible lists. The job announcement for Firefighter Paramedic Trainee and Firefighter Trainee produced more than two thousand five hundred applicants.

As upper ranks are filled through promotion, this will create vacancies in the Firefighter Paramedic and Firefighter ranks, which are less costly on an overtime basis and will be filled after the establishment of the anticipated Summer of 2018 eligible lists.

Another focus is an analysis and implementation of training required to reduce the number of preventable injuries. This includes injuries sustained in both emergency and non-emergency environments. In an effort to address and reduce mental health related injuries reported by sworn members, OFD has already increased the number of annual behavioral health sessions offered through the Claremont Employee Assistance Program (EAP) from three (3) to twelve (12).

**Table 5** shows by classification funded civilian vacancies as of March 16, 2018 that have no confirmed start date:

**Table 5. Civilian Vacancies by Classification**

Classification	Vacant
Administrative Assistant II	1.0
Emergency Planning Coordinator, Sr.	2.0
Fire Communications Dispatcher, Sr	1.0
Fire Prevention Bureau Inspector, Civilian	1.0
Fire Suppression District Inspector, PT	1.0
Emergency Services Manager	1.0
Office Assistant I, PPT	1.0
Fireboat Attendant, PT	0.2
<b>Total Vacant</b>	<b>8.2</b>

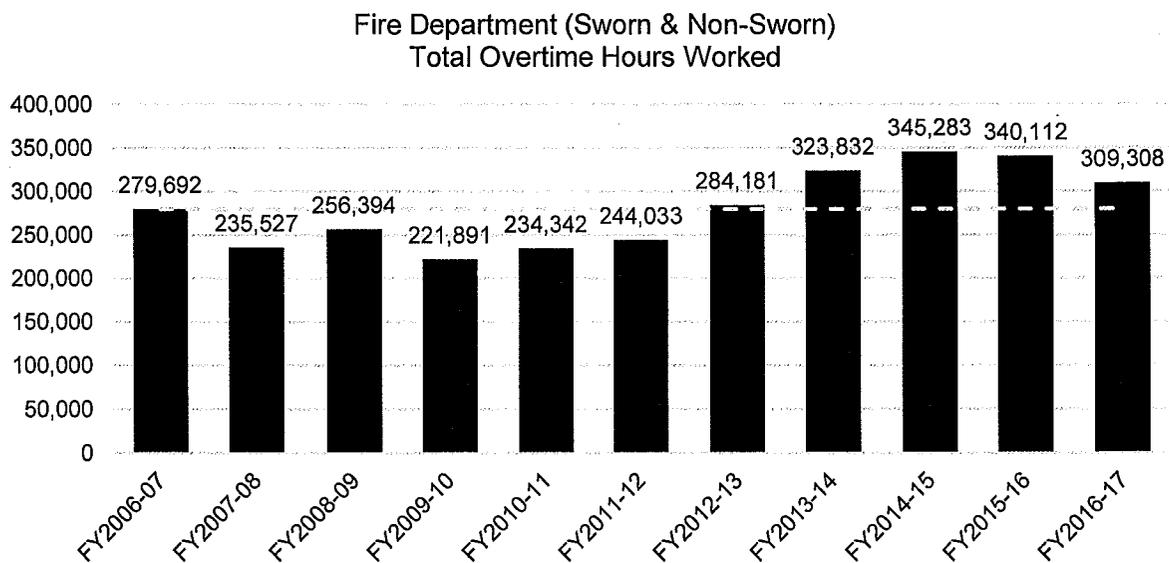
\*as of 3/16/18

**Management of Overtime Usage**

OFD Policy and Procedure 400.9, Overtime Sworn Personnel provides guidance on overtime approval, tracking and accountability. As noted above, OFD sworn personnel utilize the TeleStaff system to track staff hours, including overtime. This system can generate reports and data showing overtime use. OFD has and will continue to work to ensure that overtime use is being used to fill a specific operational need. For the past ten years, the total of overtime hours worked has averaged two hundred and seventy-six thousand five hundred and nine (276,509) hours. In FY 2014-15, overtime use reached a high of three hundred and forty-five thousand two hundred and eighty-three (345,283) hours and in FY 2016-17, that number of hours has been reduced to three hundred and nine thousand three hundred and eight hours (309,308) or a more than ten percent (10%) reduction in overtime hours. Please see **Chart 1** for more information.

As of November 2017, all overtime requests outside of backfill of sworn and fire dispatch vacancies must be submitted to the Fiscal and Administrative Division Manager for review and to the Fire Chief for final approval.

**Chart 1. OFD Total Overtime Hours Worked (2006-2017)**



**Table 6** illustrates the overtime hours worked by sworn personnel for the months of January and February of 2018. The total number of hours worked in January and February combined is 35,329.75. The rank of Firefighter required the greatest number of hours of overtime, followed by Engineer of Fire. The ranks which had the least number of hours of mandatory overtime were Fire Investigator and Battalion Chief. The total number of overtime hours decreased 1,390.25 hours or 7.6% between the months of January and February. Whether or not this is a seasonal occurrence, or is indicative of a longer trend is unknown at this time. The amount of overtime hours in the rank of Firefighter is due in large part to the need to provide minimum staffing at the Oakland Airport in accordance with the MOU between the City and the Port of Oakland for ARFF services.

**Table 6. OFD Total Overtime Hours Worked by Rank for January and February 2018**

Rank	January		February	
	Hours	% of Total	Hours	% of Total
Battalion Chief	507.00	2.76%	409.00	2.41%
Captain of Fire	2,611.00	14.22%	2,654.75	15.64%
Lieutenant of Fire	2,882.00	15.70%	2,634.25	15.52%
Engineer of Fire	4,637.00	25.26%	3,752.25	22.11%
Fire Investigator	72.00	0.39%	192.00	1.13%
Firefighter Paramedic	2,824.75	15.39%	2,605.00	15.35%
Firefighter	4,826.25	26.29%	4,722.50	27.83%
<b>TOTAL</b>	<b>18,360.00</b>	<b>100.00%</b>	<b>16,969.75</b>	<b>100.00%</b>

We have also taken steps to further minimize overtime not related to backfill to maintain minimum staffing levels in fire suppression and fire dispatch center. The most recent action includes issuing a November 8, 2017 memo to Deputy Chiefs and Division Managers directing that any overtime needs outside of fire suppression and fire dispatch center minimum staffing requirements must be submitted at least forty-eight (48) hours in advance for review to identify an appropriate funding source and must have Fire Chief approval (**Attachment 2**).

**OFD Sworn Relief Usage**

The main contributing factor to overtime is the MOU minimum staffing - Article 4.2.4 Fire Suppression Staffing (**Attachment 1**). This provision is in effect through June 30, 2027. The MOU requires the above described daily fire suppression staffing. Each day where TeleStaff, the software program used to manage the staffing levels within the Oakland Fire Department, shows required minimum fire suppression staffing will be inadequate, members volunteer or are mandated to work at an overtime rate to achieve this staffing level.

Relief staff is utilized with the sworn ranks to cover minimum staffing requirements for coverage of regular day off (RDO). Additionally, relief staff is utilized to cover vacation, sick, disability leaves, and for unfilled vacancies. Relief (backfill) staff is paid at a rate that is one and a half (1.5) times the regular rate. California Labor Code Section 4850 permits sworn members to take up to a one (1) year leave of absence at full pay, and without a tax deduction, for persons temporarily or totally disabled due to an industrial injury.

The Department averages twenty-five to thirty (25-30) members per month on 4850 leave, 1-2 members per month on long term non-industrial disability leave, or on light duty assignments.

**Table 7** shows by fiscal year the sworn hours of vacation, sick, disability leaves and sworn vacancies for January and February 2018.

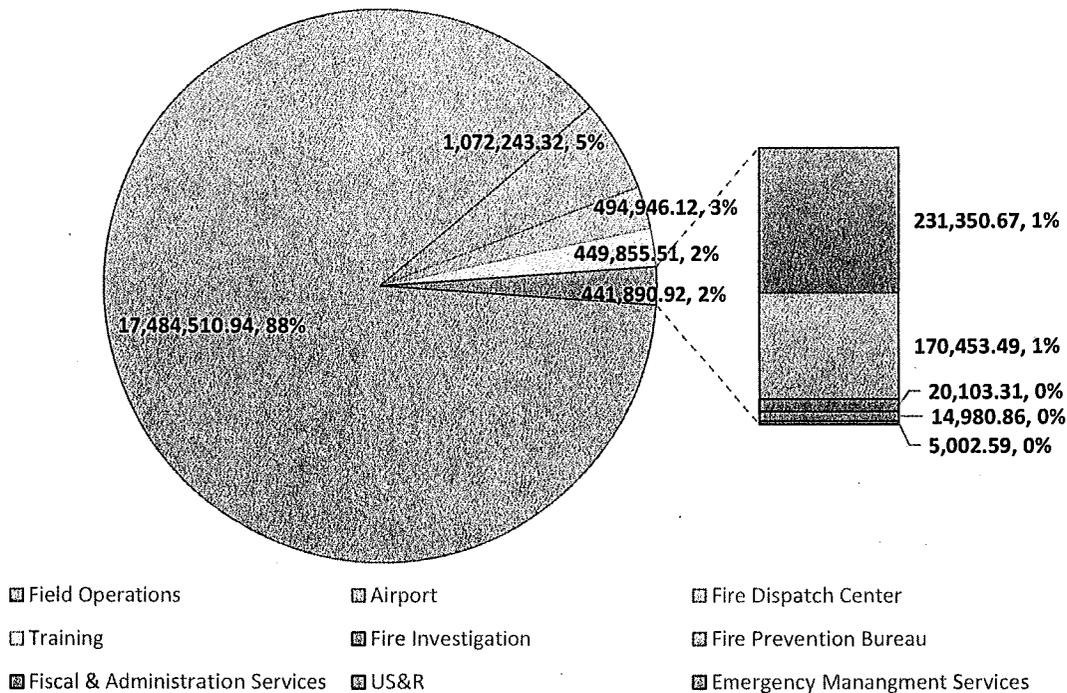
**Table 7. OFD Sworn Hours of Vacation, Sick, Disability Leave**

Leave Hours	January 2018	February 2018
Vacation Hours Taken	6,737.00	6,280.00
Sick Hours Taken	5,208.25	4,394.50
Worker's Compensation Hours	5,021.00	4,176.00
<b>Total Hours</b>	<b>16,966.25</b>	<b>14,850.50</b>
Sworn Vacancies	55	55

**Overall Fire Department Overtime Usage**

Staffing shortages due to unfilled vacancies are predictable and costs are covered by the budgeted vacancy. Staffing shortages due to sick leave, family medical leave under the Family Medical Leave Act (FMLA), industrial illness or injury, military leave and mutual aid are unpredictable and costs are unbudgeted. **Chart 3** shows a breakdown of OFD overtime usage by division in Fiscal Year (FY) 2016-17.

**Chart 3. FY 16-17 Overtime Usage by Division**



**Chart 4** shows a breakdown of OFD overtime usage by division for the current fiscal year, FY 2017-18, ending February 9, 2018. To date, ninety-six percent (96%) of overtime authorized in FY 2017-18 was authorized to meet the Local 55 and ARFF MOU staffing requirements.

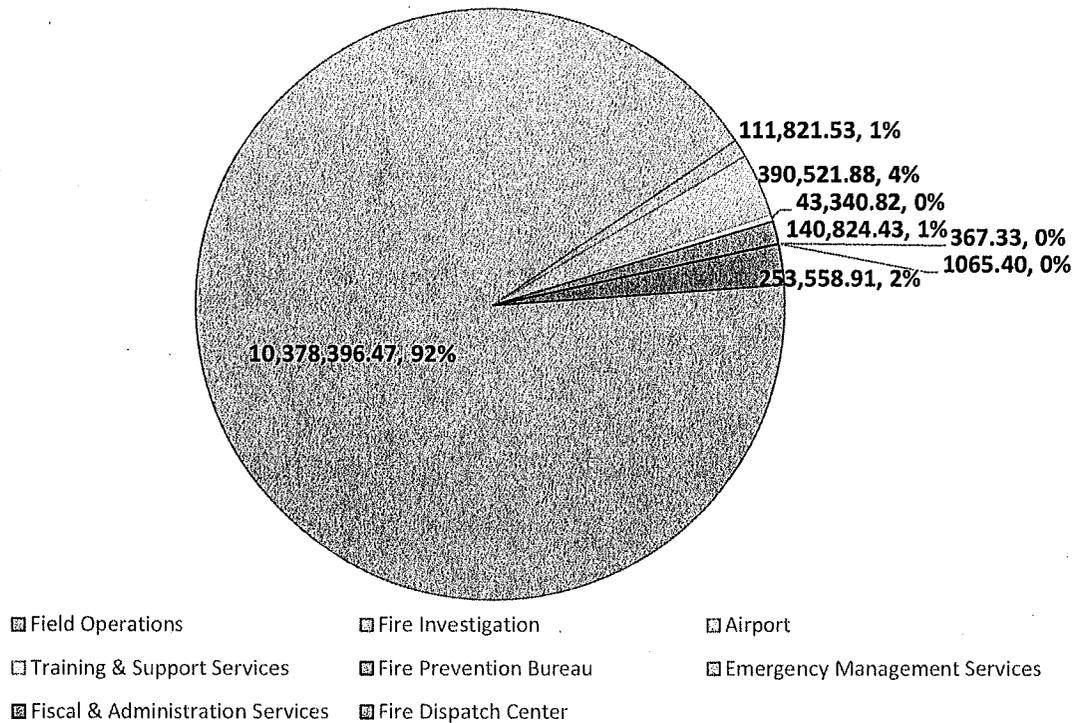
Please refer to **Attachment 3** for additional details on overtime use for the current FY.

In order to ensure that minimum staffing is in place at every fire station and at the Fire Dispatch Center, voluntary and mandated backfill is utilized. For sworn suppression personnel, vacancies occur due to sick leave use, vacation leave, family medical leave use, industrial and non-industrial injury leaves and the scheduled regular day off (RDO).

At the Fire Dispatch Center, vacancies occur primarily in two (2) ranks (Fire Communications Dispatcher and Fire Communications Supervisor). Fire Dispatch Center personnel use sick leave, vacation leave, family medical leave, industrial and non-industrial leave, and compensatory time. All leave requires backfill to maintain minimum public safety service delivery to the community.

The majority of the overtime that is accumulated in the Fire Prevention Bureau are for expedited plan review or inspection services, costs which are recoverable to the City.

**Chart 4. FY 17-18 Overtime Usage by Division**



**CONCLUSION**

OFD will continue to work cooperatively to explore and implement measures to control expenditures and improve accountability.

that the 2014 comprehensive successor MOU will terminate before June 30, 2027 and, for that reason, the parties agree to continue incorporating this Section 4.2: Staffing Agreement in future comprehensive successor MOUs until June 30, 2027.

**4.2.2 Agreement Supersedes Prior Agreements.**

The parties agree that specific provisions contained in this Section 4.2 Staffing Agreement shall supersede any previous agreement, whether oral or written, regarding staffing of bargaining unit positions.

**4.2.3 Definition Of Status Quo.**

After this Section 4.2 Staffing Agreement terminates on June 30, 2027, the status quo ante for all purposes including any interest arbitration under Charter Section 910 or any state statute shall be defined as the Section 4.2 language in this Agreement.

**4.2.4 Fire Suppression Staffing.**

Engines: Twenty-four (24) fire engines shall be regularly and routinely staffed, and deployed daily, with the minimum of one Officer, one Engineer, one Firefighter/Paramedic, and one Firefighter.

Aircraft Rescue Fire Fighting ("ARFF") Fire Station: During the term of this Section 4.2 Agreement and as long as the Port of Oakland contracts with the City for ARFF services, the ARFF Fire Station shall be regularly and routinely staffed, and deployed daily, with the minimum of six (6) unit members or the number of unit members mandated by federal regulations.

Trucks: Four (4) fire trucks shall be regularly and routinely staffed and deployed daily, with the minimum of four (4) unit members per truck (including one officer) and three (3) fire trucks, trucks 1, 2, and 4, shall be regularly and routinely staffed, and deployed daily, with the minimum of five (5) unit members per truck (including one officer).

**4.2.4.1 Companies And Bargaining Unit Members Out Of Service.**

The Fire Chief or sworn designee retains the discretion to temporarily "detail" or place a maximum of seven (7) companies out of service at any one time, inclusive of training company described in Section 4.9 for a maximum of nine (9) hours during a twenty-four (24) hour shift. Such "detail" assignments shall not create an opportunity for nor shall the Department be required to backfill the temporarily vacated station assignment with classified relief. Companies on detail that remain in service on the air shall not be included as a company out of service as defined by this Section.

In addition to the seven (7) companies referenced above, the Fire Chief or sworn designee retains the discretion to temporarily "detail" a maximum of four (4) unit members per shift from their normal station assignments for a maximum of eight (8) hours during a twenty-four (24) hour shift. Such "detail" assignments shall not create an opportunity for, nor shall the Department be required to backfill the temporarily vacated assignment with classified relief.

The Fire Chief or sworn designee retains the discretion to temporarily detail one (1) company out of service because the company's equipment, apparatus, or vehicles are being serviced. The one (1) company removed from service because the company's equipment, apparatus, or vehicles are being serviced is not a "detail" or "a company out of service" as those terms are used in Section 4.2.1.1 and shall not be counted as one of the "maximum of seven (7) companies" in Section 4.2.1.1.

**4.2.4.2 Fire Chief's Right To Reassign.**

The Fire Chief or designee retains the discretion to temporarily reassign one of the five Firefighters from Truck 1, 2, or 4 (i.e., up to three (3) Firefighters per shift) to other duties as the Fire Chief deems necessary. Such reassignments will be made, without limitation, to increase the Department's coverage and response capability. For the purpose of this Section, "increasing the Department's coverage and response capability" includes duties such as responding to known hazards, patrolling at risk areas, performing other operational needs, and providing service in geographic areas where hazards are higher than normal on a given day. In addition, the Department may temporarily reassign one (1) of the five (5) Firefighters from Truck 1, 2, or 4 (i.e., up to three (3) Firefighters per shift) to patrol in the interest of public safety and/or fire prevention on "Red Flag" or "High Hazard Days." The Department's dispatch procedures shall prescribe appropriate modified response procedures in the event of such reassignment(s).

**4.2.5 Fire Prevention Staffing.**

One (1) arson (fire) investigator shall be on-duty each twenty-four (24) hour shift.

**4.2.6 Chief Officer Staffing.**

Three (3) supervisory chief officers (Battalion Chiefs) shall be on-duty each twenty-four (24) hour shift.



**ATTACHMENT 3 - OAKLAND FIRE DEPARTMENT**  
**GPF (1010) Overtime Expenditures**  
July 1, 2017 through February 9, 2018

Division	Organization	Purpose of Overtime	Cost of Overtime	Cost Recovery
Fire Chief	20110 - Chief's Office			
Operations	20411 - Suppression	Maintain minimum staffing levels in accordance with IAFF, Local 55 MOU.	10,378,396.47	<b>Partial</b> <i>Hurricane Harvey Projected Reimbursement \$744,253.82; Hurricane Irma Projected Reimbursement \$1,080,472.04</i>
Operations	20341 - Arson Investigation	Maintain minimum staffing levels in accordance with IAFF, Local 55 MOU.	111,821.53	<b>No</b>
Operations	20814 - Airport	Maintain minimum staffing as required by the MOU between the City and the Port of Oakland for airport rescue firefighting services.	390,521.88	<b>Yes</b> <i>reimbursed by Port of Oakland</i>
Training & Support Services	20631 - In-Service Training	Provide staff training to maintain operational effectiveness.	42,538.50	<b>No</b>
Training & Support Services	20816 - Support Services	Overtime as needed to provide logistical support.	802.32	<b>No</b>
Fire Prevention Bureau	20311 - Fire Marshal's Office	After-hours staffing for fire safety education school and other public events	4,134.61	<b>No</b>
Fire Prevention Bureau	20331 - Inspectional Services	Overtime inspection for special event permit, public assembly, festivals, circus, fire alarm, fire underground, fire sprinkler, hood & duct inspections, training, monitor Council meetings for public assembly code requirements	34,720.73	<b>Partial</b> <i>cost recovery is limited to customer requested overtime for special event permit, festival, circus, fire alarm, fire underground, fire sprinkler, or hood &amp; duct inspections</i>
Fire Prevention Bureau	20351 - Engineering Services	Plan review for fire life safety systems such as fire alarm, fire sprinkler, fire underground, hood and duct	87,569.77	<b>Yes</b> <i>customer requested overtime for expedited plan review</i>
Fire Prevention Bureau	20371 - Vegetation Management	After-hours staffing for vegetation management community meetings, Council meetings, time sensitive projects, and data entry	14,399.32	<b>No</b>
Emergency Management Services	20711 - Emergency Services	2.5 hours for Emergency Planning Coordinator to support Valdez Fire on 7/1/17 3 hours for Emergency Planning Coordinator	162.31 205.02	<b>No</b>
Fiscal & Administration Services	20511 - Budget Planning	4 hours for Accountant II to close FY13 and FY14 PSGP Grant in preparation of audit	253.08	<b>No</b>
Fiscal & Administration Services	20521 - Budget Unit	Accountant III preparation of Hurricane Irma Reimbursement Package	569.62	<i>charges for Hurricane Harvey to be removed from GPF and charged to correct fund</i>
	20551 - Time & Attendance Unit	5 hours for Payroll Personnel Clerk to input timecard due to Telestaff to Oracle Payroll Transfer Issues	242.70	<b>No</b>
Medical Services	20241 - Communications (Fire Dispatch Supervisor)	Backfill for Daily Minimum Staffing & Quarterly Training	144,395.27	<b>No</b>
Medical Services	20251 - Emergency Dispatchers (Fire Dispatcher)	Backfill for Daily Minimum Staffing & Quarterly Training	109,163.64	<b>No</b>
<b>TOTAL GPF (1010) OVERTIME</b>			<b>\$11,319,896.77</b>	

# Monthly Report on Overtime in the Oakland Fire Department: March 2018

APRIL 30, 2018

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### Attachments (3):

1. Article 4.2.4 Fire Suppression Staffing, IAFF, Local 55 MOU
2. Memo regarding Fire Chief Approval for Overtime, November 8, 2017
3. Overtime Spending for Current Fiscal Year

**EXECUTIVE SUMMARY**

There is no single solution to reduce overtime in Oakland Fire Department (OFD) to the amount authorized in the fiscal year (FY) 2017-19 Adopted Budget. OFD has adopted administrative and procedural changes to reduce overtime and improve accountability. However, because overtime expenditures are mostly driven by service levels and labor provisions, the proposed strategies are likely insufficient to reduce overtime spending to budgeted levels. Such a result will require substantial changes to service levels and/or negotiated collective bargaining agreements.

**BACKGROUND / LEGISLATIVE HISTORY**

On October 24, 2017, staff in the Finance Department presented the FY 2016-17 Fourth Quarter Revenue and Expenditure report to the Finance and Management Committee. This report included an overview of the unaudited overtime expenditure results for all departments across all funds, including in the GPF.

The report showed significant overtime overspending by OFD relative to the FY 2016-17 Adjusted Budget. As shown in **Table 1**, as reported in the fourth quarter, OFD overspent its overtime budget by \$16.8 million.

**Table 1. FY 2016-17 Adjusted Overtime Budget & Unaudited Actuals in the GPF<sup>1</sup>**

	Adjusted OT Budget	Unaudited OT Actuals	(Over) / Under Budget
Fire Department	\$2.2	\$19.0	(\$16.8)

In response to the year-end results, the Council requested that staff return with more detailed information on overtime expenditures, including information on the following:

- Year-to-date overtime results and projections for FY 2017-18;
- Policies, procedures, and processes in place in the department for authorizing and controlling overtime; and,
- Level of decision making authority by rank and accountability mechanisms.

Subsequently, the Finance Department, in cooperation with OPD and OFD presented a report to the Finance and Management and Public Safety Committees on February 27, 2018. The Finance Committee requested a follow up report in three months to coincide with a quarterly report on the City's revenue and expenditures, and the Public Safety Committee requested that OPD and OFD submit a monthly report.

At its February 27, 2018 meeting, the Public Safety Committee requested that additional information from the Oakland Fire Department (OFD) and Oakland Police Department (OPD) provide a monthly report on overtime use in their respective departments. While OPD was asked to provide additional information regarding their use of overtime, there were no specific questions directed to OFD.

<sup>1</sup> As reported in the FY 2016-17 4<sup>th</sup> Quarter Revenue & Expenditure Report.

OFD also prepared a report for the April 24, 2018 Public Safety Committee. Staff received no comments on the report, or questions pertaining to overtime usage.

**ANALYSIS AND POLICY ALTERNATIVES**

***Departmental Overview***

OFD operates twenty-five (25) fire stations located throughout the city, twenty-four (24) hours per day, seven (7) days per week. OFD is responsible for fire and medical dispatch, fire prevention, fire suppression, mitigation, emergency medical response, specialized rescue operations, fire investigation, emergency management, and fire code inspection within the city.

OFD is authorized five hundred and eight (508) full time equivalent sworn personnel and ninety-four and nine hundredths (94.09) civilian personnel, for a total of six hundred and two and nine thousandths (602.09) full time equivalents.

OFD sworn members operate using a “chain of command” or “rank” system. **Table 2** shows the department’s sworn rank organizational structure by job classification:

**Table 2. Sworn Ranks**

<b>Rank</b>
Fire Chief
Deputy Chief of Fire Department
Battalion Chief
Assistant Fire Marshal (Sworn)
Captain of Fire Department
Lieutenant of Fire Department
Fire Investigator
Engineer of Fire Department
Firefighter Paramedic
Firefighter

There are eleven (11) 40-Hour staff positions; and there are four hundred and ninety-seven (497) 24-Hour shift positions totaling five hundred and eight (508) authorized sworn members. Operationally, OFD fire suppression shift staff is organized into three (3) shifts referred to as A, B and C Shift. Members operate on a 24/48 schedule whereby members work one (1) shift (24-Hours) followed by two (2) days off.

***Fire Suppression Minimum Staffing***

The Memorandum of Understanding (MOU) with the International Association of Firefighters, Local 55 (Local 55) guides working conditions of the represented OFD sworn personnel. Also, OFD operates under an MOU with the Port of Oakland which guides the Aircraft Rescue Fire Fighting (ARFF) Services provided at the Oakland International Airport.

Section 4.2.4 of the MOU between the City and Local 55 identified through the year 2027 daily minimum staffing levels for "Fire Suppression Staffing" of OFD sworn members (**Attachment 1**). The MOU minimum staffing sets a daily number of sworn staff, broken out by specific ranks, which must be in the field at any given time. The total suppression staffing equates to one

hundred and thirty-seven (137) sworn members per shift and four hundred and eleven (411) members to cover all three (3) shifts. This staffing level includes the ARFF staffing requirements of a minimum of six (6) sworn personnel (one (1) Officer and five (5) Firefighters).

**Table 3** shows the minimum fire suppression staffing by rank required based upon these two (2) MOUs.

**Table 3. Fire Suppression Minimum Staffing**

<b>Rank</b>	<b>Daily Staffing</b>	<b>A, B, C Shift Staffing</b>
Battalion Chief	3	9
Captain of Fire Department	13	39
Lieutenant of Fire Department	19	57
Engineer of Fire Department	24	72
Fire Investigator	1	3
Firefighter Paramedic	26	78
Firefighter	51	153
<b>Total Minimum Staffing</b>	<b>137</b>	<b>411</b>

Sworn members are assigned daily as follows:

- Three (3) Battalions staffed with one Battalion Chief each
- Twenty-four (24) Engine Companies each staffed with a minimum of one (1) Officer, (1) one Engineer, one (1) Firefighter Paramedic and one (1) Firefighter
- One (1) Aircraft Rescue Firefighter (ARFF) company staffed with a minimum of one Captain and five (5) Firefighters
- Seven Truck Companies staffed as follows:
  - Three (3) Truck companies with a minimum of one (1) Captain and (3) three Firefighters;
  - One (1) Truck company with a minimum of one (1) Captain, one (1) Firefighter Paramedic and two Firefighters;
  - Two (2) Truck companies with a minimum of one (1) Captain and four (4) Firefighters;
  - One (1) Truck company staffed with a minimum of one (1) Captain, one (1) Firefighter Paramedic and three (3) Firefighters; and
  - One (1) Fire Investigator.

The positions shown in **Table 3** are the *minimum* number of sworn positions per shift. However, achieving this daily staffing level is hampered by the following:

- Vacancies;
- "40-Hour" Staff Assignments;
- Training;

- Vacation;
- Injuries;
- Deployments; and
- Other time off.

**Efforts to Reduce Overtime Usage in Sworn Ranks**

Due to the MOU fire suppression minimum staffing provision for sworn members, OFD has two primary areas of focus on reducing overtime use: 1) filling vacancies and 2) analysis and training required to reduce the number of preventable injuries in all ranks. **Table 4** shows by rank sworn funded positions that are vacant as of March 31, 2018:

**Table 4. Fire Suppression Sworn Vacancies by Rank**

Rank	Authorized	Filled	Vacant
Battalion Chief	9	9	0
Captain of Fire Department	54	43	11
Lieutenant of Fire Department	67	54	13
Engineer of Fire Department	84	80	4
Fire Investigator	3	2	1
Firefighter Paramedic	93	87	6
Firefighter - Suppression	168	161	7
Firefighter - Airport	19	7	12
<b>Total Filled / Vacant</b>	<b>497</b>	<b>443</b>	<b>54</b>

\*excludes eleven (11) 40-Hour Sworn Staff Assignments (Fire Chief, 2 Deputy Chief, Assistant Chief, 2 Battalion Chief, Assistant Fire Marshal, 3 Captain, 1 Engineer)

A small academy, Academy 1-2018, commenced on January 22, 2018 with one (1) Firefighter Paramedic Trainee and five (5) Firefighter Trainees. Currently, four (4) Trainees remain, and will graduate from the Academy on May 11, 2018. These recruits have been excluded from the above vacancies and those graduating from Academy 1-2018 will reduce the above vacancies.

Hiring of two Deputy Chiefs of Fire is in progress, as are promotional processes for Battalion Chief and Lieutenant. Four (4) members were promoted to the rank of Captain effective May 5, 2018, as well as, (3) members to the rank of Engineer.

In April 2018, HRM conducted examinations for Firefighter Paramedic Trainee and Firefighter Trainee, replacing the 2015 eligible lists. The job announcement for Firefighter Paramedic Trainee and Firefighter Trainee produced more than two thousand three hundred and twelve (2,312) applicants. Of those applicants two thousand and seventeen (2,017) applied for Firefighter Trainee and two hundred and ninety five (295) persons applied for Firefighter Paramedic Trainee. Testing was conducted on April 19, 2018; however, the results and demographics of those who appeared to take the exam have not been tabulated yet. Combined data for both applicant pools is provided in the tables that follow.

**Table 5. Gender of 2018 Applicants**

Gender	Number	Percent
Male	2,145	92.78%
Female	140	6.06%
Non-binary	4	0.17%
Unknown	23	0.99%
<b>Total</b>	<b>2,312</b>	<b>100.00%</b>

**Table 6. Ethnicity/Race of 2018 Applicants**

Ethnicity/Race	Number	Percent
Asian	207	8.95%
American Indian/Native American	32	1.38%
Black	264	11.42%
Hispanic	676	29.24%
Native Hawaiian/Pacific Islander	54	2.34%
White	1,036	44.81%
Unknown	43	1.86%
<b>Total</b>	<b>2,312</b>	<b>100.00%</b>

**Table 7. Residency of 2018 Applicants**

County of Residence*	Number	Percent
Alameda	367	15.87%
Contra Costa	283	12.24%
Marin	38	1.64%
San Francisco	112	4.84%
San Joaquin	119	5.15%
San Mateo	103	4.46%
Santa Clara	85	3.68%
Santa Cruz	28	1.21%
Solana	76	3.29%
Sonoma	104	4.50%
<b>Total**</b>	<b>1,297</b>	<b>56.10%</b>

\*Based upon zip code and address reported at the time of application.

\*\*Oakland residents account for 6.10% of the overall applicant pool

In addition, Veterans accounted for nearly six (6) percent of the overall applicant pool.

As upper ranks are filled through promotion, this will create vacancies in the Firefighter Paramedic and Firefighter ranks, which are less costly on an overtime basis and will be filled after the establishment of the anticipated Summer of 2018 eligible lists.

Another focus is an analysis and implementation of training required to reduce the number of preventable injuries. This includes injuries sustained in both emergency and non-emergency environments. In an effort to address and reduce mental health related injuries reported by sworn members, OFD has already increased the number of annual behavioral health sessions

offered through the Claremont Employee Assistance Program (EAP) from three (3) to twelve (12) on a case by case basis.

**Table 8** shows by classification funded civilian vacancies as of April 27, 2018 that have no confirmed start date:

**Table 8. Civilian Vacancies by Classification**

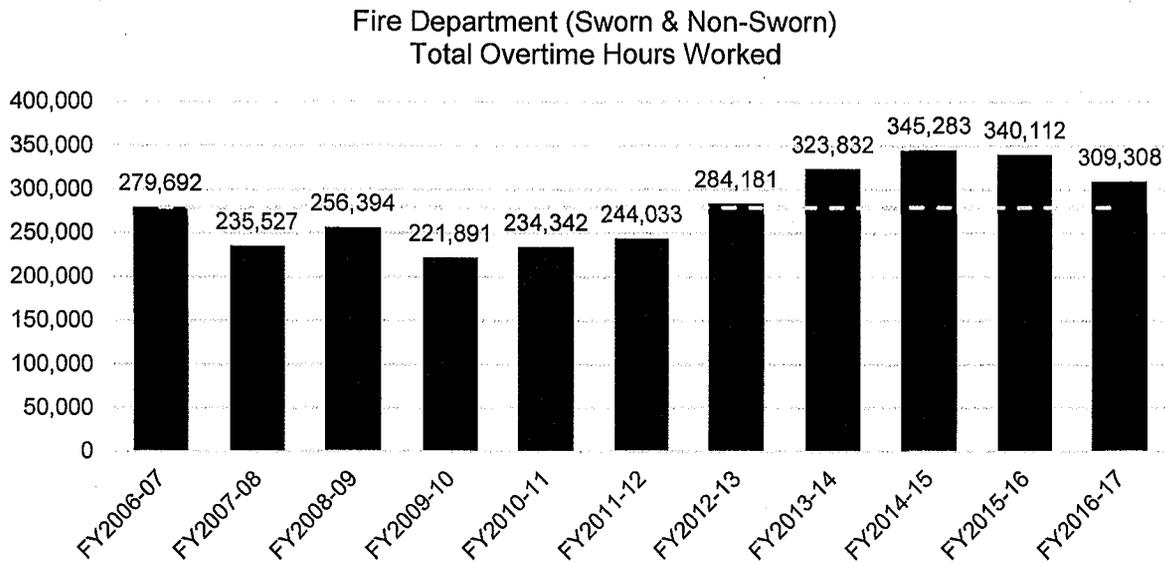
<b>Classification</b>	<b>Vacant</b>
Administrative Assistant II	1.0
Emergency Planning Coordinator, Sr.	2.0
Fire Communications Dispatcher, Sr	1.0
Fire Communications Dispatcher	1.0
Fire Marshal, Non-Sworn*	1.0
Fire Prevention Bureau Inspector, Civilian	1.0
Fire Protection Engineer	1.0
Office Assistant I, PPT	1.0
Fireboat Attendant, PT	0.2
<b>Total Vacant</b>	<b>10.2</b>

\* Interim Fire Marshal hired effective May 7, 2018

***Management of Overtime Usage***

OFD Policy and Procedure 400.9, Overtime Sworn Personnel provides guidance on overtime approval, tracking and accountability. As noted above, OFD sworn personnel utilize the TeleStaff system to track staff hours, including overtime. This system can generate reports and data showing overtime use. OFD has and will continue to work to ensure that overtime use is being used to fill a specific operational need. For the past ten years, the total of overtime hours worked has averaged two hundred and seventy-six thousand five hundred and nine (276,509) hours. In FY 2014-15, overtime use reached a high of three hundred and forty-five thousand two hundred and eighty-three (345,283) hours and in FY 2016-17, that number of hours has been reduced to three hundred and nine thousand three hundred and eight hours (309,308) or a more than ten percent (10%) reduction in overtime hours. Please see **Chart 1** for more information.

**Chart 1. OFD Total Overtime Hours Worked (2006-2017)**



**Table 9** illustrates the overtime hours worked by sworn personnel for the months of January through March 2018. Over this time period, the rank of Firefighter required the greatest number of hours of overtime, followed by Engineer of Fire. The ranks which had the least number of hours of mandatory overtime were Fire Investigator and Battalion Chief. The amount of overtime hours in the rank of Firefighter is due in large part to the need to provide minimum staffing at the Oakland Airport in accordance with the MOU between the City and the Port of Oakland for ARFF services.

**Table 9. OFD Total Overtime Hours Worked by Rank January through March 2018**

Rank	January		February		March	
	Hours	% of Total	Hours	% of Total	Hours	% of Total
Battalion Chief	507.00	2.76%	409.00	2.41%	994.00	5.42%
Captain of Fire	2,611.00	14.22%	2,654.75	15.64%	2,223.00	12.13%
Lieutenant of Fire	2,882.00	15.70%	2,634.25	15.52%	3,762.50	20.53%
Engineer of Fire	4,637.00	25.26%	3,752.25	22.11%	4,110.00	22.43%
Fire Investigator	72.00	0.39%	192.00	1.13%	336.00	1.83%
Firefighter Paramedic	2,824.75	15.39%	2,605.00	15.35%	2,160.50	11.79%
Firefighter	4,826.25	26.29%	4,722.50	27.83%	4,738.00	25.86%
<b>TOTAL</b>	<b>18,360.00</b>	<b>100.00%</b>	<b>16,969.75</b>	<b>100.00%</b>	<b>18,324.00</b>	<b>100.00%</b>

\*Beginning with the March 2018 data, information has been adjusted to account for persons acting higher or lower ranks. Our electronic staffing system, Telestaff, reports all hours worked by rank, regardless if the person was acting higher or lower rank. For example, if a Captain worked as an Engineer, their hours will show up on the Captain's overtime report as a separate line item, rather than on the Engineers report. Going forward hours worked by persons acting in a higher or lower rank will be attributed to the rank that they worked in that shift, rather than the rank they hold.

We have also taken steps to further minimize overtime not related to backfill to maintain minimum staffing levels in fire suppression and fire dispatch center. The most recent action includes issuing a November 8, 2017 memo to Deputy Chiefs and Division Managers directing that any overtime needs outside of fire suppression and fire dispatch center minimum staffing

requirements must be submitted at least forty-eight (48) hours in advance for review to identify an appropriate funding source and must have Fire Chief approval (**Attachment 2**).

**OFD Sworn Relief Usage**

The main contributing factor to overtime is the MOU minimum staffing - Article 4.2.4 Fire Suppression Staffing (**Attachment 1**). This provision is in effect through June 30, 2027. The MOU requires the above described daily fire suppression staffing. Each day where TeleStaff, the software program used to manage the staffing levels within the Oakland Fire Department, shows required minimum fire suppression staffing will be inadequate, members volunteer or are mandated to work at an overtime rate to achieve this staffing level.

Relief staff is utilized with the sworn ranks to cover minimum staffing requirements for coverage of regular day off (RDO). Additionally, relief staff is utilized to cover vacation, sick, disability leaves, and for unfilled vacancies. Relief (backfill) staff is paid at a rate that is one and a half (1.5) times the regular rate. California Labor Code Section 4850 permits sworn members to take up to a one (1) year leave of absence at full pay, and without a tax deduction, for persons temporarily or totally disabled due to an industrial injury.

The Department averages twenty-five to thirty (25-30) members per month on 4850 leave, 1-2 members per month on long term non-industrial disability leave, or on light duty assignments. **Table 10** shows the sworn hours of vacation, sick, disability leaves and sworn vacancies for January through March 2018.

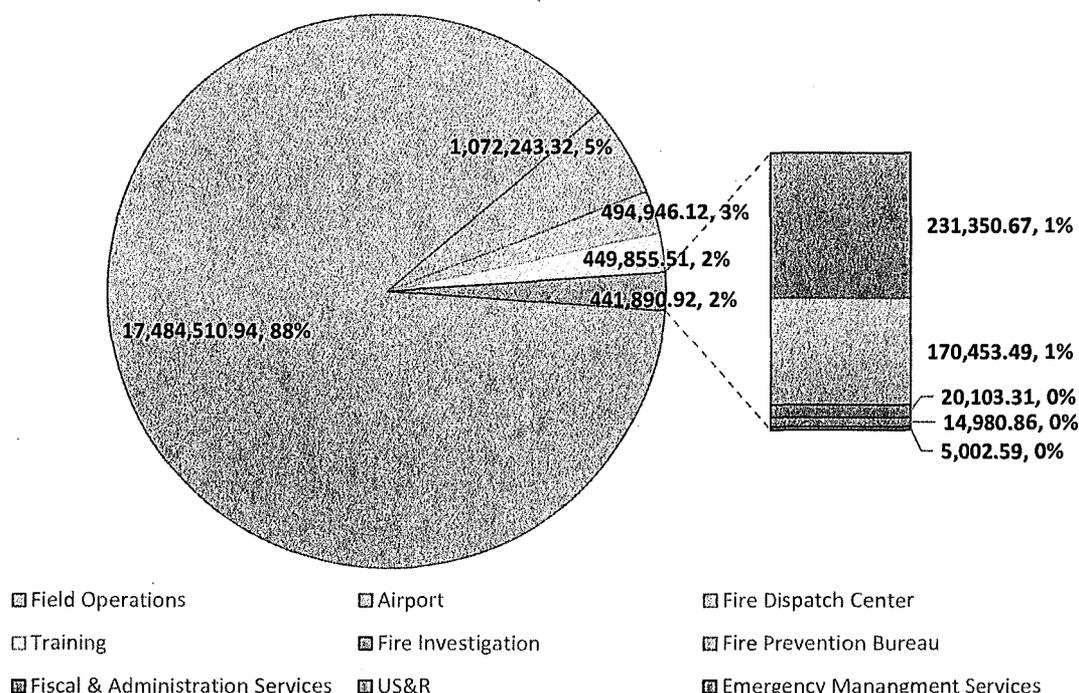
**Table 10. OFD Sworn Hours of Vacation, Sick, Disability Leave**

Leave Hours	January 2018	February 2018	March 2018
Vacation Hours Taken	6,737.00	6,280.00	6,760.00
Sick Hours Taken	5,208.25	4,394.50	4,665.25
Worker's Compensation Hours	5,021.00	4,176.00	3,871.50
<b>Total Hours</b>	<b>16,966.25</b>	<b>14,850.50</b>	<b>15,296.75</b>
Sworn Vacancies	55	55	54

**Overall Fire Department Overtime Usage**

Staffing shortages due to unfilled vacancies are predictable and costs are covered by the budgeted vacancy. Staffing shortages due to sick leave, family medical leave under the Family Medical Leave Act (FMLA), industrial illness or injury, military leave and mutual aid are unpredictable and costs are unbudgeted. **Chart 3** shows a breakdown of OFD overtime usage by division in Fiscal Year (FY) 2016-17.

**Chart 3. FY 16-17 Overtime Usage by Division**



In FY 2016-17, ninety-three percent (93%) of overtime authorized was authorized to meet the Local 55 and ARFF MOU staffing requirements.

**Chart 4** (below) shows a breakdown of OFD overtime usage by division for the current fiscal year, FY 2017-18, ending March 23, 2018. Ninety-six percent (96%) of overtime authorized in FY 2017-18 was authorized to meet the Local 55 and ARFF MOU staffing requirements.

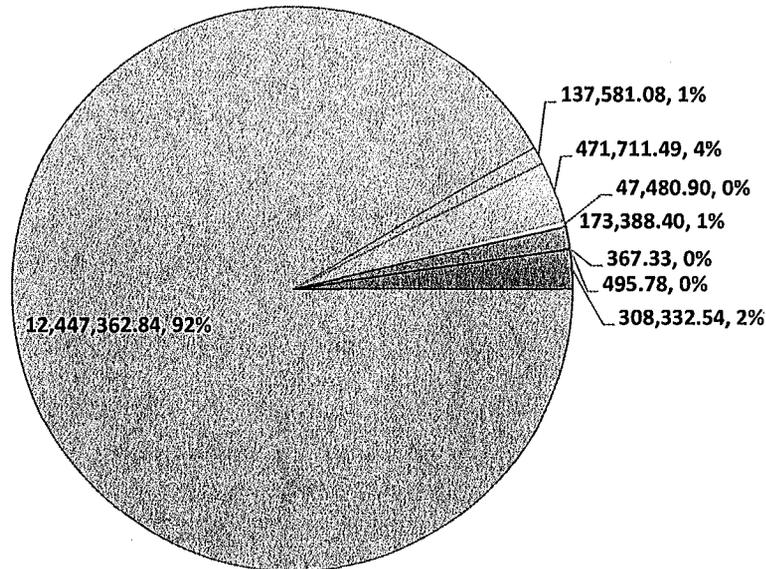
Please refer to **Attachment 3** for additional details on overtime use for the current FY.

In order to ensure that minimum staffing is in place at every fire station and at the Fire Dispatch Center, voluntary and mandated backfill is utilized. For sworn suppression personnel, vacancies occur due to sick leave use, vacation leave, family medical leave use, industrial and non-industrial injury leaves and the scheduled regular day off (RDO).

At the Fire Dispatch Center, vacancies occur primarily in two (2) ranks (Fire Communications Dispatcher and Fire Communications Supervisor). Fire Dispatch Center personnel use sick leave, vacation leave, family medical leave, industrial and non-industrial leave, and compensatory time. All leave requires backfill to maintain minimum public safety service delivery to the community.

The majority of the overtime that is accumulated in the Fire Prevention Bureau are for expedited plan review or inspection services, costs which are recoverable to the City.

**Chart 4. FY 17-18 Overtime Usage Through March 31, 2018 by Division**



- Field Operations
- Fire Investigation
- Airport
- Training & Support Services
- Fire Prevention Bureau
- Emergency Management Services
- Fiscal & Administration Services
- Medical Services

**CONCLUSION**

OFD will continue to work cooperatively to explore and implement measures to control expenditures and improve accountability.

that the 2014 comprehensive successor MOU will terminate before June 30, 2027 and, for that reason, the parties agree to continue incorporating this Section 4.2: Staffing Agreement in future comprehensive successor MOUs until June 30, 2027.

**4.2.2 Agreement Supersedes Prior Agreements.**

The parties agree that specific provisions contained in this Section 4.2 Staffing Agreement shall supersede any previous agreement, whether oral or written, regarding staffing of bargaining unit positions.

**4.2.3 Definition Of Status Quo.**

After this Section 4.2 Staffing Agreement terminates on June 30, 2027, the status quo ante for all purposes including any interest arbitration under Charter Section 910 or any state statute shall be defined as the Section 4.2 language in this Agreement.

**4.2.4 Fire Suppression Staffing.**

Engines: Twenty-four (24) fire engines shall be regularly and routinely staffed, and deployed daily, with the minimum of one Officer, one Engineer, one Firefighter/Paramedic, and one Firefighter.

Aircraft Rescue Fire Fighting ("ARFF") Fire Station: During the term of this Section 4.2 Agreement and as long as the Port of Oakland contracts with the City for ARFF services, the ARFF Fire Station shall be regularly and routinely staffed, and deployed daily, with the minimum of six (6) unit members or the number of unit members mandated by federal regulations.

Trucks: Four (4) fire trucks shall be regularly and routinely staffed and deployed daily, with the minimum of four (4) unit members per truck (including one officer) and three (3) fire trucks, trucks 1, 2, and 4, shall be regularly and routinely staffed, and deployed daily, with the minimum of five (5) unit members per truck (including one officer).

**4.2.4.1 Companies And Bargaining Unit Members Out Of Service.**

The Fire Chief or sworn designee retains the discretion to temporarily "detail" or place a maximum of seven (7) companies out of service at any one time, inclusive of training company described in Section 4.9 for a maximum of nine (9) hours during a twenty-four (24) hour shift. Such "detail" assignments shall not create an opportunity for nor shall the Department be required to backfill the temporarily vacated station assignment with classified relief. Companies on detail that remain in service on the air shall not be included as a company out of service as defined by this Section.

In addition to the seven (7) companies referenced above, the Fire Chief or sworn designee retains the discretion to temporarily "detail" a maximum of four (4) unit members per shift from their normal station assignments for a maximum of eight (8) hours during a twenty-four (24) hour shift. Such "detail" assignments shall not create an opportunity for, nor shall the Department be required to backfill the temporarily vacated assignment with classified relief.

The Fire Chief or sworn designee retains the discretion to temporarily detail one (1) company out of service because the company's equipment, apparatus, or vehicles are being serviced. The one (1) company removed from service because the company's equipment, apparatus, or vehicles are being serviced is not a "detail" or "a company out of service" as those terms are used in Section 4.2.1.1 and shall not be counted as one of the "maximum of seven (7) companies" in Section 4.2.1.1.

**4.2.4.2 Fire Chief's Right To Reassign.**

The Fire Chief or designee retains the discretion to temporarily reassign one of the five Firefighters from Truck 1, 2, or 4 (i.e., up to three (3) Firefighters per shift) to other duties as the Fire Chief deems necessary. Such reassignments will be made, without limitation, to increase the Department's coverage and response capability. For the purpose of this Section, "increasing the Department's coverage and response capability" includes duties such as responding to known hazards, patrolling at risk areas, performing other operational needs, and providing service in geographic areas where hazards are higher than normal on a given day. In addition, the Department may temporarily reassign one (1) of the five (5) Firefighters from Truck 1, 2, or 4 (i.e., up to three (3) Firefighters per shift) to patrol in the interest of public safety and/or fire prevention on "Red Flag" or "High Hazard Days." The Department's dispatch procedures shall prescribe appropriate modified response procedures in the event of such reassignment(s).

**4.2.5 Fire Prevention Staffing.**

One (1) arson (fire) investigator shall be on-duty each twenty-four (24) hour shift.

**4.2.6 Chief Officer Staffing.**

Three (3) supervisory chief officers (Battalion Chiefs) shall be on-duty each twenty-four (24) hour shift.



**ATTACHMENT 3 - OAKLAND FIRE DEPARTMENT**  
**GPF (1010) Overtime Expenditures**  
July 1, 2017 through March 31, 2018

Division	Organization	Purpose of Overtime	Cost of Overtime	Cost Recovery
Fire Chief	20110 - Chief's Office			
Operations	20411 - Suppression	Maintain minimum staffing levels in accordance with IAFF, Local 55 MOU.	12,447,362.84	Partial <i>Hurricane Harvey Projected Reimbursement \$744,253.82; Hurricane Irma Projected Reimbursement \$1,080,472.04</i>
Operations	20341 - Arson Investigation	Maintain minimum staffing levels in accordance with IAFF, Local 55 MOU.	137,581.08	No
Operations	20814 - Airport	Maintain minimum staffing as required by the MOU between the City and the Port of Oakland for airport rescue firefighting services.	471,711.49	Yes <i>reimbursed by Port of Oakland</i>
Training & Support Services	20631 - In-Service Training	Provide staff training to maintain operational effectiveness.	46,678.58	No
Training & Support Services	20816 - Support Services	Overtime as needed to provide logistical support.	802.32	No
Fire Prevention Bureau	20311 - Fire Marshal's Office	After-hours staffing for fire safety education school and other public events	4,749.69	No
Fire Prevention Bureau	20331 - Inspectional Services	Overtime inspection for special event permit, public assembly, festivals, circus, fire alarm, fire underground, fire sprinkler, hood & duct inspections, training, monitor Council meetings for public assembly code requirements	37,537.22	Partial <i>cost recovery is limited to customer requested overtime for special event permit, festival, circus, fire alarm, fire underground, fire sprinkler, or hood &amp; duct inspections</i>
Fire Prevention Bureau	20351 - Engineering Services	Plan review for fire life safety systems such as fire alarm, fire sprinkler, fire underground, hood and duct	114,165.07	Yes <i>customer requested overtime for expedited plan review</i>
Fire Prevention Bureau	20371 - Vegetation Management	After-hours staffing for vegetation management community meetings, Council meetings, time sensitive projects, and data entry	16,936.42	No
Emergency Management Services	20711 - Emergency Services	2.5 hours for Emergency Planning Coordinator to support Valdez Fire on 7/1/17 3 hours for Emergency Planning Coordinator	162.31 205.02	No
Fiscal & Administration Services	20511 - Budget Planning	4 hours for Accountant II to close FY13 and FY14 PSGP Grant in preparation of audit	253.08	No
Fiscal & Administration Services	20521 - Budget Unit	Accountant III preparation of Hurricane Irma Reimbursement Package	569.62	<i>charges for Hurricane Harvey to be removed from GPF and charged to correct fund</i>
Fiscal & Administration Services	20551 - Time & Attendance Unit	5 hours for Payroll Personnel Clerk to input timecard due to Telestaff to Oracle Payroll Transfer Issues	242.70	No
Medical Services	20241 - Communications (Fire Dispatch Supervisor)	Backfill for Daily Minimum Staffing & Quarterly Training	177,493.19	No
Medical Services	20251 - Emergency Dispatchers (Fire Dispatcher)	Backfill for Daily Minimum Staffing & Quarterly Training	130,839.35	No
<b>TOTAL GPF (1010) OVERTIME</b>			<b>\$13,586,720.36</b>	