

# Fire and Rescue Department

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LOB #238:

## **HUMAN RESOURCES / RECRUITMENT / PROMOTIONAL EXAMS**

### **Purpose**

The Human Resources Section is responsible for planning, coordinating, and directing personnel, payroll, employment, workforce planning and promotional examinations. This includes personnel and payroll functions that are unique in Fairfax County, including the 24-hour shift schedule with 56-hour employees, complex issues involving the federal Fair Labor Standards Act (FLSA), as well as providing benefit and pay information to uniformed and civilian employees. This section centrally processes all requests for Family and Medical Leave Act (FMLA) leave and works in conjunction with the Return-To-Work coordinator in identifying personnel who have qualifying injuries and illnesses, both job and non-job related. The HR Section reviews and interprets applicable federal and state laws relating to employment practices and represents the FRD during public meetings, court hearings, and before the Civil Service Commission. In addition, staff provides liaison with the County Attorney, Uniformed Retirement Board, and other County agencies.

The Recruitment Section manages the applicant process for prospective firefighters by soliciting and reviewing upwards of 3,000 applications per year. This is accomplished through extensive outreach programs and participation in job fairs and career days throughout the Washington metropolitan area and other locations. These efforts are essential in order to attract a diverse workforce which is representative of the citizens we serve. Once a candidate applies for a position, there is an eight-step process that includes a written examination, candidate physical abilities test (CPAT), polygraph, personal interview, medical examination, psychological test, and background investigation. All of these steps must be completed prior to hiring each recruit. Ultimately, these efforts result in the best available candidates to enter the Academy for recruit basic training. Given the projected numbers of current firefighters who are eligible to retire within the next three to five years, the demands on this section will continue to increase.

The Promotional Examination Coordinator develops and administers required promotional testing for all uniform ranks from Technician through Battalion Chief. This involves oversight and administration of five to seven written, practical, and/or assessment examinations per year. Exams are on a specific pre-defined schedule; however, additional tests may be required as the need for a certified list of candidates is identified. Promotional exam development is a collaboration with the Department of Human Resources and with subject matter experts from field operations and other fire departments. Further, exam committees are convened and are responsible for ensuring that each testing process is impartial, fair, task-relevant, and rank-appropriate. Prior to the development of a promotional test, a review and job analysis of the position must be performed to ensure that the testing involves relevant and up-to-date requirements. This effort involves critical maintenance of confidential information pertaining to examinations such as raw scores, rankings, and materials that are included in the development of an examination.

### **Description**

The Human Resources (HR) Section is responsible for maintaining the department's official file of all **complaints and grievances (Civil Service Commission Hearings)**. A detailed database is maintained by the Employee Relations Coordinator, including all of the steps, type of complaint (i.e. promotional exam, discipline, discrimination) and resolution (internal or external by the CSC Commission). The HR Manager handles the preparation and presentation of complaints that are heard by the CSC Commission (binding and advisory decisions). Preparation and execution is labor intensive in order to be compliant with CSC submission deadlines (documents and witness lists, supplemental exhibits and witnesses, objections, response to objections), meet with witnesses, develop opening/closing statements and lines of questioning, and ensure the grievant's and departmental witnesses are detailed out of operations, if needed. The HR Section Manager or designee is required to hear the second step complaints related to the promotional exam qualification system. The HR Section Manager or designee is present for all third step grievance meetings as they may be appealed before the CSC Commission, resulting in the activities listed above. In an effort to facilitate resolution of grievances at the earliest step, the HR Section

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also conducts research, analysis, and provides recommendations related to promotions, promotional processes, professional development, pay/leave issues and discipline, performance evaluations, etc.

Typically **Family and Medical Leave Act (FMLA)** leave is managed by individual supervisors in other agencies within the County. Given the nature of the service provided by Fire Protection Service personnel, including the dynamic staffing, and the legal and administrative requirements of FMLA (29 U.S.C. 2601, *et seq.* and Code of Federal Regulations Part 25), it was determined by the Fire Chief to centralize the processing of FMLA leave with the HR Section. The FMLA coordinator responsibilities include compliance with the federal law with respect to determining eligibility, meeting notification deadlines, record-keeping and FOCUS FMLA Workbench updates, documentation and distribution of employee notifications, designations, and medical certifications, monitoring leave usage and letters to employees when they are nearing the end of their specific FMLA leave year and/or their leave entitlement expires. An administrative assistant supports the processing and distribution of notifications and designations.

**Providing accurate and timely compensation** to employees is imperative. The department employs over 1,800 employees (merit and limited term), including three different Fair Labor Standards Act (FLSA) pay cycles operating on multiple shifts (3 24-hours shifts, law enforcement 12-hour shifts and day work) at 44 work locations across the County. The Payroll Team consists of the Payroll Officer Manager and three payroll contacts. Following the close of a pay period, the department's four payroll team members check online time for their assigned battalions and work groups. They notify supervisors of errors and in some cases may correct employee time and ask the supervisor to approve it. The team strives to be compliant with both the federal and state laws regarding payment of wages and overtime compensation.

The Fire and Rescue Department (FRD) is a paramilitary organization in which **promotional examinations** are administered to large candidate pools to identify qualified personnel for upward mobility (technician [four specialties], lieutenant, captain I, captain II, and battalion chief). The FRD begins planning and preparation for promotional exams at least eight months in advance of the actual exam administration date. Often the program manager is working with two or more committees in exam development at any given time. If an eligible list is forecasted to be exhausted prior to expiration, an off-cycle exam(s) may be developed and administered. This has typically occurred for the EMS Technician and Captain II eligible lists.

### Benefits

The HR Section's management and coordination of all complaints and grievances facilitates overall organizational effectiveness by providing a historical accounting for management decision making, changes in departmental policies or procedures, and reduced or removal of discipline. More importantly it is a mechanism to identify problem areas within the organization and provides an opportunity to implement improvements with the goals of improved organizational effectiveness and employee relations. It also provides a means of monitoring timeliness and compliance with grievance procedures. This is especially important to the agency and the County due to the frequent rotation of uniform personnel in staff positions, due to promotions, retirements and other separations. The department has one of the highest rates of complaints and grievances as compared to other agencies within the County. The majority of the complaints are related to promotional examinations and disciplinary actions.

Centrally handling all aspects of the FMLA administration in the department facilitates the consistent application of the protections of the law and allows Fire Protection Personnel to focus on responding to emergency and non-emergency incidents, shift operations and community outreach. In addition to employers, the FMLA regulation allows individuals to be sued for interfering with an employee's rights. It is more effective in a department this size, spread across multiple locations and over multiple shifts, to have an HR team, who maintain their knowledge of the law and subsequent amendments, to centrally manage the legal and administrative requirements of FMLA processing.

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The Code of Virginia (Title 40.1) requires that organizations compensate employees for the hours worked on the established pay day. The Fair Labor Standards Act (FLSA) requires that overtime wages are due on the regular payday for the pay period covered (Title 29, § 778.106 of the CFR). Reviewing time, researching payroll issues, responding to inquiries and assisting employees and supervisors with how to code hours worked facilitates compliance with federal and state regulations.

The Department of Human Resources has two personnel assigned to all of public safety promotional testing. These employment analysts also support the County's Employment Division by processing civilian hiring requisitions and other employment responsibilities. In addition, the Promotional Examinations Program Manager is the lead on all technical examinations with the same roles and responsibilities of an officer examination. Therefore, it is imperative that the department maintain a promotional examinations branch involved in the development and administration of all uniform testing.

## Mandates

Complaints and grievances – Fairfax County Personnel Regulations, Chapter 17

Family and Medical Leave Act - 29 U.S.C. 2601, et seq. and Code of Federal Regulations (CFR) Part 25

Timely and Accurate Pay – Code of Virginia Title 40.1 and Fair Labor Standards Act Title 29, § 778.106 of the CFR

## Trends and Challenges

While the bulk of FMLA administration is handled in the HR Section, FRD does require that supervisors submit a request for FMLA leave for an employee when they have been on sick leave in accordance with the FMLA rules. At times, HR is not notified of an employee's qualifying event until they have returned to full duty. By that time, due to the deadlines established in the FMLA, HR is unable to count the time against the employees FMLA leave entitlement. This negates the department's ability to consistently apply the protections authorized within the regulations. On average, 40 percent of all events are due to a non-work related injury/illness (self), 36 percent to a job-related injury/illness and 20 percent to birth of child and placement of child for adoption or foster care.

The department operates in a dynamic staffing environment which presents a challenge in ensuring that personnel receive accurate and timely compensation. The Payroll Team processes over 840 employment actions each year such as promotions and transfers, resulting in a change in supervisor and work locations. In addition, injured/ill employees may be assigned (work related and non-work related) to light duty for a period of time requiring payroll to change the shift and scheduled work hours. Likewise, when employees are cleared for full duty by the Public Safety Occupational Health Center, the employee may be moved in the middle of a pay period back to a 56-hour work week, requiring a modification to how time is recorded in FOCUS. Each of the three shifts work 9-11 days each month.

The department's technical and officer eligible lists are established for a period of two years. As mentioned previously, if a promotional exam eligible list is forecasted to be exhausted prior to the established expiration date, an off-cycle exam(s) may be developed and administered. This has typically occurred for the Emergency Medical Services (EMS) Technician and Captain II eligible lists. Some of the challenges to obtain qualified candidates relate directly to the minimum qualifications and changes in professional development requirements. For example, the next EMS Technician examination will be open only to candidates who are certified as a paramedic, whereas, previous exams considered candidates certified in intermediate or paramedic as eligible. This change is due to the Virginia Office of EMS transitioning out the "intermediate" certification by 2019. In addition, the department recently modified its professional development program requiring a certain level of college education as a minimum requirement to participate in the exam, instead of including the education as part of the formula to calculate a candidate's promotional ranking on the eligible list. It should be noted that during the ten year transition period of the

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new program, the department established two options for eligibility (1. Education, 2. Years of service) which may reduce the impact (if any) on the candidate pool.

## Resources

Category	FY 2014 Actual	FY 2015 Actual	FY 2016 Adopted
<b>LOB #238: Human Resources / Recruitment / Promotional Exams</b>			
<b>FUNDING</b>			
<u>Expenditures:</u>			
Compensation	\$961,219	\$1,201,211	\$1,014,726
Operating Expenses	122,160	137,165	162,656
<b>Total Expenditures</b>	<b>\$1,083,379</b>	<b>\$1,345,161</b>	<b>\$1,177,382</b>
General Fund Revenue	\$0	\$0	\$0
<b>Net Cost/(Savings) to General Fund</b>	<b>\$1,083,379</b>	<b>\$1,345,161</b>	<b>\$1,177,382</b>
<b>POSITIONS</b>			
Authorized Positions/Full-Time Equivalents (FTEs)			
<u>Positions:</u>			
Regular	14 / 14	14 / 14	14 / 14
<b>Total Positions</b>	<b>14 / 14</b>	<b>14 / 14</b>	<b>14 / 14</b>

## Metrics

Metric Indicator	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Recruitment applications processed	1,594	3,038	3,077	3,100	3,400
Number of promotional exams held annually	5	6	5	6	4
Number of complaint/grievance steps processed	33	18	21	27	27
Percent compliance with Family Medical Leave Act (all events)	95%	95%	95%	98%	98%
Percent of errors identified by payroll branch prior to transfer	95%	95%	95%	98%	98%

The recruitment division manages the applicant process for prospective firefighters by soliciting and reviewing upwards of 3,000 applications per year. Given the current vacancy rates and the projected number of current firefighters eligible to retire within the next three to five years, applications processed will continue to increase.

The Fire and Rescue Department (FRD) is a paramilitary organization in which promotional examinations are administered to large candidate pools to identify qualified personnel for promotions. The FRD begins planning and preparation for promotional exams at least eight months in advance of the actual exam administration date. Actuals listed reflect when the exam was administered; however, exams development may have begun in the prior fiscal year. Often, two or more committees are in exam development at any given time. The number of promotional exams fluctuates minimally from year to year.

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The Human Resources (HR) Section maintains a detailed Personnel Database of all grievances within the department, including all steps, type of complaint and resolution. It is expected numbers will continue to increase partly as a result of department growth, but primarily because of the complicated and extensive rules and regulations governing minimum staffing requirements, the ability to earn overtime, and promotional processes. Since 2006 the majority of grievances are related to discipline and promotions and promotional testing.

There are over 350 requests for FMLA leave each calendar year, equating to 22 percent of FRD total staff on FMLA. On average, 40 percent of all events are due to a non-work related injury or illness, 36 percent to a job-related injury or illness and 20 percent to birth of child or placement of child for adoption or foster care. While 100 percent accuracy is the goal, shortcomings in the process have been identified. Primarily the process falls short on the issuance of notification letters which should be issued within two weeks of the expiration of an employee's leave entitlement and/or FMLA leave year. Staff has put measures in place to improve in this area and are expecting to realize an improvement in FY 2016.

The department employs over 1,800 employees, including three different Fair Labor Standards Act (FLSA) pay cycles, operating on multiple shifts at 44 work locations across the County attributing to an increased opportunity for payroll errors. Typical errors include no hours or partial hours entered by positive time reporters, hours entered lacking supervisor approval, regular hours entered are greater than scheduled hours, and incorrect use of absence and attendance type codes. On average, the payroll team identifies and corrects 62 errors per pay period. On occasion, an employee does not receive pay for regular scheduled hours resulting in requests for supplemental checks. While 100 percent accuracy is the goal, lower percentages are reflected as a result of extremely high position turnover. In the last 18 months, three of the four positions that were vacated and had to be filled with new employees. It is expected that they will become more proficient in finding and correcting payroll errors thus increasing the percent of errors identified.