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Office of Inspector General

City of Chicago

Report of the Office of Inspector General: *****

Opportunities for Civilianization in the Chicago Fire Department Follow-Up Inquiry

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July 13, 2017

To the Mayor, Members of the City Council, City Clerk, City Treasurer, and residents of the City of Chicago:

The City of Chicago Office of Inspector General (OIG) has completed a follow-up to its January 2016 audit of opportunities for civilianization in the Chicago Fire Department (CFD). Based on the Department's response, OIG concludes that CFD has partially implemented corrective actions related to the audit findings.

The purpose of the January 2016 audit was to identify positions held by uniformed members at CFD that could instead be filled by civilians. Our audit found that CFD,

- assigned 35 uniformed members to positions that did not require firefighting or emergency medical response training and experience, and could save an estimated \$1.2 million annually by civilianizing 34 and eliminating 1 of these positions; and
- provided at least 13 reasonable accommodations related to the Americans with Disabilities Act (ADA) either informally or without the required approval of the City's Disability Officer.

Based upon the results of our audit, we recommended that CFD,

- civilianize 34 specific positions and eliminate the position of commissary liaison;
- undertake a comprehensive assessment of all uniformed member assignments to identify further opportunities for civilianization;
- assess temporary assignments before filling them with uniformed members, to determine if they could be performed by civilians;
- develop a method to identify, track, and routinely review all temporary assignments to ensure that uniformed members are returned to operations in a timely manner, and that temporary assignments have not passively defaulted or otherwise evolved into permanent positions;
- document job descriptions and duties for all positions, and ensure that the Department of Human Resources (DHR) and the Office of Budget and Management (OBM) are informed of the actual responsibilities of uniformed members, not just their titles; and
- comply with the City's Reasonable Accommodation Policy by ensuring that all ADA reasonable accommodation requests are submitted to DHR's Disability Officer for review and approval or denial.

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In its response to the audit, CFD described a number of corrective actions it would take.

In January 2017, OIG inquired with CFD regarding the status of the corrective actions the Department committed to in response to OIG's audit and any other actions it may have taken. Due to concerning inconsistent personnel recordkeeping by CFD, OIG had to make multiple inquiries to obtain complete information on the status of the Department's corrective actions and to seek clarity on some of the responses.

Based on CFD's follow-up response, OIG concludes that the Department has partially implemented the recommended corrective actions to address the original audit's first finding respecting civilianization, and has fully implemented the recommended corrective action to address its second finding respecting required approvals of ADA accommodations. We acknowledge that CFD's recently expired (but currently applicable) collective bargaining agreement with Chicago Fire Fighters Union Local 2 poses barriers to civilianizing certain positions; however, we urge the Department to continue its work with DHR, OBM, and the Department of Law (DOL) to civilianize the positions identified in the original audit. Below, we summarize the two original audit findings and recommendations, as well as CFD's ultimate response to our follow-up inquiry.

We thank the staff and leadership of CFD for their cooperation during the original audit and responsiveness to our follow-up inquiries.

Respectfully,

Joseph M. Ferguson Inspector General City
of Chicago

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OIG File #17-0042

Opportunities for Civilianization in the Chicago Fire Department Follow-Up Inquiry

Follow-Up Results

In January 2017, OIG began a follow-up review of a January 2016 audit of opportunities for civilianization in the Chicago Fire Department.¹ CFD responded by describing the corrective actions it had taken since receiving the original

audit and providing some supporting documentation. Due to inconsistent personnel recordkeeping by CFD, OIG had to make multiple inquiries to obtain complete information on the status of the Department's corrective actions and to seek clarity on some of the responses.

We summarize the two original findings, the associated recommendations, and the status of the Department's corrective actions below. OIG's follow-up inquiry did not observe or test implementation of the new procedures, and thus we make no determination as to their effectiveness, which would require a new audit with full testing of the procedures.

OIG uses four categories for Status of Corrective Action:

- **Implemented** - The department has implemented actions that may reasonably be expected to resolve the core findings/concerns noted in the original audit.
- **Partially Implemented** - The department has implemented actions in response to the audit, but the actions do not fully address the findings/concerns raised in the original report.
- **Pending Implementation** - The department has initiated action plans that, if fully implemented, may reasonably be expected to resolve the core findings of the original audit. However, the department has not completed implementation.
- **Not Implemented** - The department has not initiated or implemented any actions responsive to OIG's findings.

Finding 1: **CFD assigned 35 uniformed members to positions that did not require firefighting or medical emergency response training and experience; it could save an estimated \$1.2 annually by civilianizing 34 and eliminating 1 of these positions.²**

OIG Recommendations: OIG recommended that CFD civilianize 34 positions³ because they do not meet any of the three criteria requiring a uniformed

The 2016 audit report is available on the OIG website: <<http://chicagoinspectorgeneral.org/publications-and->press/audit-of-opportunities-for-civilianization-in-cfd/>.

² As described below, CFD reported for the first time during this follow-up inquiry that the two Telecommunications Specialist positions identified for civilianization in the audit were in fact, only one position. To correct the record, OIG has reissued the original audit with a notice reducing the total number of positions recommended for civilianization to 34.

³ The 34 positions identified in the audit were in the following areas: Manpower Support (14 positions), ADA Reasonable Accommodations (5 positions in with duties related to telecommunications, Freedom of Information Act and subpoena compliance, and general administrative support), Mail Delivery (2 positions), Human Resources Support (1 position), and Other (4 temporary assignments of Building and Property Project Officer, Special Events Liaison, Executive Assistant position in Media Affairs, and an administrative support position in the Office of the Fire Commissioner that became permanent over time; 8 positions including the Medical Division case managers, the

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member-they do not require firefighter or paramedic training, experience, or credibility; they do not benefit sufficiently from such training, experience, or credibility; and they do not supervise positions engaged in firefighting or paramedic functions. In addition, OIG recommended that CFD eliminate the commissary liaison position and develop other

controls to settle disputes between uniformed members and the commissary vendor. We conveyed our understanding that CFD must consider collective bargaining agreements in any efforts to civilianize or eliminate positions. However, OIG recommended that, to the extent that CFD assigns uniformed members to positions which, but for provisions in a collective bargaining agreement, would be appropriate for civilianization, the City may wish to negotiate for the removal of such provisions at the next opportunity.

Acknowledging that there are likely more positions in CFD that could be civilianized, OIG recommended that CFD undertake a comprehensive assessment of all uniformed member assignments to identify and civilianize such positions. During that assessment, we recommended that CFD engage with management and staff to understand their daily activities, thereby identifying positions that have evolved away from their original responsibilities.

OIG recommended that CFD assess temporary assignments before assigning them to uniformed members to determine if the assignments could be performed by civilians. CFD should also develop a method to identify, track, and routinely review all temporary assignments to ensure firefighters are returned to operations in a timely manner and that temporary assignments have not passively defaulted or otherwise evolved into permanent positions.

Finally, to ensure transparency and accountability, including for budget and oversight purposes, OIG recommended that CFD document job descriptions and duties for all positions, and ensure that DHR and OBM are informed of the actual responsibilities of uniformed members, rather than just their titles. We suggested that this would entail communication about current assignments, as well as defining a process to ensure DHR and OBM are informed of future assignments.

Status of Corrective Actions: Partially Implemented. In CFD's response to the original audit, the Department agreed to pursue the civilianization of 32 positions, but disagreed with OIG's recommendation to civilianize two of the

Fleet Liaison, and positions providing administrative, procurement and inventory, telecommunications, and photographic file maintenance support).

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positions and eliminate the position of commissary liaison. Additionally, CFD noted that its collective bargaining agreement with Chicago Fire Fighters Union Local No. 2 may pose challenges to its civilianization efforts. Since the release of the audit, CFD following legal consultation has determined that civilianizing certain positions that were recommended by OIG may violate the current collective bargaining agreement. CFD has therefore decided against pursuing the civilianization of 15 recommended positions to which it had originally agreed, without attempting to renegotiate with the Union.

During this follow-up inquiry, CFD reported for the first time that the two

Telecommunications Specialist positions identified for civilianization in the original audit were in fact, only one position. Two CFD members shared the role for a period of several weeks during the audit and, therefore had been counted as two positions. CFD recently stated that, despite this staffing overlap, it had always intended that there only be one position. Inexplicably, CFD failed to state this during the course of the audit, but instead continued to acknowledge the 35 positions OIG recommended for civilianization or elimination. OIG believes that CFD's inconsistent documentation and monitoring of personnel assignments contributed to the fact that this apparent mistake was not revealed until now. To correct the record, OIG has reissued the original audit with a notice reducing the total number of positions recommended for civilianization to 34.

In its response to OIG's follow-up inquiry, CFD stated that it has civilianized seven of the recommended positions, and has begun the civilianization process for an additional nine positions. CFD stated that it cannot unilaterally civilianize any positions because the process requires review and approval by OBM and DHR. Also, CFD stated that any incumbent uniformed members must vacate their positions before they can be civilianized. The Department has filed the paperwork to civilianize 16 positions, 6 of which remain under review by OBM. Three positions have been approved for civilianization and will be filled by civilians once vacated by the incumbent uniformed members. Seven positions have been vacated by their incumbent uniformed members and are now civilianized. Three of those seven positions have been filled by civilians. CFD stated that it is prepared to hire a civilian for the remaining four positions in the coming months. The graphic below illustrates the status of the 16 positions designated for civilianization.

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Approved by DHR; Awaiting Approval by OBM: 6 Positions

- (1) Labor Relations Specialist »(1) Director of Facilities
- (1) Telecommunication Specialist »(1) Fleet Liaison
- (1) Safety Administrator •(!) Manpower Support

Approved for Civilianization Once Incumbent Uniformed Member Vacates Position: 3 Positions

- (1) AdministrativeSupportFire Prevention Bureau •(1) PhotographicSpecialist ' •
- (1) Subpoena Officer

Civilianized: 7 Positions

(: Vacated by Uniformed Member;
j: Awaiting Civilian Hire: 4 Positions

Staffed by Civilian: 3 Positions

•(2) AdministrativeAssistantIII Medical »(2) Occupational Health Nurse
S , «(1) Inventory Support Airport , »(1) AssistantDirectorof News Affairs
•(1) Subpoena Officer

Source: OIG visualization of information provided by CFD.

CFD stated that regular reviews of uniformed member assignments and temporary assignments have not identified any additional positions that could be performed by civilians. The Department acknowledged that this review process is largely informal and not documented, but stated that as the responsibilities of positions change, more formal reviews may be warranted.

CFD further stated that it is in the process of implementing the Telestaff program, a computerized staffing management system that the Department's Manpower Unit is developing to identify, track, and routinely review all temporary assignments. During the original audit, CFD had stated that it expected this system to be fully implemented by the end of 2016. The Department now expects full implementation of Telestaff by the end of 2017.

CFD also stated that it has endeavored to document the job descriptions and duties for all uniformed member positions, and has provided written descriptions for 58 uniformed member positions to OIG, as well as to DHR and OBM. CFD told OIG that it is currently reviewing all uniformed member positions to ensure that they are encompassed by these descriptions, and that the positions are current and unique. The Department did not provide

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any documentation of this review in response to an OIG request, but agreed to follow up with us on the status of this effort after 60 days.

Finding 2: **CFD provided at least 13 ADA reasonable accommodations either informally or without proper approval.**

OIG Recommendation: OIG recommended that CFD comply with the City's Reasonable Accommodation Policy by ensuring all reasonable accommodation requests are submitted to DHR's Disability Officer for review and approval or denial.

Status of Corrective Action: Implemented. CFD stated that, since January 2016, all reasonable accommodation requests have been administered by the City's Disability Officer at DHR's Diversity and Equal Employment Opportunity Division, in accordance with the City's Reasonable Accommodation Policy. DHR confirmed that it granted six reasonable accommodations to CFD employees since January 2016.

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City of Chicago Office of Inspector General

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Mission

The City of Chicago Office of Inspector General (OIG) is an independent, nonpartisan oversight agency whose mission is to promote economy, efficiency, effectiveness, and integrity in the administration of programs and operations of City government. OIG achieves this mission through,

administrative and criminal investigations; audits of City programs and operations; and - reviews of City programs, operations, and policies.

From these activities, OIG issues reports of findings and disciplinary and other recommendations to assure that City officials, employees, and vendors are held accountable for the provision of efficient, cost-effective government operations and further to prevent, detect, identify, expose, and eliminate waste, inefficiency, misconduct, fraud, corruption, and abuse of public authority and resources.

Authority

The authority to produce reports and recommendations on ways to improve City operations is established in the City of Chicago Municipal Code § 2-56-030(c), which confers upon the Inspector General the following power and duty:

To promote economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the city government by reviewing programs, identifying any inefficiencies, waste and potential for misconduct therein, and recommending to the mayor and the city council policies and methods for the elimination of inefficiencies and waste, and the prevention of misconduct.