



STATE OF MAINE
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November 30, 2023

To: Government Oversight Committee

From: Richard McCarthy State Fire Marshal

Subject: Response to OPEGA report

This document represents the Department of Public Safety and the Office of State Fire Marshal responses to the OPEGA report prepared in reference to the Office of State Fire Marshal. The responses are written by section to coincide with the report that was provided by OPEGA.

Mission of Investigations

Our mission statement has remained consistent for many years and it is as follows,

The mission of the Office of State Fire Marshal is to prevent loss of life and property for those that live, work, and visit the State of Maine. Our goal is to protect against the devastation of fire, explosions and life safety hazards with integrity and fairness through prevention, public education, planning, research, investigation and enforcement of enacted laws and rules.

To accomplish the investigation and enforcement portion of our mission statement all investigators within our office are required to be sworn law enforcement officers and, as such, they must be trained on and provided with the necessary equipment to carry out their duties. The Fire Investigators have the same authority as a sheriff within their counties and are charged with investigating when a crime has been committed so we believe it is reasonable for them to be trained, equipped, and prepared for these responsibilities. Leadership agrees that there must be a clear balance of origin and cause determinations and providing enforcement when a crime has been committed with no deviation from the National Fire Protection Association guidelines.

Accountability

Leadership is committed to accountability that is consistent and in accordance with State, Department, and Office Policy. Everyone in the office will be treated equitably regardless of their position with the complete understanding that a violation of any policy will result in the appropriate level of accountability. To accomplish this, clear expectations of what is expected and what behavior will not be tolerated, has been set and communicated clearly to all employees of the office. We believe that consistent accountability and equity is critical to the success of any operation and results in a productive and positive culture. I'm committed to maintaining an open-door policy and employees can be assured that in the future this will not result in discipline for breaking the chain of command.

Staffing Resources

Like many of the Bureaus and Departments throughout the State, we have not been immune to turnover and higher than normal vacancy rates, however we are currently almost fully staffed. Our administrative staff had two vacancies for several months. We were forced to post these positions multiple times before finding qualified candidates. Currently the only vacancy in the office is our Southern inspection supervisor and we anticipate that being filled shortly.

In our plans review division we have been limited to two reviewers and a supervisor for the past 25 years, other inspectors assist as their schedule allow to reduce the backlog. The office has been working on reorganizing the Inspections division in an attempt to streamline and reduce the individual workload while creating a better work balance for all Inspectors.

The investigation division received three new investigator positions in the Governors biennium budget, and we are in the process of creating those positions and acquiring the proper equipment. We appreciate the legislature's support for this budget initiative. This will provide an additional investigator in each division and allow for a better work life balance for our employees while also ensuring the correct staffing at fire scenes. Feedback on the impact that these new positions have had should be available in six to eight months after all three positions have been filled and we are happy to share that information then.

Work Schedules

Approximately a year and a half ago a change was made to the investigators work schedules to create a better work life balance and it was just recently accepted in contract negotiations. The new schedule has three, and soon to be four, investigators in each division working days 8am-4 PM with one Investigator working 12-8 PM. The nighttime investigator is on call for that division during the evening and on the weekend. We've also increased management oversight, financial responsibility and officer wellness by routing all call for service requests through the Division Sergeants so they may determine the appropriate required response. Lt. Gardner and I attended a series of regional fire department meetings in conjunction with the Maine Forest Service back in March and April of this year. Those meetings lead to direct conversations with approximately 150 fire departments across the state. The relationships we created with those visits have led to increased requests for assistance and our new call routing system has been effective in managing that increase. Leadership will continue to work on providing a reasonable schedule while ensuring that we are still providing the necessary services to the people of Maine.

PREVENTION * MITIGATION/SUPPRESSION * LAW ENFORCEMENT

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(207) 626-3870 ADMINISTRATION/ INVESTIGATIONS (207) 287-3659 TDD
(207) 626-3880 INSPECTIONS/ PLANS REVIEW (207) 287-6251 FAX

Human Resources Support

Although this is something not directly under our control the Department of Public Safety has been working closely with the Bureau of Human Resources and there have been several positive changes in leadership, staffing, and processes at our department level Human Resources service center. Updates to pay should be complete at this time.

Management Follow Through

It is the responsibility of leadership to follow through when issues and concerns are brought to their attention. We fully understand that developing and maintaining trust and relationships amongst our team is imperative to our continued success. We'll strive to reach consensus whenever possible but of course that won't be possible in every circumstance. Either way it's critical that we follow through with strong and consistent communication.

Office Policy

The office policies will be reviewed annually, and any changes made during that process will be provided to all employees. That review is currently underway and we'll provide copies to all employees upon completion. This is a time-consuming task and will be completed as soon as possible.

Outside Pressure on Inspections

The Life Safety Code is open to interpretation by the adopting agency, and the final decision ultimately resides with the Fire Marshal. This sometimes means that an Inspectors decision may be changed. This is a process that has been in place for years and it is our belief that the current constituent service process is working as it should.

Training

There are basic minimum courses or classes that are required to keep certification as both an Inspector and an Investigator within the Fire Marshal's Office. We are working on a more comprehensive plan for office wide training in the coming months. There is a process in place for requesting additional training, but it is important to understand that we must work within our budget and some trainings, specifically out of state trainings, can be expensive. The approval process is based on a cost benefit decision and not a reward model.

Equipment

Our vehicle fleet is aging and we're currently working to replace those with excessive mileage. We've replaced 19 of 35 vehicles since I assumed this position in March of 2023. We've now moved to a replacement schedule that will periodically rotate out vehicles before they become an issue. We strongly believe that all employees have the equipment needed to perform their jobs safely, and we're committed to constantly evaluating national best practices with our team so we stay on the cutting edge of this important conversation. We have verified everyone has scene lights to provide safety after dark.

Coordination and Communication

Leadership acknowledges that the two divisions in our office have historically not been updated on the activities of the other and we are committed to resolving this. In addition to the joint weekly meetings with the Assistant Fire Marshals, we now hold joint monthly supervisor meetings with both divisions. We have also implemented quarterly full staff meetings for both divisions and all administrative staff which has not occurred in over 6 years. These changes seek to foster an environment that promotes a unified office with employees that are informed and committed to working collaboratively. To enhance these efforts, we are also sending out a weekly update via e-mail which has been well received by many in the office.

Community Needs

In an effort to offer the best service for each department, our leadership team met with over 150 fire departments over a two-month period to explain our new call for service policy. We did that because each department has different resources, skill sets and overall needs. We now have the department contact the Division Sergeant directly so they can assign the appropriate staff to assist them. This process will not only improve our service model, but it will allow us to manage workloads better so that no one investigator feels overwhelmed.

Hostile Work Environment

Hostile or dysfunctional work environments can only be corrected when you build trust and improve relationships with all employees in the office. A workplace cannot function correctly with any sort of hostility by either employees or management, and we will not tolerate this behavior from either.

Unresponsive to Community Needs

School inspections are handled by the Department of Education and as always, we are prepared to assist if requested to do so by either the department or the Legislature. We're currently reviewing a process that would allow both our inspectors and investigators to conduct nighttime occupancy checks on appropriate locations. We're also using grant funding to conduct a statewide fire and code enforcement study that will support the implementation of a prevention program within our office. Prevention/educational work is essential to making Mainers safe and we look forward to making this program a reality.

Misogyny in the Workplace

Misogyny is completely unacceptable in any setting and substantiated complaints of this type at the Fire Marshal's Office will be dealt with swiftly and decisively. Our staff are truly our greatest asset, and they'll continue to be treated with care and respect.

Fire Victims deserve our utmost professionalism and compassion and will be treated with such at all times. While the office agrees that coping mechanisms are necessary and important, making inappropriate comments is not an acceptable option and falls outside the standard professional code of conduct.