



STATE OF MAINE  
Department of Public Safety  
Office of State Fire Marshal  
52 State House Station  
Augusta, ME 04333-0052

JANET T. MILLS  
GOVERNOR

MICHAEL SAUSCHUCK  
COMMISSIONER

RICHARD MCCARTHY  
STATE FIRE MARSHAL

May 15,2024

Good afternoon, Senator Hickman, Representative Fay, and members of the Government Oversight Committee. Good afternoon, Senator Beebe-Center, Representative Salisbury and members of the Criminal Justice and Public Safety Committee.

My name is Richard McCarthy, and I am the State Fire Marshal and this afternoon I am here to provide an update on the workplace climate and culture in the Fire Marshal's Office. As you may remember, we first joined the Government Oversight Committee on July 7, of 2023 and we truly appreciate this opportunity. I will keep to the topics in the order of the OPEGA report for ease of discussion.

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

We have worked hard to ensure that everyone within our office, our agency partners, and members of the public are all treated fairly and equitably. This is an ongoing process that we take very seriously. Everyone is held accountable no matter what position they hold in the office. Changing workplace culture is not a quick process but we are committed to making our agency a place we can all be proud of. Our enhanced meeting/communication strategies are key to regularly reinforcing our overall expectations and we support this process with coaching and investigations as necessary.

## Staffing Resources

In the initial response it was noted that like many of the Bureaus and Departments throughout the State, we have not been immune to turnover and higher than normal vacancy rates and that continues to be the case. While we have since filled the southern inspection supervisor and the 3 administrative vacancies, we are currently in the process of hiring for a number of new vacancies. Some of these have required several postings such as the plan review/sprinkler inspector position which has been posted three times since February without a successful candidate. The specialized nature of the positions in our office and the current job market are posing a challenge in filling vacancies quickly. We held interviews last week for our three new investigator positions and the two recently vacated investigator positions. The Investigator hiring process can be time consuming due to the Maine Criminal Justice Academy's requirements around, the background investigation, polygraph, and psychological exams but the process is a priority for us, and it will be a welcome relief to have those positions filled. We had planned to re-organize the inspections division slightly to help create a better work life balance but with 2 open positions it has yet to be finalized.

## Work Schedules

The current schedule now consists of four Fire Investigators in each of the three divisions, soon to be five thanks to the recent support from the Governor and Legislature which provided the office with three additional Fire Investigators (Thank You) to help cover the entire state. Each week 3 Investigators work 8-4 pm and one investigator works 12-8 pm. The Investigators working the day shift are available for calls at 4 am but do not start their regularly assigned shift until 8 am and at 4pm they are able to turn off their phone and do not have to answer calls or respond to fires. The individual on evening shift works 12-8 and then remains on call until 4 am when the day shift starts their on-call responsibility. The evening shift Investigator is also on call during the weekend which allows the day shift Investigators to completely disconnect from 4 pm Friday until their shift starts on Monday. We realize that 2 vacancies in such a small unit has an impact on the duty rotation schedule but we fully expect to fill those vacancies and the 3 new positions in a timely fashion and that will be a huge relief for everyone.

Since all Investigators work equitable amounts of weekends and evenings the work schedule is distributed evenly amongst all employees. During the weekend if there is a call that requires more personnel to respond then the on-call person from the adjoining Division is called in to assist. We believe this provides the best work life balance for the investigators as the new schedule has significantly reduced our investigators on call time compared to the previous system that was based on geographic location.



## Human Resources Support

New staff assignments within our Human Resources Service Center has allowed us to resolve many of our pressing matters around retro pay and salary steps in an efficient manner. Personnel investigations are still a complex and time-consuming process that are largely conducted by our HR service center. We've recently conducted an internal review at the Sergeant's level to try and speed up this process and found that to be a viable option for us in the future. All the Sgt's and the Lt. are currently trained to perform these investigations. These Investigations are all part of the accountability process. We are also working on a process to make sure all evaluations are performed in a timely fashion.

## Management Follow Through in Inspections

To build and maintain trust with the staff we need to show that there will be follow through. All the Inspections staff meet monthly at headquarters to share information and discuss pending issues. This process helps keep everyone on the same page.

## Office Policy

We are nearing the end of the policy review process and will have both the new and updated policies out by the end of June.

## Outside Pressure on Inspections

The Life Safety Code continues to be 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.

I've heard nothing new on this issue since OPEGA's initial report.

## Training

In the past year we have sent employees to the National Fire Academy and national conferences to attend training courses in their respective fields. This includes training in Fire investigations as well as inspections and mechanical ride safety. A number of our staff took part in an all-day leadership training course at this year's Fire Chief's Conference. We are taking advantage of both in person and online training. We just had a member of the NFPA 1123 (Fireworks Standard) Committee come to our office and provide a full day class on fireworks. We made this training available to all staff in the office. We intend to continue this process as training's become available.

## Equipment

We've currently replaced 21 of our 35 vehicles since my appointment in March of 2023 and we're solidifying an annual replacement cycle that better supports our team. Our current command vehicle was a gift to our office almost 20 years ago. It's an instrumental tool that's essential for longer investigations but its technology and components are outdated so we're actively working to replace it. The lack of scene lights in the Southern Division was a valid complaint and we have purchased several new sets and they have been provided. Scene lights



were implemented as a piece of optional equipment for investigators in 2020. This was initiated because Northern investigators were often working at night on scenes without the necessary lighting equipment and/or fire department support. The lights were issued to the Northern Division and made available to the Southern and Central Divisions as they deemed appropriate. Typically, the investigators in the Central and Southern Divisions work with a lot of full-time fire departments that will stay on scene and provide whatever lighting is necessary, as they have it readily available. At the onset of providing scene lights, it was left up to the investigators to tell their Sergeant if they needed them. In the same way, each investigator is responsible for letting their Sergeant know when their equipment is broken, has been consumed, or is lost or damaged. This was a poor policy decision and we've since moved to a standardized equipment list that all investigators will be issued.

### Coordination and Communication

I currently host joint weekly meetings with both Assistant Fire Marshal's to coordinate our efforts across the divisions. Our coordination efforts are also the primary focus of our monthly bureau wide supervisors meeting and our full office staff meetings. I also send out regular emails to our team to keep them updated on bureau wide issues and a more structured weekly email that highlights the workflow of both divisions.

### Community Needs

We have worked to repair relationships with Fire Departments and other state Agencies and look forward to working alongside them in the future. We attend regularly scheduled county fire meetings as our schedules allow and our attendance at the Maine Fire Chief's annual conference the last 2 years has been well received. I also attend the Fire Commission's monthly meeting. We have continued to stress when fire departments should call and what information we need to determine if a response is required and what resources are needed. This process has allowed us to manage caseloads and still provide service for those in need.

### Hostile Work Environment

We are continually working on improving our current work culture. This is an ongoing process that will take some time to accomplish. We are fully committed to seeing this through with the support from the commissioner and a great staff who are committed to change. When we accomplish the goals set forth in areas such as accountability, HR support, policies, training and coordination/communication we are effectively addressing our overall work environment.

### Unresponsive to Community Needs

The current schedule, on-call system and call assignment process is viewed through a division wide lens and no longer focuses on an individual county. All requests for service now come to the Sergeant so that they can determine what response level is appropriate. The Sergeant then assigns Investigators to respond, those responses are within the division or if operational need requires to an adjacent division, not within just a county. We believe this new process provides a better product for the communities we serve and a better work life balance for Investigators.

The FMO is currently facilitating a Community Risk Reduction Collaborative process that's used to identify and prioritize local or state risks, followed by the integrated and strategic investment



of resources (emergency response and prevention) to reduce risks and the potential negative impacts they pose for the community.

Each community faces its own unique hazards and risks due to the characteristics of its population, housing, and other demographics as well as the type of emergencies it's responding to based primarily on response data from NFIRS/EMS and several other sources. Such risks might include fire, falls, near drownings or drownings, vehicle accidents, seemingly endless medical events and more depending upon the community. The collaborative assistance in risk identification, prioritization, planning, implementation, evaluation, and modification of risk reduction efforts can be of considerable benefit to the many communities wishing to but lacking the resources and understanding of the process, to start their own effort. The result being a safer Maine.

Our office has also applied for funding through FEMA's Fire Safety and Prevention Grant for the "Jump Start to A Safer Maine, Community Risk Reduction Collaborative Program." This funding will help the newly created Collaborative, housed in the Fire Marshals Office, to develop and provide advocacy, tools, training, and other resources to local communities planning to start their own Community Risk Reduction program. These resources will be designed and developed based upon demonstrated best practices in Community Risk Reduction from around the country.

In addition to launching the Collaborative's efforts, the funding would be used to hire and equip a fire prevention educator/community risk reduction coordinator to temporarily fill a much-needed position in the Fire Marshal's Office until a full-time position can be hired. This position will provide age-appropriate fire, life, risk safety and prevention education to targeted areas of greatest need. The position will assist in the design and development of the Collaborative's advocacy, tools and training programs and coordinate the delivery of programming, travel, facilities, and other essentials necessary for the delivery of both fire prevention and safety education and risk reduction efforts.

### Misogyny in the Workplace

As I stated in my response to the OPEGA report, misogyny is completely unacceptable in any setting and substantiated complaints will be dealt with accordingly. Our staff and customers deserve to be treated with care and respect. This is a non-negotiable point that won't be tolerated in our workplace.

### Maine Labor Relations Board (MLRB)

The union filed its prohibited practice complaint with the MLRB on 9/19/22 and amended it on 12/14/22. The decision was sent to our office on 12/21/23 with a 30-day implementation deadline. We're in full compliance with the board's order and to my knowledge have received no grievances reference to this matter.

In conclusion, while we strive for improvement of our workplace culture, I have committed myself to making the office a better place to work. I want the Office of State Fire Marshal to be an agency where employees are proud to work and treating our employees with the care and respect, they deserve is critical to accomplishing that goal. I welcome any questions you may have at this time.