



July 23, 2019

To the Village President and Board of Trustees,

This letter is in response to the Director of Protective Services' presentation to the Village Board and the Director's answers to questions posed by the Trustees during the Committee of the Whole Meeting on Monday, July 15, 2019. The Menomonee Falls Fire Department (MFFD) Command Staff believe it is necessary to provide the Trustees with additional background information and to set the record straight on some of the information presented by the Director.

#### Part-Time Pay Increase

The recent pay increase for the part-time MFFD personnel was already in the works prior to the Director's return from vacation. The Village Manager recently asked Assistant Chief Mollet why we are not able to attract and hire sufficient part-time personnel. Chief Mollet told him that it was due to our two person per station staffing and that our part-time pay was not competitive. The Village Manager tasked Assistant Chief Mollet with making our part-time pay more competitive. The Command Staff had already started the research into comparable pay rates of area fire department and private ambulance services. These are the organizations that we compete with when recruiting part-time personnel. On June 21st, the Director sent an email to the entire Fire Department, the Village Manager, Village Trustees and the members of the Police and Fire Commission announcing an increase in the part-time base pay. This was done without consulting the Command Staff and actually fell short of being a competitive rate for our more educated and senior employees. Afterwards, Assistant Chief Mollet and Deputy Chief Umhoefer presented the Director with this issue and were able to negotiate additional increases in the part-time pay for credentials and licensing levels above the minimum required. We believe that with these corrections the part-time wages are competitive; however, it's likely that this alone will not drastically increase recruitment of part-time personnel.

#### Full-Time Hiring

The Director recently directed the Command Staff to select three part-time personnel that we wanted to hire full-time. We were told to bypass our usual open recruitment, evaluation, testing and selection of eligible candidates. This request was made to meet the Director's goal of hiring three more full-time personnel in September. Command Staff told the Director that this request violates our Police and Fire Commission approved Hiring Policy. We were told that the Director would talk to the Police and Fire Commission Chairman and that he would do what the Director told him to do. These statements by the Director are unethical and if enacted almost certainly violate State and Federal laws pertaining to fair hiring practices and would leave the Village vulnerable to unfair hiring practice claims.

In addition, the Director instructed the Command Staff to work these same three hand selected part-time personnel as many hours as we could between now and the promised September hire date. This could create a situation that exceeds the average hour restrictions of the Affordable Care Act (ACA). Should the hiring not work out or be delayed, the Village could find itself in a situation that required them to offer healthcare insurance to the part-time personnel. The Director told us not to worry about this issue and that it would be dealt with by using a “waiver form” drafted up by the Director.

The Command Staff asked the Director to consult with the Village Attorney and if needed our labor attorney before making us pursue either of these directives. It’s unclear if this has been done.

The Command Staff reached out to Cities & Villages Mutual Insurance Company (CVMIC), the Village’s insurance provider, and confirmed that the Director’s requests are both unethical and illegal and if enacted would leave the Village open to possible lawsuits.

#### Staffing for Adequate Fire & Emergency Response Grant (SAFER)

The Director told the Trustees that Assistant Chief Mollet had stated that it was futile to apply for a SAFER Grant and that he would not apply this year. The truth is that the Command Staff presented the Director with an analysis of staffing needs and a recommendation of what was necessary to be considered for the SAFER Grant. The Director told us via a February 27th email: “The Village cannot absorb that cost share right now, so don’t worry about writing for the grant.” The Command Staff believes that the Village Board should have been presented with the facts regarding our staffing needs and the SAFER Grant and it should be up to the Trustees to decide whether or not we should apply.

#### Staffing Requests

The Director told the Trustees that the 2017 International Association of Firefighters (IAFF) report was strictly in response to the request to close stations. This is incorrect. The IAFF has an advanced GIS mapping program and is able to determine not only response times to all areas of the Village but also which areas can be safely reached with the appropriate number of personnel to meet the NFPA response guidelines. The Command Staff presented this along with additional Staff generated information to the Director in a PowerPoint on May 25, 2017. Following the presentation, the PowerPoint file was emailed to the Director who had told us that the information would be shared with the Village Manager. It’s unclear if this has been done.

In addition to the formal May 25, 2017 report, Assistant Chief Mollet has documented at least 30 requests to the Director asking for additional staffing over the course of the past six years. (Copies of are available on request)

We have recently provided the IAFF Local 3879 President with 2016-2018 incident data and it has been forwarded to the IAFF for analysis. Once this updated information is received, we will review it and provide an updated report of our call volume, incident locations, response times, staffing needs, and comparable area fire department demographics, etc. to the Village Board.

The Director has asked the Command Staff to research the possibility of reducing the minimum requirements for full-time personnel. This is not feasible with our current two personnel per station staffing. All of the current minimum requirements are necessary for the Department to respond to emergency incidents, perform fire inspections and provide the other services that our community deserves. These minimum requirements are lower for part-time personnel. If at some point we are able to increase the station staffing to four, we could likely drop some of the requirements for full-time employees, but this would also need to be negotiated into a new contract with Local 3879.

The Trustees asked the Director if any of the part-time personnel had picked up additional shifts in July. The Director responded to this question by pointing out the overtime accumulated by part-time personnel. This is not an accurate statement. Part-time employees are paid overtime when they exceed 50 hours in a week. The truth is that although many of the part-time personnel will offer to work additional shifts, we are restricted by the ACA hour limits. Part-time personnel are regularly scheduled for as many shifts as possible within these limits. In reality, they are not able to pick up additional shifts.

Therefore, the additional open shifts in July were covered by full-time personnel on overtime. The amount of overtime worked by many of our full-time personnel in recent months has been excessive. The Command Staff makes sure that they don't work more than 72 continuous hours and that they receive their 24 hour rest periods. We need to reduce the amount of overtime being worked in the interest of employee safety and well-being. We are already aware of employees who have expressed the detrimental effect this has had on their home/family life.

#### Fire Department Statistics

The Fire Department incident statistics provided to the Village Trustees by the Village Manager at the June 11th Committee of the Whole Meeting were incorrect. We don't believe this was the Village Manager's fault as he obtained the information from the "2018 Community Wellness Data" report. Although the charts are clearly marked; "Source (s): Menomonee Falls Fire Department" and should be accurate, they contain incorrect/incomplete information regarding the Fire Department. A large percentage of the MFFD responses were omitted (over 1,300 in 2018). This was not a true representation of the fire department workload.

At the request of the Village Planning Staff the Command Staff forwarded data for inclusion in the report. That was the end of our involvement as the Director attended all of the meetings and likely reviewed the report prior to publication. The Fire Department was not actually included in what is listed as "partnership with the broader community to maximize the resources of the community for the wellbeing of the Village of Menomonee Falls residents". The failure to include Fire Department in this partnership is easily demonstrated by both the approval of erroneous fire department statistics and the lack of a MFFD logo on the cover page of the report. This lack of fire department inclusion is a theme that has been repeated many times.

(The correct MFFD statistical information is attached)

### 2% Dues

The Director's reply to the questions about the 2% dues was incorrect. The 2% dues are paid to the fire departments with expectations of them submitting incident reports, completing fire inspections, conducting fire prevention activities, public education and adequate internal fire department training. We are audited on the performance of these duties as well as the use and tracking of the funds. Our last audit was in 2008 and we have never had a major issue with the audit and have never been questioned as to any discrepancies in the financial reporting portion. The State scheduled an audit in December of 2018 to confirm compliance. The Command Staff had a difficult time explaining our lack of a Fire Chief and even with the assistance of the Finance Director could not explain the use of the funds.

(See attached letter from State of Wisconsin DSPS Fire Prevention Coordinator Gary Peck)

The Command Staff has been insulated from the budgetary process. We have no knowledge of how the State of Wisconsin 2% dues money has been used or tracked and have received conflicting information from the Village Manager, Director of Protective Services and the Finance Director. We located a Village deposit receipt from July of 2009 with a handwritten note from former Fire Chief Hevey stating that the money was deposited in the General Revenue Account. The 2% Dues are earmarked for specific fire department uses and we were not able to explain their past or current use to the State auditor. We are unable to account for over 1.5 million dollars received since 2009. Wisconsin Statute states that we should also be receiving the yearly amount allocated to the Village of Lannon since they contract with Menomonee Falls for fire protection. It's unclear if we actually received this amount, where it was deposited and how it was used.

(A summary of the 2% Dues history is attached.)

### Violation of Wisconsin SPS 330

The Director of Protective Services disbanded all of the MFFD committees. (Fire, EMS, Recruit & Retention, Training, and Safety) These long standing committees served the Department by fielding questions and suggestions from the rank and file members, vetting them for merit and forwarding their recommendations to the Command Staff. Wisconsin SPS 330 mandates that every fire department have an appointed Safety Officer and Safety Committee. The Fire Department has not had a Safety Committee since Chief Hevey left in July of 2013. The violation of SPS 330 has been pointed out to the Director multiple times. The Director told us that we don't need one since the Village has a Safety Committee. This is in violation of Wisconsin law.

## Gag Order

The Director's reply to Trustee Taggart's question about the gag order placed on the Command Staff was "I have never, nor will you find any correspondence by me that says they cannot talk to you or to the Village Manager." Although the lack of any written correspondence is true, nevertheless, the Command Staff was verbally issued a "gag order" by the Director of Protective Services. This was verbally reinforced many times and has been so ingrained into the Command Staff that we have been apprehensive during casual encounters with Trustees or the Village President at Village social events. We lived in fear that we would have to answer questions asked of us and suffer some form of retaliation from the Director. It was a balancing act between being courteous to the elected officials and avoiding prolonged contact that may require us to have an actual conversation. This same situation also applies to the Command Staff talking to the Police and Fire Commission Members. In addition to the Director's "gag order", the Director has also verbally told the Command Staff on multiple occasions not to put things in writing including emails. Many attempts the Command Staff made to communicate with the Director via email or written memos were either ignored or responded to verbally. We were able to locate one email from the Director to Deputy Chief Umhoefer dated December 22, 2014 in which the Director states: "Don, be careful what goes in an email. Best to discuss in person." This has made communication difficult and has left us with the impression that the Director does not want us to create a "paper trail". We often find ourselves second guessing what method of communication is appropriate for a given topic, rewording an email multiple times and asking other Command Staff Members to review emails to the Director to eliminate any conflict. Most of the issues that the Command Staff has brought forward to the Director are tabled... "we'll talk about it next week" and it never happens, we are told "no" without discussion or reason for denial, or we are told that "it can't be taken to Mr. Fitzgerald because it's a bad time to bring it up."

Had we felt comfortable in communicating with the Trustees without any repercussions, common sense would tell you that we would have brought the current issues to the Board's attention long before the June 11th meeting.

In the effort to help defend the lack of a "gag order" the Director stated that she was aware of Assistant Chief Mollet talking to a member of the Village Board". This is a misleading statement. Assistant Chief Mollet's meeting with the Village Board President Glasgow at Ally's Bistro on November 1, 2018, was intended to be discreet, however the Director witnessed it by chance. This meeting was requested by President Glasgow following his numerous conversations with Fire Department personnel at fire station open houses. A follow-up meeting on January 18, 2019 between President Glasgow, Assistant Chief Mollet, Deputy Chief Umhoefer and Division Chief Kais was moved to Maxim's in Brookfield to prevent this from reoccurring. This wasn't done lightly or without considerable internal anguish and discussion. We had all become extremely frustrated with the situation and found it necessary to disobey the Director's "gag order" in an attempt to get our much needed message to a member of the Village Board.

Even with the Command Staff's best efforts to communicate our message, it took the IAFF Local 3879's Facebook messages for the issues to be heard. We have done our best to read everything that has been posted on social media by MFFD personnel and have yet to see any statements posted that are untrue. This is not the preferred method of communicating and we look forward to open conversations with the Village Board in the future.

### Purchase of Heavy Rescue 2776

The Heavy Rescue vehicle was ordered in 2011 for a cost of \$406,389. The MFFD has had a Heavy Rescue vehicle since 1974. The current vehicle at that time was 1983 Mack/Marion and was due for replacement. Fire Chief Hevey advocated for this replacement vehicle and its purchase with the understanding that our staffing levels would be increasing and we would be able to continue to staff a dedicated rescue vehicle with the increasing call volume. As our call volume continued to increase and staffing did not, it was clear that we were not going to be able to use the vehicle. We had a choice of keeping it and not being able to get our extrication/rescue equipment to a scene or to re-distribute the equipment to multiple vehicles to ensure its availability. Our staffing levels forced us to choose the redistribution of equipment which rendered the Heavy Rescue surplus. It made more sense to sell it as soon as possible to recover the remaining value than to leave it unused in the station. It was around this same time that we also cut back other rescue services such as Trench Rescue, High Angle Rescue and Confined Space Rescue to focus on our core duties of fire and EMS responses due to increased incident volume and static staffing numbers. The Heavy Rescue sold for \$261,226 and we purchased \$82,352 of battery operated extrication equipment which was distributed between five stations to assure its availability on an emergency incident.

### Equipment Replacement Schedule

Although Assistant Chief Mollet has attended meetings related to the apparatus replacement schedule, the schedule has frequently been modified to push off purchases without fire department involvement. We recognize the need for fiscal responsibility when making these large purchases, however it's our understanding that they are budgeted for in advance of the projected replacement date. Oftentimes the Command Staff has been asked to extend the life of apparatus against our better judgement and concerns for the safety of the community and our personnel.

The Fire Department has also been tasked with the testing, monitoring and maintenance of the Village's 11 severe weather sirens. These have reached the end of their recommended 20 year life. We have forwarded quotes to the Director with the recommendation of replacing two sirens per year since 2016. Each year this request has been denied. Although the sirens are currently functional, repairs have increased, they are overdue for replacement and they have become unreliable.

### Implementation of Protective Services

**The Director stated that Protective Services was meant to “streamline the staff and efficiency of local government.”**

- The Protective Services model has not streamlined the Menomonee Falls Fire and Police Departments and there have been no cost savings. It has produced a dysfunctional organization with unclear duties and responsibilities. The Command Staff has been given all of the responsibility to run the operations of the department and to promote a fire safe community, but has been stripped of all authority to do so.
- Money budgeted for personnel has been shuffled from the Fire Department into the Police Department in the name of Protective Services to make it appear that there are combined/shared administrative duties. The Fire Department reaps very little in return for these costs.
- The elimination of the Protective Services Model and the re-titling of the Assistant Chief position to a Fire Chief has zero cost to the Village and would be a net gain to the fire department as we would

recover the portions of the Protective Services salaries that have been taken out of the fire department budget:

- 40% of the Director of Protective Service Salary
- 25% of the Captain of Protective Services Salary
- 25% of the Services Bureau Commander Salary

**The Director stated: “It was never the intent of me to be the Fire Chief and know the details of fighting a fire, or handling an EMS call. That is why we have an Assistant Chief of Operations. My duties were to handle the administrative tasks of policy, discipline and budgeting.”**

- The Director has regularly and consistently second guessed our use of Fire Department personnel and apparatus during our daily operations as well as emergency responses. The Director has also attempted to influence us on Fire Code enforcement issues through thinly veiled inquiries into open issues at community facilities to which the Director has a connection. These attempts have left us feeling intimidated and has placed us in very compromising situations. So far, we have been able to resist these requests and managed to perform our duties in a proper, ethical and legal manner. We have been insulated from budgetary issues, and communication with Village Administration, The Village Board and Legal advice to the point that it negatively effects Fire Department operations and our ability to perform our sworn duties to protect the residents and businesses in the community.

**Referring to the tasks of policy, discipline and budgeting, The Director said: “Things that weren’t being handled by the Command Staff of the Fire Department at the time I came over.”**

- This is not true! The Command Staff has successfully handled policy writing and enforcement, discipline and budgeting for years and without complaint from the Village Manager, Village Board or Police and Fire Commission. It was the general consensus among the Command Staff that the Protective Services Director position was created as punishment for Chief Hevey in response to his frequent attempts to grow the Department through increased staffing and the implementation of a paramedic program.
- (See attached email from former Chief Hevey)

The MFFD when Protective Services was formed in 2012

**The Director stated that: “there was no structure or accountability in the Fire Department. “**

- The Director painted a picture of the Fire Department as an organization in complete disarray, with no rules, no accountability and no one in charge. This is far from the truth. Although the Fire Department was a combination department made up of volunteer, part-time and full-time members, it was a quasi-military organization with a well-defined chain of command, and policies that were fairly and consistently enforced by the Fire Chief.

**The Director stated that when she took over “there were more part-time Chiefs and Officers than we had full-time Firefighters.”**

- This statement is very misleading as it does not represent the Menomonee Falls Fire Department as a whole. At the time that the Director took over in 2012 the department consisted of the following:
  - 4 Chiefs (2 full-time, 2 volunteer)
  - 4 Captains (2 full-time with 1 for Training & 1 for Prevention, 2 volunteer)
  - 10 Lieutenants (6 part-time, 4 volunteer)
  - 93 volunteer Firefighter EMTs
  - 17 part-time Firefighter EMTs

- 9 full-time Firefighter EMTs
- The Director failed to mention that there were also 110 volunteer and part-time members. To adequately supervise this large group there were 4 Chief Officers, 4 Captains and 10 Lieutenants. These officers were distributed amongst the stations and shifts. This supervisor to employee ratio is not excessive and in fact in some cases still fell short of the customary “span of control” standards of the fire service. The Chiefs were assigned to a weekly on-call rotation to assure that a Chief Officer was available at all times.
- At the time, the Director made it clear to the full-time Command Staff that the part-time Chiefs and Officers did not fit the Director’s image of a professional Fire Department. The Director forced the two part-time Chief Officers out and we lost over 70 years of experience that was still actively contributing to our administrative staff while being paid only minimum wage.

**The Director stated that “people were promoted based on longevity, not on performance”.**

- This is not true! The Fire Department has had a written promotional process and policy for many years. In addition, the policy calls for a board of three examiners consisting of Chief Officers from surrounding departments to help remove any internal bias from the process. (Copies of the policy are available on request)

**The Director stated that: “No discipline was ever imposed to hold people accountable.”**

- This is not true! The Fire Department has had a written disciplinary policy for many years that was regularly and fairly enforced by the Company Officers, Command Staff and Fire Chief. In fact, four of the examples of discipline that the Director cited occurred prior to the creation of the Protective Services model and were fully investigated by Command Staff which resulted in various degrees of discipline including written reprimands, demotion and suspension. (Copies of the policy are available on request)

**The Director stated: “There were some nights where there were volunteers, who maybe responded to only one call ever, being the only response for our citizens. “**

- This is not true! Company Officers regularly balanced the paid-on-call crew assignments to pair well-seasoned, senior personnel with newly hired personnel to create on-call groups that both served the community well and provide mentoring to new personnel. In fact, at that time, many of the nighttime volunteer groups contained more personnel than our current two person stations.

**The Director stated that: “A lot of people don’t know it but Station #4 was closed for 6 months straight prior to me taking over as the Director of Protective Services. Nobody back then knew that there was a station closed at the time.”**

- This is incorrect! Due to the lack of residences in the Station #4 area, we could no longer sustain the paid-on-call model for nighttime responses at Station #4. A data driven, well-informed decision was made to reassign the remaining Station #4 paid-on-call personnel to Station #3. This was feasible since the call volume dropped off substantially during the overnight hours due to the heavily industrial/commercial nature of the area. The Fire Department did not respond out of Station #4 during then nighttime hours and the area was split between Stations #1 & #3. The daytime hours continued to be staffed by part-time personnel. This was the case from 2005 until 2012. This information was communicated to the Village Manager and Village Board and was far from a secret.



## Protective Services Director Accomplishments

### **Reorganized the department to have a structure that is more traditional with 24-hour shifts**

- This was initiated by Chief Hevey in 2013 and implemented by Command Staff after his retirement.

### **Battalion Chiefs to run the Blue, Red, & Green shifts**

- This was initiated by Chief Hevey in 2013 and implemented by Command Staff after his retirement.

### **Division Chief that oversees the Battalion Chiefs to ensure continuity across the shifts**

- This was initiated and implemented by Command Staff in 2018 and combined those duties with the duties of the Training Officer.
- The Director allowed us to create this position, but stated that Deputy Chief Umhoefer's pay would need to be frozen to accomplish it. The Director followed through with this threat and Deputy Chief Umhoefer did not receive his cost of living increase in January of 2019.
- Many of the items the Director listed as accomplishments/progress would have happened without the Protective Services Model and it is likely that some could have happened sooner. In fact, the paramedic program could be started at least two years earlier but Director told the Command Staff that we could not discuss paramedics or make plans for implementation.
- The Director has not been an advocate for the fire department when communicating with the Village Manager, Village Board, Police and Fire Commission or other departments within the Village. The Director has taken the side of the Planning and Information Technology Departments over the Fire Department on many occasions. In several instances, the Director has taken information from another Village department and threatened to demote a Command Staff member.
- The Director has frozen several Command Staff members pay without any reasonable explanation.

### **The Director stated; "We began doing background checks on new hires. That was never done before by the Fire Department."**

- This is not true! The Fire Department has had a written hiring process and policy for many years which called for background checks. All volunteer, paid-on-call and part-time personnel background checks were performed by the Fire Department Office Coordinator using the <https://wi-recordcheck.org/> website which we recall being the same system used by the Police Department at that time. Any concerning information was forwarded to the Fire Chief for review and further research by the police department as necessary. Candidates with convictions that were substantially related to employment with the Fire Department were not hired. Full-time candidates have always had background checks performed by the Police Department prior to employment. All employees must maintain a valid Driver's License. Additionally, any employee with an EMT license must meet the background check requirements of the State of Wisconsin Department of Health Services to obtain or renew their license.

### **The Director stated: "Discipline was at an all-time high. I have disciplined, and/or fired and accepted resignations in lieu of termination for many Fire Department members."**

- As already mentioned, four of the Fire Department personnel disciplinary examples that the Director cited occurred prior to the creation of the Protective Services model and were fully investigated by Fire Department Command Staff which resulted in various degrees of discipline including written reprimands, demotion and suspension.

- Of the remaining disciplinary actions cited by the Director, several were misrepresented through exaggeration or by omitting important details and most were investigated by Command Staff with recommendations forwarded to the Director for final action/sign-off. This is only due to the current Protective Services Model chain of command. Without this model, the discipline would have been completed by Command Staff and the Fire Chief as it had been in the past. (Redacted samples of past disciplinary actions are available upon request.)

The Director's method of discipline involves bullying the employee into resignation or forcing them to retire by threatening the loss of pension if fired. By coercing them to voluntarily resign or retire, the Director is also able to strip their right to appeal the discipline to the Police and Fire Commission as allowed by state law.

The Director forced our Department's Fire Prevention/Fire Code expert into retirement over a very minor issue by intimidation and threatening him with the possible loss of his pension. We are still struggling with this loss and the Village has had to contract with a private company for fire code and fire protection plan review and inspections.

The Director went as far as contacting a former employee's new employer and demanding that he not be allowed to perform any work for them within the Village for Menomonee Falls boundaries. This proved to be a very awkward situation for our former employee and bordered on "blacklisting" him for future employment.

It was inappropriate for the Director to cite these disciplinary examples at the July 15<sup>th</sup> Committee of the Whole Meeting on two levels:

- The disciplinary history was not pertinent to the issues at hand; namely staffing shortages and apparatus shortages/repairs.
- In many of the case cited, the identity of personnel disciplined could be easily identified by the other Fire Department personnel present at the meeting due to the circumstance, location or timing of the events cited. The disclosure of disciplinary information in a public forum breaches the confidentiality of the employee and may be in violation of Department policies, Village policies and State and Federal laws regarding the confidentiality of human resource employee records.

#### Lannon Block Party

The Director told the Trustees that the fire department recently had "Two stations out of service to sit at a Block Party in Lannon". This is incorrect. The Fire Department attends many different community functions throughout the year and it's an important component of our public relations and public education duties. When this occurs, the personnel and apparatus remain available for emergency incidents and will be dispatched as needed. This was the case during the recent event in Lannon.

#### Cooperation

The Director stated that it was "too daunting of a task" for the Command Staff to provide an "analysis of our calls for service to adjust the type of response based on the type of calls and where they are focused". We have provided the Director with multiple data driven reports analyzing our

call volume, incident locations, response times, staffing needs, and comparable area fire department demographics, etc.

Each time this information was presented to the Director, it was made clear that these reports did not lead to the desired outcome that the Director wanted. On one occasion, the Director became emotional and stated that “this was frustrating and that we were not working with her”. At the July 15th Committee of Whole Meeting, the director defended the Protective Services Model stating “I think it can definitely work long term, like I said, the title of Fire Chief isn’t what makes a Fire Chief. I do believe it can work.” “You have to have everybody buy into the system and you have to have them give it a chance.” The Trustees also asked the Director if it was a recruiting problem to have firefighters come to Menomonee Falls and know that they’re not going to be working under a Fire Chief. The Director replied “I would argue that we are not doing a good job of explaining that to people that we are trying to recruit.”

We “bought into” Protective services in 2012, have given it every chance to succeed and have explained it fairly and to the best of our ability to area Fire Chiefs, our own personnel and possible future candidates for employment. The word is out... It’s simply not working.

The Protective Services Clerks located at the Village Hall currently perform very little as far as fire department duties with the exception of answering incoming phone calls and transferring them to the Fire Department Administrative Offices at Station #3. The Director has asked Command Staff to transfer some of our administrative, clerical and data entry to the Protective Services Clerks. Although we have done our best to cooperate with the Director’s request to transfer some of our work load to the Protective Services Clerks, we find it difficult to simply move the tasks to Village Hall as many of these duties require interaction with the rest of the Command Staff, Battalion Chiefs, and at times the rank and file members. We believe that any attempt to implement this request would not be successful and would drastically reduce the efficiency of the fire department administrative duties. Once again, there are no cost savings.

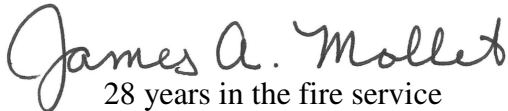
We have a part-time Clerk who has worked for the Fire Department for almost 12 years and is well versed in all the clerical areas of fire department administration. The Director has limited her time to 12 hours per week. We have requested to convert this position to full-time for each of the past 6 years. The Director has offered to hire our Clerk as a full-time employee, but insisted that she be located in the Protective Services Clerk’s Office at Village Hall. Again, this would hinder any interaction with the Command Staff and would not be successful. The Clerks salary could easily be paid using a portion of the annual 2% Dues from the State since her Fire Prevention and Training clerical duties fall within the acceptable categories for the use of these funds.

For all of the reasons listed above, the Fire Department Command Staff has found it increasingly difficult to function under the current Protective Services Model and believe that many of the circumstances described border on a hostile work environment. The “chain of command” of the Protective Services Model has failed us.

The Village has in place a well-seasoned, highly qualified fire department command staff. Rest assured that we are fully capable of leading the department and providing any information and recommendations necessary to solve the recently communicated problems within the Fire Department. We, the undersigned, look forward to working actively with the Village Board and Village management to move forward, in an open and transparent fashion, to provide data driven, state of the art, industry standard and best practice services to the citizens of the Village of Menomonee Falls.

Respectfully,

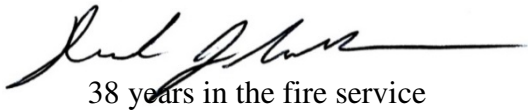
**Assistant Chief James A. Mollet**

  
28 years in the fire service

**Battalion Chief Nicholas Boehlke**

  
15 years in the fire service

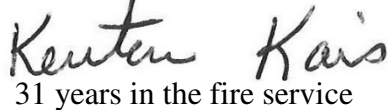
**Deputy Chief Donald J. Umhoefer**

  
38 years in the fire service

**Battalion Chief Kurt Harthun**

  
30 years in the fire service

**Division Chief Kenten Kais**

  
31 years in the fire service

**Battalion Chief Kevin Rokenbrodt**

  
22 years in the fire service

**Donna Schneider, Office Coordinator**

  
39 years in the fire service

Encl: MFFD Statistics (1), Letter-Gary Peck (2), 2% Dues Summary (3), Hevey email (4)

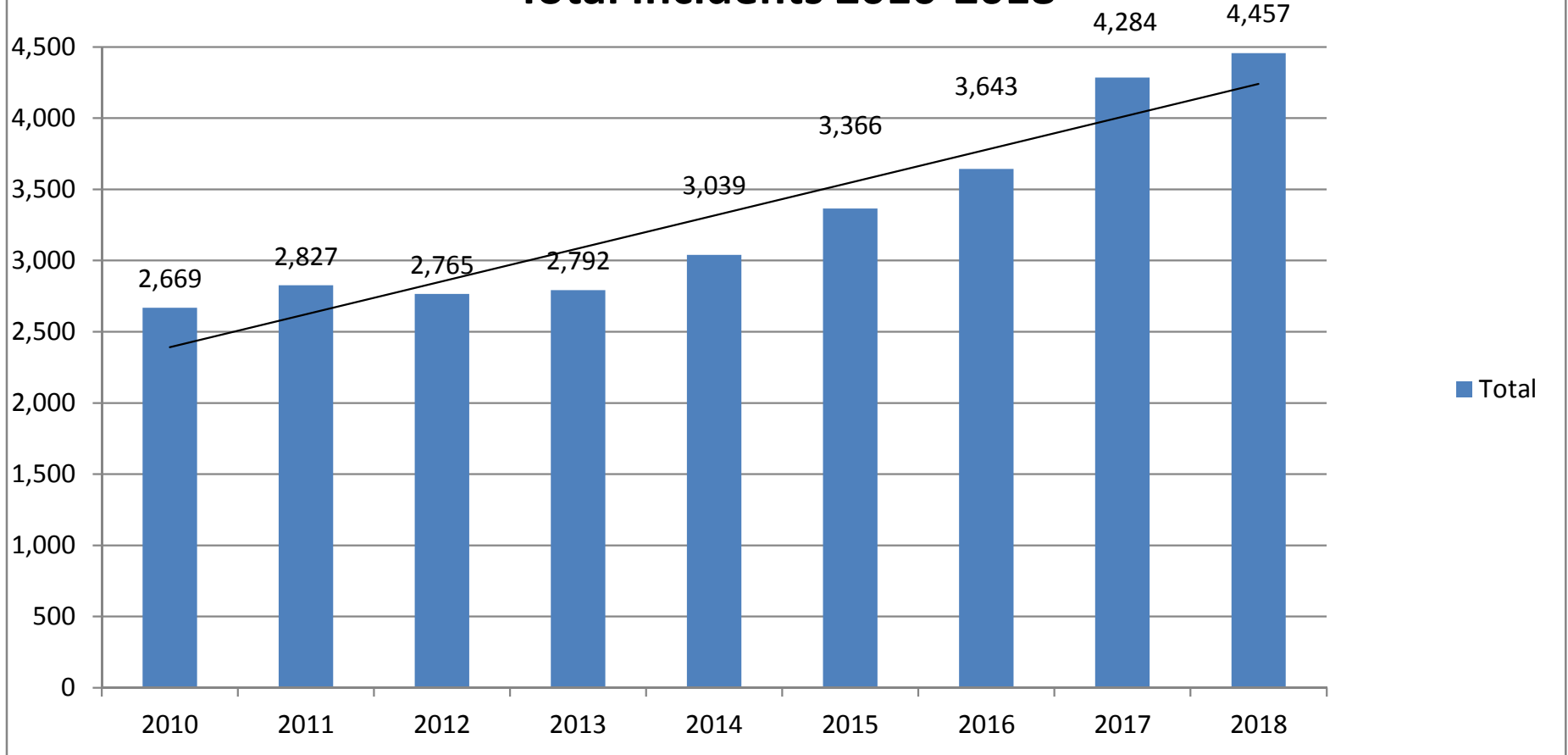
cc: Village Manager Mark Fitzgerald  
Director of Protective Services Anna Ruzinski

MFFD Incident Statistics

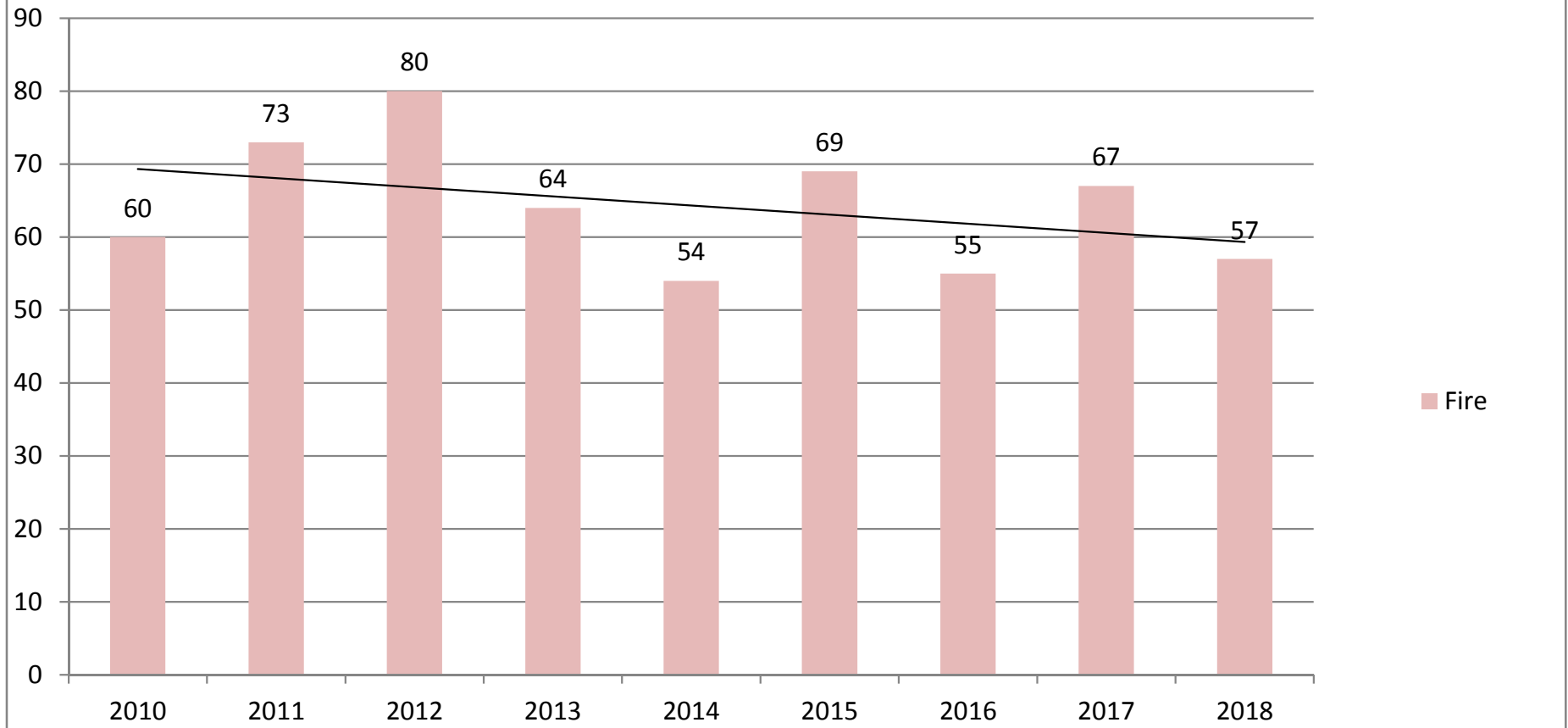
Incident Type	NFIRS Incident Type	2010	2011	2012	2013	2014	2015	2016	2017	2018
<b>Fire</b>	100-251	60	73	80	64	54	69	55	67	57
<b>Rescue &amp; Emergency Medical</b>	300-381	1,852	2,033	2,063	2,128	2,306	2,479	2,708	3061	3068
<b>Hazardous Condition</b>	400-482	96	91	74	83	106	100	99	139	108
<b>Service Call</b>	500-571, 800-911	341	320	251	239	296	371	390	415	579
<b>Good Intent Call</b>	600-672	119	125	106	80	71	102	122	298	317
<b>False Alarm &amp; False Call</b>	700-751	201	185	191	198	206	245	269	304	328
<b>Total</b>		2,669	2,827	2,765	2,792	3,039	3,366	3,643	4,284	4,457

<b>Other-Combined</b>	400-482, 500-571, 800-911, 600-672, 700-751	757	721	622	600	679	818	880	1,156	1,332
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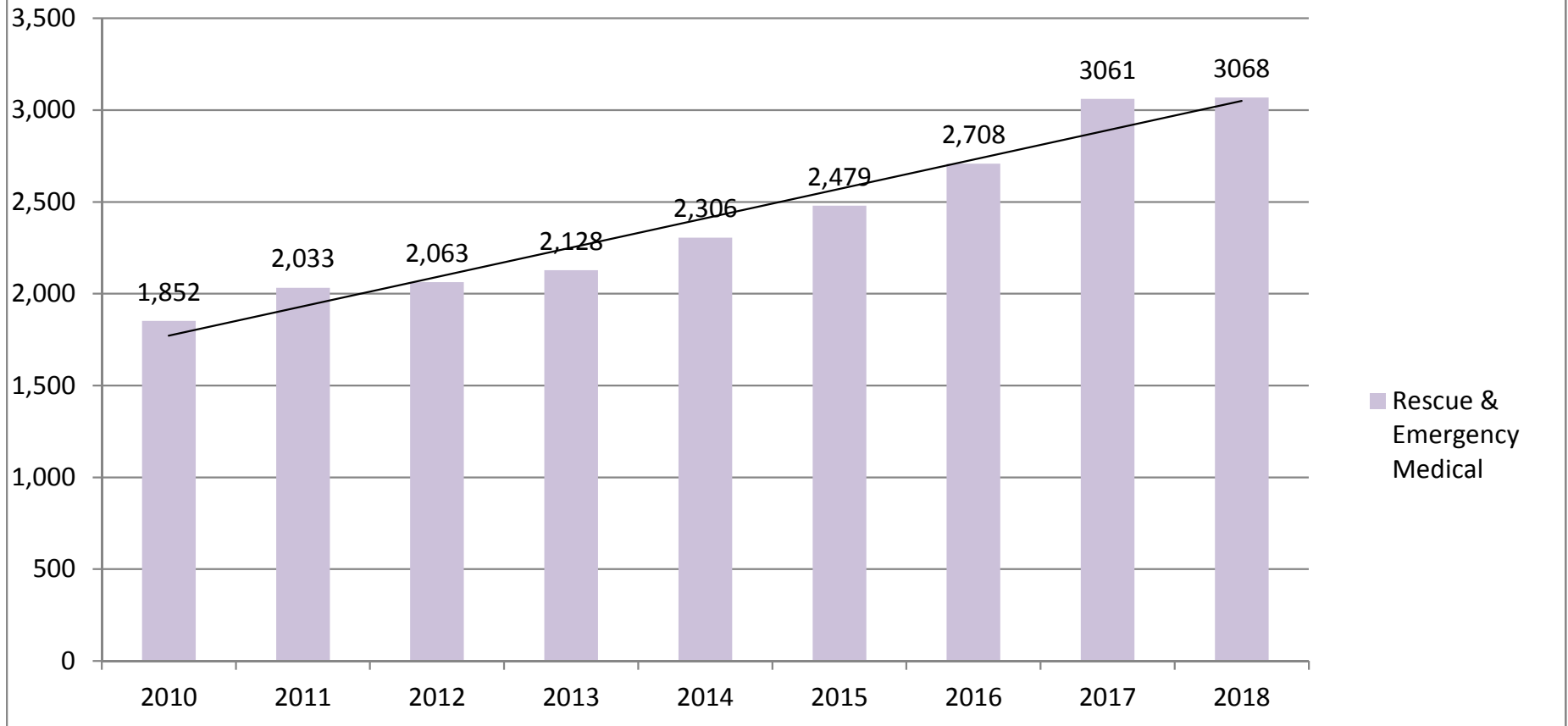
## Total Incidents 2010-2018



# Fire

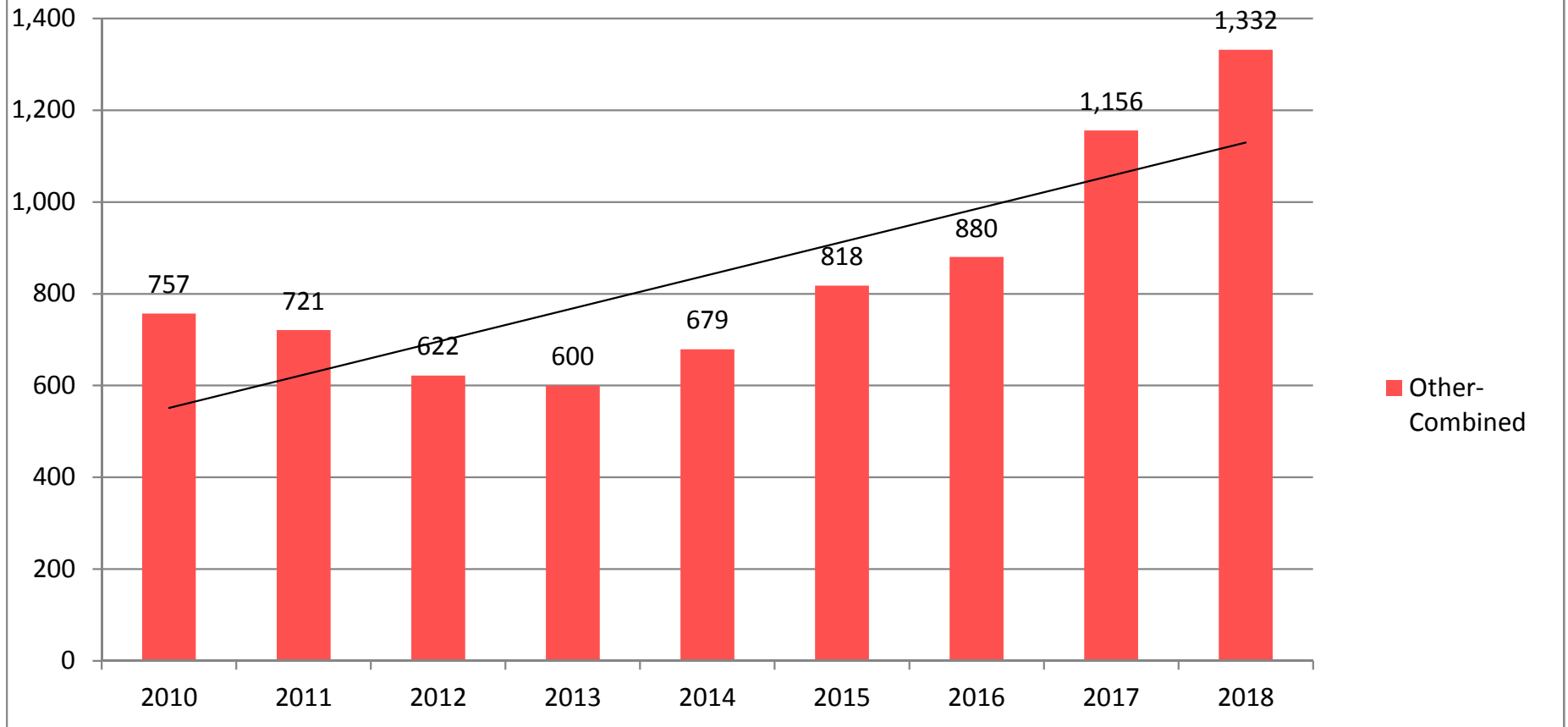


# Rescue & Emergency Medical





# Other-Combined





**July 19, 2019**

**Assistant Chief James A. Mollet**  
**Menomonee Falls Fire Department**  
**W140 N7501 Lilly Rd.**  
**Menomonee Falls, WI 53051-3140**

**Dear Assistant Chief Mollet,**

I just wanted to follow up with you and your Fire Department to see how your department is doing, since your 2% Fire Dues Audit, last year. I wanted to see if there is anything that I may assist with, to include the recommendations that were given to help continue the task of continuous improvement in your Fire Department. Again, an audit of the MENOMONEE FALLS FIRE DEPARTMENT was conducted on 12/05/2018 to confirm compliance with the SPS 314 and State Statute 101.575 (6), all inclusive. The audit generally consisted of reviewing inspection, prevention, public education and training records along with fire reports and other fire department statutory requirements for the calendar year of 2017. Fire departments must prove eligibility for 2% Fire Dues funds through an annual online self-certification process and periodic on-site 2% Fire Dues audits of their fire records conducted by the Fire Prevention Coordinator. The State's goal is to conduct audits every 3 to 5 years. As the coordinator of District 4, I am trying to get out and meet and conduct as many audits in District 4 (213 Fire Departments) as possible and get our District on a 3-year Audit cycle.

As we had discussed after the audit, the recommendations that were given to help continue the task of continuous improvement in your Fire Department were, to please have the Village of Menomonee Falls follow the required Wis. Stat. §101.575(3)(a)1. to designate a fire chief. To please consider more detailed documentation on Training Reports/records, 2% Fire Dues Funding purchases/how it was truly spent for the year and Public Education/Fire Safety Events records.

Again, please let me know how you and the department are doing and if there is anything I may help & assist with. Thank you.

Thank you for all that you and your Fire Department do for the citizens of your community.

If you have any questions or concerns and if there is anything I can truly assist with, please feel free to call me at (608) 575-3293.

Sincerely,

A handwritten signature in cursive script that reads 'Gary L. Peck'.

Gary L. Peck  
State of Wisconsin, Department of Safety & Professional Services  
Fire Prevention Coordinator, District 4  
(608) 575-3293 [gary.peck@wisconsin.gov](mailto:gary.peck@wisconsin.gov)

2% Dues History

<b>2% Dues</b>	<b>Meno Falls</b>	<b>Lannon</b>	<b>Total MF+Lannon</b>
2009	\$ 130,462.66	-	\$ 130,462.66
2010	\$ 132,365.61	-	\$ 132,365.61
2011	\$ 136,715.58	-	\$ 136,715.58
2012	\$ 144,981.31	-	\$ 144,981.31
2013	\$ 144,168.39	-	\$ 144,168.39
2014	\$ 161,744.02	<b>Lannon</b>	\$ 161,744.02
2015	\$ 159,594.86	\$ 3,440.93	\$ 163,035.79
2016	\$ 167,682.02	\$ 3,762.23	\$ 171,444.25
2017	\$ 182,204.43	\$ 4,439.40	\$ 186,643.83
2018	\$ 181,694.46	\$ 4,496.35	\$ 186,190.81
2019			\$ -
<b>2009-2019 Total</b>	<b>\$1,541,613.34</b>	<b>\$16,138.91</b>	<b>\$ 1,557,752.25</b>

-----Original Message-----

From: Jeffrey Hevey

Sent: Saturday, July 20, 2019 1:31 PM

To: Mark Franzowiak <[mfranzowiak@scanpac.com](mailto:mfranzowiak@scanpac.com)>

Subject: Doing Well

Would you please let Chief Mollett and other staff know that I have friends and family that are keeping me updated. I also have a subscription to JS On Line that I read about interesting items in Milwaukee. I still have family in the area so I am not totally absent and in Texas.

Would you please let it be known that I am still in Texas. Was offered and accepted another three (3) year contract to stay here as the Fire Chief. I do have a firm belief that you can never go home (back to old job). Here is good financially with no State Income Tax, and nice weather (98 degrees today). Some days not so nice. Some day Linda will cause me to return to Wisconsin.

Rescue 2776 replaced an extremely old apparatus. My wasting money was approved by the Village Manager after that vehicle was placed in the budget for that year. And yes, I was authorized by my elected officials to spend up to \$300,000.00 on the purchase of 2776 and all attached equipment here if it was available. It was on the market for a short time, as if they really wanted to get rid of it. When at MFFD I had committees that recommended the equipment to be placed on the Rescue. Nothing covered up, no information withheld, all out in the open for the Village of MF to approve

As for the department being mismanaged until 2012 is a lie! And I do not use the "lie" word freely; am very cautious about that word. I was not allowed to manage the Department by the Village Manager. He was well aware the Department was understaffed when he hired me in 2009. He referred to the lack of a paramedic service in MF as the 800 pound gorilla in the corner of the room, He was displeased that I remained protected under civil service. He would have wanted me to have signed a contract with the Village like I did here in Texas.

What caused the change in management was my displeasure with the Village Manager and standing up against him in a Department Heads meeting where he was not telling the truth. My loyalty was to the citizens of the Village and Members of the Department. Just that simple. I stay away from politics as much as possible. Even here in Texas very few people know about my political thoughts.

Always nice to chat. But please let it be known Texas still wants me for another three years.

Regards,

Hevey