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Report of the Review of the Management of the Polk County Fire Rescue Division



I. Introduction

Allen Norton & Blue, P.A., was engaged by the Polk County Board of County Commissioners (“Board”) to provide a review of the management of the Polk County Fire Rescue Division (“Fire Rescue” or “Division”).¹ This comprehensive review was designed to extend

¹ The Review was conducted primarily by J. Wes Gay, an Attorney in Allen Norton & Blue, P.A.’s Tallahassee office. Lisa White, a paralegal in Allen Norton & Blue, P.A.’s Tallahassee office, assisted with the Review. Jason E. Vail, an Attorney in Allen Norton & Blue, P.A.’s Tallahassee office, assisted with editing this Report. Allen Norton & Blue, P.A. is devoted exclusively to the practice of Labor and Employment Law, in the public and private sectors. Attorneys with the

beyond any single individual and aimed to provide an exhaustive and unbiased review. The extensive information gathered during this Review has been summarized below.

In an attempt to keep the Report concise, the Review does not recite unnecessary background information that is already well-known to those familiar with Fire Rescue and Polk County. Instead, this Report moves straight into a description of the information relevant to the eight topics enumerated in the Scope of Services (Exhibit “A”) provided by the County for this Review.

A few words about how this Report was prepared: When this Report refers to “multiple” employees or personnel, it means that two or more individuals provided the same or similar information, independent of each other. This Review sought to differentiate between personal knowledge and hearsay or speculation. Although this Report presents information through narratives or summaries of interviews, the information contained herein is based on personal, first-hand information or belief. This Review sought to exclude second or third-hand information from the Report.

This Review was tasked, in part, to capture the work environment at Fire Rescue. To that end, the Review captured how the employees of Fire Rescue are describing their work environment. Except expressly stated otherwise, all the information in this Report is summarized witness statements and allegations or a description of documents reviewed, and is not findings or conclusions by the undersigned. This Report does not make any findings of fact nor any findings of wrongdoing or violation of policy or law. This Report only makes recommendations where expressly stated.

A note specific to Fire Chief H. Smith must be made here. This Review conducted a complete interview with Fire Chief H. Smith during which he was asked to provide any and all information related to the eight topics of this Review. Fire Chief H. Smith’s viewpoints are presented throughout this Report. However, this Review also received complaints against or

law firm of Allen Norton & Blue, P.A. routinely conduct inquiries into management practices.

Mr. Gay, Mr. Vail, and Mrs. White have no known prior relationship with any commissioner of the Polk County Board of County Commissioners. Additionally, Mr. Gay, Mr. Vail, and Mrs. White have no known prior knowledge or relationship with any person who was identified or interviewed during the course of this inquiry. Mr. Gay, Mr. Vail, and Mrs. White are neutral third parties with no prior knowledge of any facts or consideration of the issues under review.

The Board contracted with Allen Norton & Blue, P.A. for this Review on or around February 8, 2024. On or around May 23, 2024, Mr. Gay became aware that Hezedeane Smith, the current Fire Chief of Fire Rescue, was maintaining an employment law lawsuit against the City of Orlando, and that attorneys in the Orlando office of Allen Norton & Blue, P.A., were defense counsel in that matter. Mr. Gay, Mr. Vail, and Mrs. White had no prior knowledge of the lawsuit and its claims prior to that point in time. Mr. Gay, Mr. Vail, and Mrs. White have purposefully refrained from communicating with any Allen Norton & Blue, P.A. attorney or employee about the lawsuit and have not reviewed any documentation related to it.

related to Fire Chief H. Smith. This was a review of management, and to follow up with and question Fire Chief H. Smith about complaints against or related to him may have converted it into an investigation, which is outside the scope of this Review as mandated by the County in the scope of services. Also, it is the understanding of this Review that an investigation into any firefighter would necessitate observance of the Florida Firefighters' Bill of Rights (Section 112.82, Fla. Stat.) and, again, the County directed a review be completed and not an investigation under the Florida Firefighters' Bill of Rights. Accordingly, for some matters, no follow-up interview with Fire Chief H. Smith was performed.

Through this Review and in this Report, no findings of fact or conclusions specific to Fire Chief H. Smith were made. Fire Chief H. Smith should be given the opportunity to address these complaints or opposing viewpoints contained in this Report, and it may be appropriate to do so through an investigation, if deemed appropriate by the County Manager.² This Report will effort to reiterate the foregoing in the body of the Report. Regardless, it should be understood that as a general matter, this Report recommends that Fire Chief H. Smith be given the opportunity to respond to information contained in this Report.

II. Topics of Review

1. General Management of the Fire Rescue Division

At the outset, it must be noted that numerous former and current personnel either insisted or acknowledged that Fire Rescue presents challenges to its management, predominantly due to Fire Rescue attempting to keep up pace with Polk County's significant growth, which in turn has led to its own growth. As stated, this Review was designed to extend beyond any single individual. However, as the Review inquired about the general management of Fire Rescue—as well as the other assigned topics—a majority of witnesses provided information specific to Fire Chief Hezedean Smith and Deputy County Manager Joe Halman, Jr.³ This is likely a natural occurrence, as the Deputy County Manager of Public Safety and the Fire Chief are the positions that exercise the most managerial and leadership authority over Fire Rescue. (See Attachment 1).

Halman reiterated to this Review that when he accepted his current position approximately seven years ago, he advised it would take ten years to correct the issues within Fire Rescue. Halman advises that at that time Fire Rescue had grown significantly and was in need of leadership, diversity, professionalism, and accreditation. Halman reiterated his belief that he has the training and experience to run a large organization.

² The Review does not intend this Report to be the final action on the issues presented herein, and in any further inquiry or investigation, would expect that all persons would be afforded any applicable rights.

³ For the sake of brevity, once this Report introduces an individual, generally he or she will be referred to by his or her last name. No disrespect is intended or should be inferred. One exception is Fire Chief Hezedean Smith, who will be generally referred to as "Fire Chief H. Smith" because Assistant Chief Shawn Smith is employed in Fire Rescue and this Report wishes to avoid confusion over reference to a "Chief Smith."

An example cited positively by employees regarding Halman was an instance of allegations that two long-employed battalion chiefs were sexually harassing numerous female employees. Multiple employees state that, prior to Halman being hired by the County, allegations against the battalion chiefs, who were popular in Fire Rescue, were not treated seriously and any discipline was minimal. However, when Halman learned of the allegations, he ensured the allegations were investigated and the battalion chiefs were ultimately terminated.

In another example, a battalion chief had accepted the position of interim Fire Chief for the City of Frost Proof. However, Article 16, Section 7, of the collective bargaining agreement between the County and the bargaining unit of battalion chiefs prohibited such secondary employment with another fire rescue agency. The County well-reasoned that the risks associated with liability questions under the Florida Heart and Lung Act as well as potential conflicts of interest outweighed the battalion chief's interest in the interim position.

Regarding Fire Chief H. Smith, he advised this Review that he views himself as a 21st century leader and wishes to build Fire Rescue into a 21st century department. He described his management style as, "I'm a boots on the ground kind of fire chief."

Fire Chief H. Smith provided this Review with examples and descriptions of his management of Fire Rescue. Early on in his tenure, he sent out a survey to "40 hour" employees (chiefs and captains in administration and senior level civilians) meant to do a job analysis of their duties and responsibilities. Early in his tenure he met with all the battalion chiefs collectively and then later met with each individually in an effort to interface as typically there are intermediate chiefs in between. He has involved employees in the new fire station builds and took employees to see new fire trucks built for Fire Rescue to enhance inclusion. He has grown the community paramedicine division from one to five.

Additionally, Fire Chief H. Smith cited Deputy Chief Jennifer Huff's current assignment as a positive because it is the first time for Fire Rescue that a female is responsible for all operations. He also reported that when he was hired, there were only five female captains, and as of March 2024 there were nine. He asserts that the increase is due to his openness and motivating people. Smith reports he does not factor protected characteristics into employment decisions. Fire Chief H. Smith advised this Review that he believes Fire Rescue is "rounding the corner" of "changing the culture of the agency."

Regarding employee well-being, Fire Chief H. Smith reports he has encouraged Fire Rescue personnel to utilize UCF Restores ("a nonprofit clinical research center and treatment clinic established to change the way post-traumatic stress disorder (PTSD) and other trauma-related concerns are understood, diagnosed and treated") and encouraged Polk State College to build a support team. He also has a systems control in which chiefs can track and prevent employees from working three days straight.

Fire Chief H. Smith advises he seeks to promote transparency, accountability, and consistency in both his management style and also how Fire Rescue functions.

a. Commendations of Fire Chief H. Smith's Management Practices or Decisions

Multiple employees provided the following examples of actions by Fire Chief H. Smith that have had a positive effect on Fire Rescue:

- Created a certificate of commendation for crews that successfully resuscitate a patient (ROSC).
- Implemented monthly agency-wide virtual Teams meetings to provide updates and information to the field.
- Initiated meetings with municipal fire agencies in the County to better balance workloads in mutual aid agreements.
- Fire Chief H. Smith will run calls with crews in the field, which the employees say they appreciate.

Multiple employees interviewed spoke positively about Fire Chief H. Smith's management practices. I asked those employees if they were aware of criticisms of Fire Chief H. Smith and, if so, why those criticisms exist. They offered the opinion that Fire Chief H. Smith holds Fire Rescue employees accountable. Additionally, individuals in County Administration describe his actions in meetings as very professional and organized.

With the foregoing said, it must be noted that the number of employees who spoke positively of Fire Chief H. Smith's management practices were significantly outnumbered by the number of individuals that were critical.

b. Criticisms of Fire Chief H. Smith's Management Practices or Decisions

During this Review, numerous employees reported that their work environment is "toxic," and that the toxic environment has been created by Fire Chief H. Smith. Numerous employees interviewed stated that they fear retaliation at work, and they feared retaliation for participating in this Review. Multiple employees asked that the Report not include their names.

Allegations of Poor Treatment by Fire Chief H. Smith

Multiple employees report that Fire Chief H. Smith projects a different management style to individuals outside of Fire Rescue than he does internally. They have observed that when Fire Chief H. Smith is facing County administrators and individuals outside of Fire Rescue, he is cordial, charismatic, organized, an effective communicator, and espouses collaboration and transparency.

However, subordinates, including assistant and deputy chiefs as well as civilians in Fire Administration, state that internally, Fire Chief H. Smith belittles and bullies. One example, according to multiple employees, is Fire Chief H. Smith often in meetings puts employees on the spot with no advance notice, and if the employee falters, he demeans the employee and will not allow others present to offer information that may be helpful or exculpatory. The employees report they believe that Fire Chief H. Smith intentionally places them in a position to fail. It was reported to this Review that Fire Chief H. Smith's actions towards them has a detrimental effect on their

professional and personal confidence, and that the toxic work environment impacts their personal lives outside of work. Multiple employees stated that Fire Chief H. Smith does not practice collaboration because he commonly dismisses their ideas and directs them to follow his instructions.

Multiple employees state that Fire Chief H. Smith assigns or modifies tasks on whims. They state that if they point out that there is a policy or procedure that applies or if they question any aspect of the assignment, Fire Chief H. Smith dismisses those concerns and says to follow his instructions because he is the Fire Chief.

Of a similar vein, multiple employees in Fire Administration describe Fire Chief H. Smith's management style as inconsistent and contradictory. Specifically, managers or chiefs state that Fire Chief H. Smith assigns a task and says the employee cannot obtain help from others and that failure to complete the task could result in adverse action. Then, after the employee completes the task, Smith often claims to have not been kept in the loop, and orders the task be redone with different instructions or takes over the task himself altogether, all of which inevitably delays completion. Multiple employees in Fire Administration report this is very negative for their morale.

Multiple employees reported that after either disagreeing with Fire Chief H. Smith or making an informal or formal complaint against him, Fire Chief H. Smith subsequently reassigned or transferred them or made changes to their duties and responsibilities. They report that these changes were involuntary and perceived as negative, such as a reduction in responsibilities or reassigning other personnel so that the individual employee had less support around him or her.

Additionally, a consistent sentiment emerged that if an employee was not in a positive standing with Fire Chief H. Smith, that employee's input or proposals would be disregarded. Multiple employees reported that Fire Chief H. Smith had rejected their proposal in a meeting, only to later accept the same proposal from a different employee perceived to be in Fire Chief H. Smith's favor.

Multiple employees complained that Fire Chief H. Smith's method of addressing issues or errors is accusatory as opposed to open-minded. Employees report that this practice has made them feel defensive and they fear any innocuous interaction may lead to negative job action. They further state that they constantly feel frustrated and stressed in their work environment.

This Review did not question Fire Chief H. Smith about these alleged issues. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

Regarding Fire Chief H. Smith and Adherence to the Chain-of-Command

Multiple employees reported that Fire Chief H. Smith strictly enforces following the chain-of-command. Specific examples include his practice of not allowing individuals assigned a task to ask or receive assistance from co-workers. Employees interviewed have described the effect of this style as employees being "siloeed off."

Despite that strict enforcement of the chain-of-command on his staff, multiple employees report that Fire Chief H. Smith breaks the chain and bypasses his chiefs and ranking supervisors. Multiple chiefs complained about discovering that Fire Chief H. Smith has gone directly to an employee overseeing a project, modifying or adding to the task, and leaving the chief out of the loop.

This Review did not question Fire Chief H. Smith about this alleged practice. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

Alleged Conflict between Fire Chief H. Smith and Dr. Paul Banerjee

Dr. Banerjee reports that he and Fire Chief H. Smith have had numerous conflicts, which is something Dr. Banerjee did not experience with prior chiefs. Dr. Banerjee reports that Fire Chief H. Smith has made little to no effort to collaborate with him. Multiple employees reported observing a poor working relationship between Fire Chief H. Smith and Dr. Banerjee.

Dr. Banerjee reports that early in Fire Chief H. Smith's tenure, the two had a handful of distinct conflicts that were brought to Deputy County Manager Halman's attention. In each, Dr. Banerjee believes he was proven right and Fire Chief H. Smith proven wrong, which has led to further disconnect between he and Fire Chief H. Smith as well as adverse actions by Fire Chief H. Smith.

After those conflicts, Dr. Banerjee reports that Fire Chief H. Smith realigned the Office of Medical Direction and began requiring Dr. Banerjee's purchases of medications be approved by battalion or deputy chief who only have a paramedic certificate and significantly less medical experience in comparison to Dr. Banerjee's degree in medicine. Dr. Banerjee reports that Fire Chief H. Smith has changed medical policies and the patient care response matrix without any input or consultation. Dr. Banerjee alleges that Fire Chief H. Smith has denied resources to the Office of Medical Direction (OMD) and is overloading Fire Chief H. Banerjee and his one direct report (a Captain) in work. Dr. Banerjee asserts that OMD is responsible for deciding patient care policies and procedures for all of EMS in Fire Rescue, and he estimates 90+% of Fire Rescue's service calls to the public is patient centered. Despite that, OMD only has four full-time staff, plus Dr. Banerjee who is a contractor with the County.

During this Review, Fire Chief H. Smith advised that prior to coming to Polk County he was aware of Dr. Banerjee's professional accomplishments by virtue of attending conferences, etc., that he respects Dr. Banerjee, and that one of the reasons he applied for the Fire Chief position was to work with Dr. Banerjee.

During this Review, Halman advised that he has been aware of friction between Smith and Dr. Banerjee, he believes it is essentially a power struggle, and that he advised both that they need to find a way to work together.

This Review did not question Fire Chief H. Smith specifically about this alleged issue. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

TECC Training Took Precedence Over EMS Training

Dr. Banerjee further reports that from Fire Chief H. Smith's start in November 2022 until May 2024, Dr. Banerjee was only permitted to provide 2-3 months of medical training to Fire Rescue. Normally he is permitted to do about 4 months a year. Dr. Banerjee attributes this issue to Fire Rescue devoting approximately 6-8 months on tactical emergency casualty care (TECC) training with the Orlando Medical Institute (OMI). Dr. Banerjee observes that while Florida state laws and regulations dictate many more hours of regular training to maintain a fire certification than EMS, an overwhelming majority (Dr. Banerjee estimated more than 90%) of Fire Rescue's service calls are medical. Florida law requires 32 hours of medical training every two years. Given those circumstances, Dr. Banerjee strongly disagreed with further diminishing State-required EMS training in favor of training such as TECC.

Dr. Banerjee also reports that since Fire Chief H. Smith reorganized Fire Rescue and put all training in a division called Professional Development, a year and a half passed with that division never asking to meet with him about EMS training. That first meeting occurred in May 2024, and only then were they able to schedule minimal EMS training for July and August 2024. Prior to that, Dr. Banerjee reports there was no EMS training scheduled, aside from new hire training. As the doctor for the agency, Dr. Banerjee believes it is imperative that he be involved in EMS training.

This Review did not question Fire Chief H. Smith about this alleged issue. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

Changing Promotional Process

Multiple employees spoke positively about changes Fire Chief H. Smith made to the promotional process beginning in 2023. They state a belief that the process was fairer. Some years in the past, promotions allegedly might not have tests or scores and management had complete discretion. They also stated a view that Fire Chief H. Smith was more communicative about the process than some prior fire chiefs.⁴ Some of these employees also spoke positively about a new process—administered by D2 Consulting, LLC—which they perceived to be more formalized.

However, and in contrast, multiple employees raised concerns over the 2023 promotional process for Captains and Battalion Chiefs. Historically, around half of the candidates would be eliminated by low written test score, half of the remaining candidates would fail the practical test, leaving only 25% eligible for promotion. In 2023, there were approximately 18 vacant captain positions and that had been the case for years. In this Captains cycle conducted by D2 Consulting, all candidates (approx. 18) passed. Also, all six candidates for battalion chief passed. No employee interviewed could recall an instance in which all candidates passed the overall exam.

⁴ For the sake of clarity, these employee remarks about past administrations were not about the Weech administration.

Also, the IAFF (the local chapter of the union representing firefighters) has historically participated in promotional process as an observer. The IAFF asserts that pursuant to the applicable collective bargaining agreement, changes to the promotional process must be agreed upon in a labor-management meeting. However, Fire Chief H. Smith unilaterally changed the promotional process via D2 Consulting. Also, on the eve of this cycle, Smith and chiefs, at his direction, announced that IAFF representatives would not be permitted at the promotions site and would be escorted off the premises if they tried to attend. The IAFF states that those actions significantly damaged labor relations.

This Review did not question Fire Chief H. Smith about this alleged practice. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

Relaxing Position Requirements

Multiple employees report that Fire Chief H. Smith has removed certain minimum requirements for placement in the positions of Driver/Engineer, Captain, and most recently Battalion Chief. They report that regarding Driver/Engineer and Captain, in 2023 Fire Chief H. Smith removed the requirement that the employee be a certified Paramedic and now the employee can qualify for promotion simply with years of service. Regarding Battalion Chief, Smith amended the policy applying to when a Captain can “ride up” as a Battalion Chief. The amended policy removed the requirement that the Captain have a Fire Officer 2 state-issued certification and now states that the employee only needs 12 months in a captains rank in order to be eligible to ride up.

Fire Chief H. Smith raised this matter during his Review interview, and advised that these were necessary changes to solve, among other things, staffing issues. He states that when he began with Fire Rescue, there were numerous captain positions that had been vacant for years. He reports that filling those vacancies both reduced mandatory overtime (MOT) burdens on that rank and also facilitated new hires at lower ranks, all of which improved the understaffing issue.

In contrast, multiple employees report concern that these recently promoted individuals may be undertrained for the duties and responsibilities of their positions. Regarding the 2023 Captains promotional process, many of those individuals did not have a Paramedic certification. Moving now into 2024 and with the recent Battalion Chief policy change, the IAFF reports that those Captains will be eligible to ride up in a Battalion Chief’s role despite not having a Paramedic certification or a Fire Officer 2 certification. When these Captains ride up, they will be the highest-ranking person at an emergency scene. The IAFF reports there is also no policy limiting the number of Captains that can ride up on a shift, so there could conceivably be a scenario where many Battalion Chiefs on duty are actually these relatively new Captains.

This Review did not question Fire Chief H. Smith about this alleged practice. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

c. Generalized Criticisms of Management Practices

Inconsistent Enforcement of Paramedic Certificate Requirement

In or around October 2017, during the Weech administration, Fire Rescue changed the policy and job descriptions for Driver/Engineer and Captain to require a Paramedic certificate. Most Fire Personnel affected were required to sign various versions of a contract agreeing to obtain a Paramedic certificate within so many years—usually three—or face demotion.

However, multiple employees report the following: Fire Rescue has not enforced the policy consistently. Some employees have been demoted, but many others (possibly as many as 60) have continued in their promoted positions despite not becoming a paramedic. There has been further inconsistency by the County towards some employees that actually obtained their paramedic certificate. Their contracts stated that after working two years as a medic, they could relinquish the medic title and pay and remain in their current rank and position. However, when these employees gave notice of intent to opt out (according to them, due to burnout because Fire Rescue is understaffed with paramedics), County Management advised the contract will not be followed and they will have to demote to a lower rank.

Then, in February 2023, Fire Chief H. Smith removed the paramedic requirement for Driver/Engineer and Captain positions. One Driver/Engineer, who had actually never signed a contract (although he was aware that he was technically subject to the underlying policy) was demoted by Fire Rescue *after* the paramedic requirement was removed. Immediately after this Engineer was demoted to Firefighter, Fire Rescue promoted a number of employees who had much less experience than him and who also had no paramedic certification. This employee met with Fire Chief H. Smith to plead his case, explained he had been an Engineer for 6 years, but the demotion was upheld. As of the time of his Review interview, despite the demotion, the employee was still performing the same duties of Engineer. His new position title is Firefighter/EMT, but Fire Rescue had continued to ride him up to Engineer every shift due to staffing levels, and his hourly pay is the lesser level of Firefighter/EMT.

This Review obtained information related to an employee that stands in contrast to the foregoing example. This employee was promoted to Engineer (“Engineer 2”) around the same time, and unlike the foregoing individual, Engineer 2 *did* sign a contract with the County promising to become a paramedic. Although Engineer 2 did not obtain a paramedic certificate by the deadline, Engineer 2 was not demoted. Later, when Fire Chief H. Smith removed the paramedic requirement for Captains, Engineer 2 then was promoted again to Captain/EMT.

Fire Rescue personnel reported additional inconsistencies in management decisions. Most or all of the Captains promoted in the 2023 cycle had one year to obtain all the requirements for the position (such as ICS 300 and ICS 400 courses, which are training for personnel who require advanced application of the Incident Command System). However, approximately 15 of them failed to do so. Employees report that rather than demote those individuals, Fire Rescue brought in another agency to teach the classes internally for all those employees to obtain those requirements.

This Review did not question Fire Chief H. Smith about this alleged issue. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

Challenges Faced by EMS Training

Based upon multiple interviews, it is apparent that EMS Training is a heavily taxed group within Fire Rescue. During this review and preceding it, there have been four employees responsible for all EMS training of Fire Rescue, meaning approximately 600+ employees. EMS Training reports that they are “totally overwhelmed” and “burned out.” They further report that management’s promises of additional resources are often never fulfilled, and they feel “abandoned.”

EMS Training personnel reports that beginning in 2023, the County began onboarding a new hire group every two weeks in an effort to address understaffing and mandatory overtime. EMS Training personnel reports that 50% of new hire field training was removed by Fire Rescue Management to accommodate this quicker schedule. EMS Training personnel reports instances in which they or the Field Training Officer believed a new hire needed additional training, but Fire Rescue Management moved forward with placement in the field. EMS Training personnel offered to ramp up training sessions, even despite being overtaxed, but Fire Rescue Management rejected the proposal.

Regarding Hurricane Deployments

There remains strong disagreement between management, the employees involved, and union representatives as to what should have been the appropriate outcome in the issues that arose out of the Idalia deployment. This Review was tasked with examining the management of Fire Rescue, and to that end, it sought to receive information relevant to management’s actions.

Regarding hurricane relief deployments, it is apparent that there was a history of confusion and disagreement between management, employee, and union, about how the developments would be worked and compensated. After a deployment in 2018, the County initially denied the firefighters’ submission of additional time and overtime, the union filed a grievance, and the County paid for all hours spent on deployment. In 2022, Halman reportedly advised he wanted the deployment to work on 12-hour shifts, but Fire Chiefs Weech and Shawn Smith disagreed and advised the shift length should be 24 hours. Ultimately the deployment operated on 24-hour shifts, and those deployed were paid for all hours spent on deployment, which included additional time and overtime.

Regarding the Hurricane Idalia deployment, again there was confusion and disagreement. The first team was originally four members. Halman directed to Fire Rescue Chiefs that the team work 12-hour shifts, and for the deployment to take the resources needed to follow the order. Based upon documentation in the Fire Rescue’s ensuing investigation, the first team was then only increased by two, for a total of six members to work 12 hour shifts instead of 24 hour shifts. The Sheriff’s Office sent approximately 47 deputies on deployment. Employees report that the Fire Rescue deployment is tasked with being an attachment to the Sheriff’s Office deployment and

ensuring that they are self-sufficient in the field. Fire Rescue's investigation noted in its findings section that, based upon Battalion Chief Evan Towns' statements, there seemed to be "confusion" among command staff as to the role the PCFR members were to play while being deployed. (See Attachment 2, p. 12).

Also, as noted in Fire Rescue's investigation, another assistant chief told (then) Battalion Chief "Charlie" True, to quote from the investigative report, "if circumstances required any of the members needed to provide additional support or services outside of their assigned 12-hour shift, they were to document the time and actions and they would be compensated for their time. [The Assistant Chief] said this was said because they realized there was a possibility of unforeseen events that would require members to work additional hours. [The Assistant Chief] said it was not intended to give them a 'green light' to work whatever schedule they wanted."

Also, multiple employees report that the County's Employee Action Form (EAF) against True inaccurately claimed that he completed the FEMA forms incorrectly and the deployment in total sought approximately 60K in County money for 24 hour regular pay and overtime in Telestaff. Actually, True was only paid for 12 hour shifts and the additional pay, including overtime, was paid by federal funds obtained by the Sheriff's Office.

Multiple employees report that the decision to drop all charges against Towns was inconsistent. The County explained that since Towns did not receive the 12-hour shift order directly, as did True, he could not be held accountable. The logic there, apparently, is management's communication to Towns was not airtight. But if that is the logic, then the other Assistant Chief's conflicting statement to True was given too little weight. Towns admitted he knew of the 12-hour shift order via True. And yet he also deviated to a 24-hour shift and—just like True—he did not update his chain. That said, this Report does acknowledge that reportedly True's proposed discipline of termination based on the sustained charges was vetted by Human Resources and involved for consistency with past precedent and that other stakeholders in the County were involved in that process.

Regarding True's discipline, employees reported additional concerns. It included a 2-year probationary period, which was unprecedented. Also, True reports he was given mandatory training, but no specific classes and no hour amount was specified. When he reported to the Training division, he advises he was told no one knew what training he was supposed to do, and that they had simply been told by Management "just make him take classes." True was made to take classes and complete training that he had very recently already completed. Assuming the foregoing regarding True's training is accurate, it appears Fire Management arguably did not follow Standard Operating Guideline 101 – Discipline Process, Sections 101.1-101.3, which classifies training as an informal corrective measure that should be non-punitive.

Lastly, as of June 2024, the County and Fire Rescue still had not adopted a policy for hurricane deployments, including shift length or compensation. In other words, despite the significant disagreement and impact over the Idalia deployment, County and Fire Rescue Management have not addressed the issue from a policy standpoint.

This Review recognizes the fact that True both deviated from Halman's order and did not notify his chain of command. However, and again, this Review was tasked with examining the management of Fire Rescue, and to that end, it sought to receive information relevant to management's actions.

d. Information Regarding Other Fire Rescue Staff with Managerial Responsibilities

This Review generally received only positive remarks regarding all current Assistant and Deputy Chiefs, as well as civilian employees in Administration. Some employees did report that the Deputy Chiefs do not go to the stations and talk to the Battalion Chiefs as much as in the past, and that has at times created a disconnect, but those employees advised being aware that the Deputy Chiefs have a heavy workload.

e. Non-Management Inefficiencies

Regarding Assets & Infrastructure Division (previously called "Logistics")

Based upon interviews of employees with long-term experience in the Assets & Infrastructure division of Fire Rescue, Assets & Infrastructure suffers from an antiquated system that results in delays. The process for payment is protracted and vendors are delaying delivery because payment is often late. Occasionally it can take eight weeks for an invoice to be paid. A contributing factor are that a physical signature is required for every invoice.

Regarding Procurement of Supplies

Employees report inefficiencies with the County's procurement process: competing bids must be obtained for hundreds of items. The Procurement department asserts that it does not have the staffing to process that workload. As a result, once Fire Rescue has used up the terms of a contract, it goes on allocation and must find other ways to obtain supplies. Often, Fire Rescue must "piggy back" off other counties or agencies for those supplies. A practical impact of this is that vials of the same medicine changes from month to month (be it color, shape, concentration, etc.) depending on the allocation source, and crews are constantly being forced to adapt. Employees state that this negatively impacts morale.

2. Standard Operating Procedures

Overall, Fire Rescue's Standard Operating Procedures (SOP) and Standard Operating Guidelines (SOG) are comprehensive. The same can be said for the medical operating procedures for EMS. This Review did not learn of a failure or error occurring that was attributable to a policy or procedure, perhaps with two notable exceptions that will be discussed. However, multiple employees report a need for a policy or SOG on two topics.

There were additional positive observations. Fire Chief H. Smith advised that he reviewed and re-approved all SOPs and SOGs early in his tenure, demonstrating both his attention to those

matters as well as a confirmation that the SOPs and SOGs were in good order.⁵ Smith also recognized overlap between “procedures” and “guidelines,” which could cause confusion about which document controlled, and has worked to consolidate and streamline those documents.

Additionally, Smith sought, and Halman approved, funding for adopting Lexipol, which is a cutting-edge system with many benefits. It is completely digital and can be accessed with County or non-County equipment without needing internet service. This will address a common complaint heard during the review, which is personnel cannot access policies and procedures when they do not have internet access. This is a particularly acute issue when personnel attempts to access the latest policies and procedures for medical care. Lexipol also provides citation to the legal or regulatory authority on which a SOG or SOP is based, and is supposed to automatically update when changes in law or regulation occur.

However, Fire Rescue personnel did identify areas of needed improvement in their opinion. They report that the County and Fire Rescue management has adopted a practice of changing a policy or procedure via a memo in an email, but it may be days or weeks before an employee is faced with a situation implicated by that memo, and they are unsure where to look for guidance. While Fire Rescue personnel reports that this practice of change-via-email occurs for all Fire Rescue policies, the issue is particularly acute for EMS. Personnel report that they will want to know what are the latest critical care guidelines, and instead of looking up policy they are searching through their emails on a cell phone in the back of an ambulance in a location where they have limited internet access. An example provided is that an email memo will be sent about a medication being in a different type of bottle or being a different level of concentration, and they are forced to research it in real time. The two unions in Fire Rescue have reported this issue and assert having received no substantive response from Fire Rescue or County Management.

Also, personnel reports that the agency used to have a Standard Operating Procedure Review Committee, but it has been discontinued. Personnel reports that the Committee was beneficial because it allowed employees to bring a different perspective to management, and also facilitated communication of policy changes to personnel.

Lastly, two policies noticeably absent: one for inventory tracking and one for emergency deployments, such as for hurricane relief.

Missing Fire Rescue Equipment

Three chiefs with years of experience managing Fire Rescue’s assets and inventory report that the tracking of Fire Rescue’s missing inventory is a recurring issue that County Management does not fully grasp. The County, or at least Fire Rescue, allegedly does not have an asset or inventory tracking system. In Fire Rescue, many types of equipment are shared by multiple shifts. Without a tracking system, equipment that passes through many hands before disposal is difficult to manually record, and so disposed equipment becomes “missing.” Similarly, Fire Rescue

⁵ The Report notes that at least for the copies of the SOGs provided, electronic signature stamps indicate that Fire Chief H. Smith reviewed the policies and approved the policies between the dates of January 22, 2024, and February 12, 2024.

personnel report that if Facilities personnel goes to a station and finds broken equipment and replaces it, Fire Rescue does not know whether Facilities disposed of it, so it becomes “missing.” Historically, Fire Rescue’s “missing” equipment figure allegedly ranged around 2.5 million dollars.

The County Clerk of Court, which is the county auditor, and County Management place great pressure on Fire Rescue to locate all missing equipment to the point that there is \$0 lost. This results in Logistics/Asset & Infrastructure spending all year physically traversing the County in search of missing equipment, most of which has likely long been disposed and will never be found. “Missing” equipment must be kept on a list for 3 years before it can be removed. The three chiefs interviewed express this is an extremely inefficient and frustrating process. Witnesses recommend that the County’s Telestaff program likely could provide an inventory tracking system.

The Report recommends that Fire Rescue implements SOGs or policies for both the foregoing topics.

Emergency or Hurricane Deployments

At least as of June 2024, there was no policy for emergency or hurricane relief deployments. There was no applicable policy for emergency or hurricane relief deployments when Fire Rescue deployed for Hurricane Idalia.

3. Discipline

Fire Rescue personnel did not complain about the County or Fire Rescue’s disciplinary policies for addressing discipline. This Review found no issues with those policies. At the outset, this Report notes that records indicate there is on average more than 100 disciplinary actions at Fire Rescue in each of the past handful of years. Given that broader picture, it is possible that the following instances do not prove that discipline has been delivered inconsistently based upon an individual.

That being said, however, many employees raised a concern related to one employee. Multiple employees questioned the handling of training and discipline for a newly hired Firefighter, a graduate of the PDRTP program who is Black or African American.⁶ Multiple employees report that the Firefighter had numerous issues in training, including tardiness and repeatedly sleeping in class. His training was extended (essentially put through the new hire training twice), but still made no improvement. Assistant Chief Ben Cassista reports that he recommended the Firefighter be terminated, but Fire Chief H. Smith disagreed. Cassista and other

⁶ The Report notes the race of this employee only because multiple individuals interviewed alleged that African American employees have contacted Fire Chief H. Smith directly regarding work issues and normally that would be addressed as breaking the chain-of-command. This Review sought specific information that could verify that allegation. This individual and his alleged bragging about meeting with Fire Chief H. Smith is the only specific alleged example that this Review received from interview statements.

employees related to Training report they do not remember any other new hire having so many issues in training and not being terminated. The Firefighter was released to the field.

Employees report that the Firefighter's issues continued when placed in the field. For training purposes, the Firefighter's Captain ("Captain 1") ordered the whole team to do 15 pushups to elevate their heart rates and then perform a training evolution for search and rescue. The Firefighter froze up, became unresponsive, and completely failed to the training evolution.

This Captain had previously been warned that the Firefighter could not perform under stress. The Captain then advised Training that he was failing the Firefighter on his training standards and he would not be allowed to ride on their shift anymore. Training visited the station, had a closed door meeting with the Firefighter, then emerged and advised the Captain that the Firefighter was simply nervous and was good to go. The Captain advised Training that the Firefighter could not continue on his shift and needed to be reassigned. The Firefighter was reassigned to a different station on the same shift.

The following shift, the Firefighter's new Captain called and advised that the Firefighter had failed to report for duty. Soon a Battalion Chief and Training Chief contacted Captain 1 trying to ascertain the Firefighter's whereabouts. Around an hour later, Captain 1 was informed that the Firefighter had been located. Soon thereafter, co-workers allege that the Firefighter bragged that he had a closed-door meeting with Fire Chief H. Smith to complain that the pushups were punitive and not training.⁷

Later, the same Firefighter again had issues with staying awake. He was assigned to drive the ambulance but was too sleepy, so his crew had to pull a driver off another truck. Later that same shift, the Firefighter fell asleep in the back of an ambulance for approximately 40 minutes while it was transporting a patient. The Firefighter's co-workers documented this and reported it for discipline. Multiple employees report that the Firefighter only received a written reprimand. The Firefighter's co-workers reported numerous issues with his driving skills, training, and ability to stay awake on duty. Employees report that the Firefighter received no adverse actions. (See Attachment 3).

Fire Rescue employees reported concern that the foregoing example stands in stark contrast to then-Battalion Chief Charlie True and Battalion Chief Evan Towns being put under formal investigation and Fire Management and County Administration seeking to terminate True before ultimately demoting him and placing him on a two year probationary period. This Report does not make a finding in the comparison of those two matters. This Report simply presents what was reported by multiple individuals.

⁷ This Review could not confirm whether it is true that the firefighter met with Fire Chief H. Smith. The firefighter has since voluntarily resigned and no longer works in Polk County. This Review did not follow-up with Fire Chief H. Smith regarding this claim because permitting a break in chain-of-command might require an inquiry that converts into an investigation.

This Review did not question Fire Chief H. Smith about this alleged issue. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

IAFF Concerns About Discipline Under Smith

The IAFF reports that under Smith there has been a significant amount of erroneous disciplinary actions. Historically, the IAFF filed 5-6 grievances per year. Under Fire Chief H. Smith, their number of grievances over discipline has increased by four or five multiples, and they have prevailed on almost all of them. The IAFF reports that they prevail because at the report writing process, Fire Rescue Management does not give direction to the battalion chiefs, does not cite policy violations, and just says “write them up.” The IAFF advises that if Management took the time to look into these issues on the front end, there would not be inconsistencies or discrepancies that the IAFF spots easily and challenges. The IAFF states that many of the disciplines are clerical errors or systems not working and not really the fault of the employee. A recent example is Management cracking down on overdue medical reports, but allegedly Fire Rescue’s system sometimes has a glitch and does not let the employee submit the report before the shift ends. Management still directs battalion chiefs to write up the employee when it is the system’s fault and not the employee’s. In sum, the union’s opinion is that their success in all these grievances demonstrates that they had merit and also demonstrates mismanagement.

By year, a record of disciplinary actions issued in Fire Rescue are as follows:

- 2017 – 85
- 2018 – 102
- 2019 – 152
- 2020 – 240
- 2021 – 179
- 2022 – 107
- 2023 – 120
- Through June 11, 2024 – 114

At least as of June 11, 2024, Fire Rescue was on pace to double the number of disciplinary actions compared to historical average.

This Review did not question Fire Chief H. Smith about this alleged issue. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

4. Management Structure

Fire Chief H. Smith’s Realignment

Fire Chief H. Smith cites his realignment of Fire Rescue’s structure early in his tenure as successful management. The Training division was renamed Professional Development, and is under Operations. The Office of Medical Direction separated, is on the Operations side of the department, although it reports through Dr. Banerjee straight to Fire Chief H. Smith.

Logistics was renamed Assets and Infrastructure. Fire Prevention/Inspections was renamed Community Risk Reduction. Historically, the Planning division fell under the business side of the department and reported to an assistant chief. Smith separated Planning and Research and had that division report directly to him.

Fire Chief H. Smith also reassigned personnel in Administration. He moved multiple chiefs through OMD before ultimately removing the chief position altogether and having Dr. Banerjee report directly to him. Smith reassigned Deputy Chief Jennifer Huff to Operations, where he believes she has experienced professional growth.

He transferred the Battalion Chief assigned to Logistics (a veteran employee very experienced in this assignment) back to the field and replaced him with Deputy Chief Gorokhov. Fire Chief H. Smith reports he did this because the County had tasked him with addressing the approximately 2 million dollars in missing equipment, and he determined a deputy chief with more oversight would be more successful.

However, the Battalion Chief was actually very experienced in this role whereas Gorokhov had no logistics experience. Multiple employees report that this change by Fire Chief H. Smith was unusual, as it came with little to no discussion or input from his chiefs in Administration and was simply announced. The employees reassigned report that the changes were entirely unexpected.

Employees that reported on these matters state that as a general matter it is positive to allow employees to grow professionally in new roles. However, they report these specific moves have had negative effects. Employees report that Planning and Research and OMD reporting directly to Smith whereas the other divisions reporting to an assistant chief makes running Fire Rescue challenging. Two divisions have immediate access to the Fire Chief, and decisions are made that impact the whole department without going through the same channels and filters. For Fire Chief H. Smith's part, he explains that since Planning and Research is responsible for accreditation efforts, it should report directly to him.

Numerous employees were critical of at least one aspect of Smith's reorganization of Fire Rescue. Historically, there was a battalion chief or a deputy chief supervising the medical division and reporting to the Fire Chief. Smith created the Office of Medical Direction, and temporarily assigned a battalion chief to supervise it. However, Smith further reorganized medical, such that now there is no deputy chief or battalion chief assigned to OMD, and OMD reports directly to Fire Chief H. Smith. (See Attachment 4). Also, Dr. Banerjee's direct report is a captain.

Numerous employees report that this change was detrimental: Employees estimate that 85% or more of Fire Rescue's activities are EMS related. They report that as a general management philosophy, not having a deputy chief over OMD and medical when it is a majority of the agency functions is very problematic and has created a lot of stress on the department. Dr. Banerjee alleges that Smith has allegedly his decision-making authority. Now the situation is such that a captain is issuing orders to deputy chiefs or assistant chiefs. That does not follow a normal rank structure, as higher ranking officers do not take orders from lower ranking officers. It has created power struggles and dysfunction. Employees further report that OMD is now "siloe off" from the other

divisions, and the other deputy and assistant chiefs are not always abreast of OMD's issues. They report that communications to OMD go unanswered. Additional OMD issues that employees reported, such as it only having four personnel plus Dr. Banerjee while Fire Rescue's majority services being medical, have been described elsewhere in this Report.

For Smith's part, since a majority of Fire Rescue's service calls are medical, he wishes to have a direct line to policies and procedures related to medical care.

This Review did not question Fire Chief H. Smith about this alleged issue. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

Potential Need for More Chiefs in Administration

The merger between Fire and EMS was approximately 10 years ago. Despite the departments tremendous growth, employees report that Fire Rescue has the same number of Deputy Chiefs today as it did then. Multiple chiefs in Administration report that they are extremely overworked. This issue is particularly acute for the Operations side of Fire Rescue.

On a related note, and more specifically, potentially there is a need for another assistant chief position solely for administrative duties. Currently there are two assistant chief positions, one for Business Services and one for Emergency Services. The Assistant Chief of Emergency Services states that an overwhelming portion of his duties are administrative rather than operational or emergency services. He states that Fire Rescue could benefit from creating a new assistant chief position for administrative duties and having a separate assistant chief position for operations. Additional staff or changes to Operations structure may be appropriate to alleviate pressure on personnel there.

The Report recommends that the County Manager and Fire Rescue explore whether additional chief positions are needed in Fire Rescue Administration.

5. Leadership Programs

Employees report that for some years now Fire Rescue's standard has been to offer 160 hours of leadership training in collaboration with Polk State College. (See Attachment 5). However, some employees report that they have been forced to go on their days off and that in the past the programing has focused on the private sector and the employees were critical of its usefulness.

More recently, Fire Chief H. Smith has initiated new types of training, brought in guest speakers, and has increased the number of conferences attended by Fire Rescue personnel. One particular positive development reported was Fire Chief H. Smith, with input by Deputy Chief Huff, providing for attendance at the Women in Fire program at the National Fire Academy. In 2023 it was offered to captains, and in 2024 it was offered to all female employees. Fire Chief H. Smith also sent Chiefs Gorokhov, Huff, and Darius Livingston to a program for succession management training.

Last on this topic, one senior Chief spoke positively about HR's work to facilitate Fire Rescue personnel receiving education reimbursements.

6. Communication Process

Multiple employees spoke positively about the communication process within Fire Rescue. Employees report that, out in the field, communication within the crews is strong. Multiple employees also stated that, more specifically, Chief H. Smith has implemented practices that have improved communications between himself and the field. Examples are monthly Teams meetings in which Fire Chief H. Smith addresses all of Fire Rescue and everyone is invited to attend. Also, some employees believe that more information is being shared with the field through increased email communications and that there is increased transparency of operational decisions made by Management.

Additionally, within Fire Administration, Fire Chief H. Smtih implemented daily conference calls at 8:15 am with all stakeholders (i.e., command staff for each division, OMD, PIO, Public Safety, Chaplain, battalion chiefs with Battalion Leads, the Fire Chief, Deputy County Manager Halman, Fleet, and IT). (See Attachment 6). Smith also cited his implementation of "Digital Boards," which are TVs in every station that communicate "kudos, class schedules, birthdays, anniversaries," etc.⁸ Multiple employees spoke positively about another initiative by Smith, which was the implementation of a formalized method for submitting requests, called "buck slips," which are essentially a tracking form.

Halman has Monday afternoon meetings with all directors under his supervision, including Fire Chief H. Smith. Halman reports that he regularly speaks to others in Fire Rescue as well. Halman believes that Smith has done more to communicate with his staff than any past fire chief.

However, this Report also received information critical of the communication processes within Fire Rescue.

Smith's Monthly Teams Meetings

Employees report that the Teams meetings are not recorded, so the two shifts that are off duty do not get the benefit of the meeting.

Buck Slips

Although the buck slips concept could lead to improved communications, multiple employees reported that buck slips to Fire Administration or Fire Chief H. Smith often go unaddressed. One employee stated he submitted two dozen buck slips asking Fire Chief H. Smith for assistance with particular task and never received a response.

⁸ Employees interviewed in this Review offered varied opinions about the impact of the Digital Boards.

Hiring, Staffing, and Number of Vacancies

Fire Chief H. Smith and Human Resources advise Dep. County Manager Halman and County Manager Beasley regarding the number of vacancies and new hires. Aside from verbally, this data and information is presented in a document titled “Human Resources / Fire Rescue Open Items.” (See Attachment 7).

The issue that multiple employees report is that Fire Chief H. Smith has publicly stated Fire Rescue is fully staffed, and they contend that is not accurate. As of this Report, Fire Rescue continues to have double-digit MOT shifts and double-digit voluntary overtime shifts every day, which essentially should not happen if the agency is truly fully staffed. Relatedly, employees report that Fire Rescue Management sometimes represents that a truck has two firefighters but in reality it is a paramedic and an EMT and there is actually no dual certified firefighter on the truck. Employees report that these are examples of misleading communications about the true status of staffing at Fire Rescue.

This Review did not question Fire Chief H. Smith about this alleged practice. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

Access to Fire Chief H. Smith

Multiple employees report that although Fire Chief H. Smith purports to have an open-door policy and that he is very accessible, in reality that is not the case. Personnel in Administration report that many employees in Administration do not have access to Smith except for a small few that have been issued a badge. Otherwise, employees cannot go meet with Smith unless they are physically granted entry. Employees report that previous fire chiefs did not limit access the same way.

Employees, particularly the Chiefs and personnel in Administration, report that Smith’s primary method of communication is through email. Multiple employees state that Smith sends them a considerable amount of emails during the day, and that he expects same day replies, which makes it difficult for them to complete tasks. These employees state they would prefer a different method that does not cause them to repeatedly stop and start assignments. They stated that this practice of constant emails was more prevalent at the beginning of Smith’s tenure with the County.

This Review did not question Fire Chief H. Smith about this alleged practice. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

Reluctance to Report Issues to Human Resources

Many Fire Rescue employees state they have not or would not take a complaint to HR or the County’s Office of Equal Opportunity (EO) because, based on past events, they do not have faith in HR or EO to conduct the investigation or make an adverse finding against a director level or higher-ranking County employee. Similarly, multiple employees also reported they do not report issues to HR because they fear doing so will make them a target for retaliation.

- Digital and Media Services Manager Complaint

For example, in the EO Office’s investigation into a complaint by a former Digital and Media Services Manager against Fire Chief H. Smith, the ultimate report does not address numerous allegations against Smith. (See Attachment 8). The Digital and Media Services Manager provided documentation alleging that Smith, on multiple occasions, commented on the races of current or future employees or appeared to suggest that race could or should be factored into an employment decision or practice.⁹ It also appears that numerous potential witnesses were not interviewed by the Equal Opportunity Administrator. The Digital and Media Services Manager provided alleged witness accounts from Josh Whitehead, Jen Boden-Evans, Jennifer Huff, Deborah Jones Strafford, Betzi LaCounte complaining about Fire Chief H. Smith’s conduct. The report does not mention if it interviewed those witnesses nor does it appear to address their allegations. (See Attachment 9).

- Deputy Chief Complaint

Regarding Deputy Chief Yevgeniy “Eugene” Gorokhov, after the grievance over the Captain being next to promote to Battalion Chief, he was transferred from his assignment over Training and Development (a division since renamed Professional Development) to Logistics (since renamed Asset & Infrastructure). Notable for purposes of this Report, Gorokhov filed an internal complaint against Fire Chief H. Smith with the EO office over the transfer and other alleged actions by Smith. Gorokhov alleged (1) national origin discrimination,¹⁰ (2) hostile work environment, and (3) retaliation. The complaint was investigated by EO staff who determined that all three claims against Fire Chief H. Smith were unsubstantiated. (See Attachment 10). Gorokhov states that the investigation report left him with many questions.

This Review notes the following about the investigative report:

- The report, in its “Conclusion” section, does not analyze Gorokhov’s retaliation claim. This is questionable because Smith’s explanation for the transfer is potentially contradicted by other witness testimony. For example:
 - Fire Chief H. Smith advised investigators that “based on [Smith’s realignment of Fire Rescue] DC Gorokhov was best suited for Logistics and submitted that DC Gorokhov did have logistic skills and experience from the field that he could transfer to his new assignment.” However, Gorokhov stated that he actually had little to no experience with Logistics and essentially did not know how to perform the duties. Gorokhov was provided no training before or after his move to Logistics. Then, once supervising Logistics, Gorokhov states that he faced constant scrutiny

⁹ The undersigned is not commenting or making a finding as to whether those allegations are true. The undersigned is simply reporting that it does not appear they were investigated because there is no mention of those allegations in the investigator’s report.

¹⁰ Gorokhov is Russian.

from Fire Chief H. Smith over issues about which Gorokhov had no knowledge. Gorokhov reports that around 3 months after the transfer, Fire Chief H. Smith directed Deputy Chief Parnell to give Gorokhov a written reprimand and place him on performance improvement plan (PIP) and probationary period.¹¹

- Fire Chief H. Smith advised investigators that stakeholders approved Gorokhov’s transfer and the County Manager’s office was briefed, but Fire Chief H. Smith did not discuss the move with Gorokhov and gave him no advance notice.
- Prior to his interview, Fire Chief H. Smith provided the investigators a list of individuals he wished for them to interview. He then wrote: “Excluded: Assistant Chief Ben Cassista (sic) Deputy Chief Huff – close relationship with [Gorokhov].” The investigation report makes no mention of this communication and whether it influenced or biased the investigators against witnesses who may have provided supportive statements to Gorokhov’s complaint.
- The investigation report states that one witness alleged Smith recounted a story to her in which he used the “ ‘N word’ ”. Another witness alleged a co-worker said Fire Chief H. Smith used the word “cracker.” The first witness employee reported to this Review that after the 2023 MLK, Jr. parade, Fire Chief H. Smith told her that he had observed an African American battalion chief shaking hands with white firefighters, which prompted Fire Chief H. Smith to say to the battalion chief, “Hey [n-word], get over here, why are you shaking their hand? They should be thanking you.” The first witness was not present at the parade; she alleges that Fire Chief H. Smith told her that is what he said. Similarly, another employee reported that the battalion chief told her that Fire Chief H. Smith had used the word “cracker” while at the parade. The employees reported these allegations to EO in this investigation. The battalion chief in question denied hearing Fire Chief H. Smith say the “n-word” and denied both hearing Smith say “cracker” or telling his co-worker. The investigation report does not state whether or not the investigators asked Fire Chief H. Smith about those allegations. The report makes no mention of these allegations in its Conclusion and whether or not they were taken into consideration in finding the complaints unsubstantiated.

For Fire Chief H. Smith’s part, he did also state to EO that another reason for transferring Gorokhov was that he had received complaints about how Gorokhov was managing the Training division.

This Review recommends that the County consider whether investigations of division directors and other similar senior-level County employees be referred to an outside, independent third party for review or investigation.¹²

¹¹ Gorokhov filed a grievance to challenge the discipline, and the written reprimand, PIP and probationary period were rescinded.

¹² These two EO investigations are closed but if the County inquires further, in an abundance of caution, this Report recommends Fire Chief H. Smith be given an opportunity to respond.

Employee Concerns Regarding Public Records Retention and Request

Multiple employees report they have requested their personnel files or investigation files and they are not provided with those records.

Deputy Chiefs and Communications with Field

While some personnel reported positive communications between the field and the deputy chiefs, others commented that the deputy chiefs do not go to the stations and talk to the battalion chiefs as much as in the past, and that has created a disconnect. Some Deputy Chiefs report that, for their part, any lack of in-person visits is a result of being overworked.

Communicating Reassignments and Transfers via County-Wide Email

Multiple employees complained about Fire Chief H. Smith's method of communicating reassignments or transfers via a County-wide email, with no prior notice or explanation for the personnel change.

Status of Communication Between Management and the Union

The IAFF states that the bulk of their issues with Fire Rescue and County Management can be traced back to a lack of or inconsistent communication from management. In addition to the other examples provided by the IAFF elsewhere in this report, the IAFF states another example is it has repeatedly reported that a station has a gear turnout station that is in the bay and exposed to exhaust and elements, which makes it a health risk. The IAFF states they have reported this in the quarterly Labor Management meeting going back multiple years, they are told to email it will be handled, which they do, and yet nothing has been done.

7. Workload Analysis

Throughout this Review, a constant report was that more staff is needed. Specifically, it was reported that Fire Rescue is very understaffed at the paramedic position. Out of approximately 125,000 service calls a year, approximately 100,000 are EMS and patient care. That said, during the course of this Review, staffing levels have markedly improved. The County has made efforts to address understaffing via signing bonuses, incentive pay, referral bonuses, increasing PDRTP enrollment from four to ten, and hiring a full-time recruiter.

Also, Fire Chief H. Smith initiated that the County would onboard a new hire group every two weeks and also relaxed the paramedic requirement and other minimum requirements for certain ranks (such as Captain and Driver/Engineer) to fill vacancies. Those particular efforts by Fire Chief H. Smith have seemingly played a role in successfully increasing staff levels. Fire Rescue's vacancy levels at various ranks appear to be lower now than they were when Fire Chief H. Smith was hired.

That said, multiple personnel raised concerns about individuals not having considerable fire suppression or driving experience, and co-workers are concerned that those employees are not sufficiently trained or experienced for the increase in responsibility. Per the IAFF, understaffing at paramedic has also been caused in part by County Management and HR not exercising oversight

of paramedic contracts signed by employees. As many as 60 employees have never fulfilled their contract and obtained their paramedic certification. The IAFF reports that recently County Management has stated it is considering identifying employees that did not obtain their certification and demoting them.

The IAFF reports that in 2023, the department had 191,623 hours of MOT. The IAFF reports that when employees are allegedly told, to paraphrase, “Your kid’s birthday party isn’t the department’s problem, and if you leave, we’ll fire you for job abandonment,” that heavily damages morale. Through August 2024, there has been approximately 70,945 hours of MOT. Calculated out on a straight line, there will be approximately 106,417 hours of MOT in 2024. Of course, if current improvements in staffing continue, that number should be less. However, and for example, on August 23, 2024, there were 13 employees working MOT. Employees report that while staffing is improving, suggestions that Fire Rescue is fully staffed seems to be rebutted by the current MOT numbers.

Additionally, the narrative that the rank and file secretly desire mandatory overtime despite publicly complaining about it is not supported by information obtained in this Review. Based on a convincing weight of interviews, the rank-and-file view mandatory overtime as plainly a net negative.

During Fire Chief H. Smith’s interview, he also cited adjustments he has made to the assignment of units based on their unit hour utilization (UHU) to flow less-busy units to busier areas.

8. Employee Morale

Morale of Personnel in Fire Administration

This Review interviewed all certified and civilian personnel in Fire Administration with only a few exceptions. Nearly all of the personnel interviewed reported their morale was very low and identified the cause to be Fire Chief H. Smith. Personnel were critical of Fire Chief H. Smith’s management style, communication style, and how he assigns and manages assignments. Multiple personnel described the working environment in Fire Administration under Fire Chief H. Smith as “toxic.” Multiple personnel stated they fear retaliation in general and for having participated in this Review.

Multiple employees in Administration describe experiencing the same types of interactions with Fire Chief H. Smith. When they discuss work issues with Smith, he shoots them down and often says, “We’re not going to do things the Polk County way,” or “We’re not going to follow the good ol’ boys system.” Employees believe such comments disparage the County and also diminishes progress Fire Rescue has made in recent years.

Employees describe witnessing Smith treating their colleagues “terribly.” They report that Lead Team meetings or meetings with supervisors, Smith belittles his subordinates by asking a question and then interrupting, stating aloud the employee does not know the answer.

During Fire Chief H. Smith's interview, he stated that when he joined the County, he was told that Fire Rescue had accountability issues in terms of the field accounting to administration as well as accountability in discipline and productivity. He states that one of his priorities has been to instill accountability in Fire Rescue.

However, employees interviewed do not concede that their complaints are due to Smith holding them accountable. They report Smith's style is to undermine and bully them so that he can establish his superiority over them.

Multiple employees in Fire Administration report that Administration used to be an open door, tight nit environment in which everyone felt like they could support each other. Smith's management style is to allegedly force everyone to stay in their lane he and chastises officers when they attempt to assist other divisions. The result is Administration is now very siloed.

An employee's morale is a personal matter and generally not something that can be refuted by another person or party. That said, this Review did not question Fire Chief H. Smith about these alleged issues. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

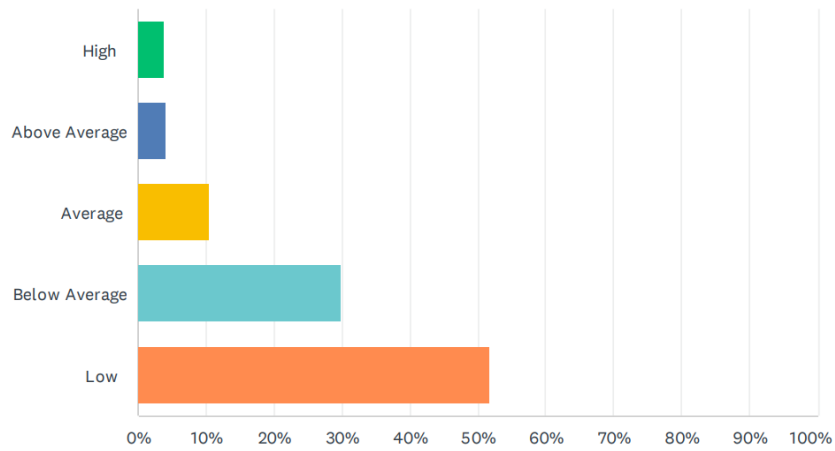
Morale of Fire Rescue Department-Wide

In an effort to survey the morale of all of Fire Rescue, the Review conducted an online survey from on or around June 10, 2024, to June 28, 2024. The survey received 497 responses. During that time period, Fire Rescue had approximately 662 employees. The approximate response rate was 75%. The results of the survey follows:

[INTENTIONALLY LEFT BLANK]

Q1 Rate your morale regarding the Polk County Fire Rescue Division.

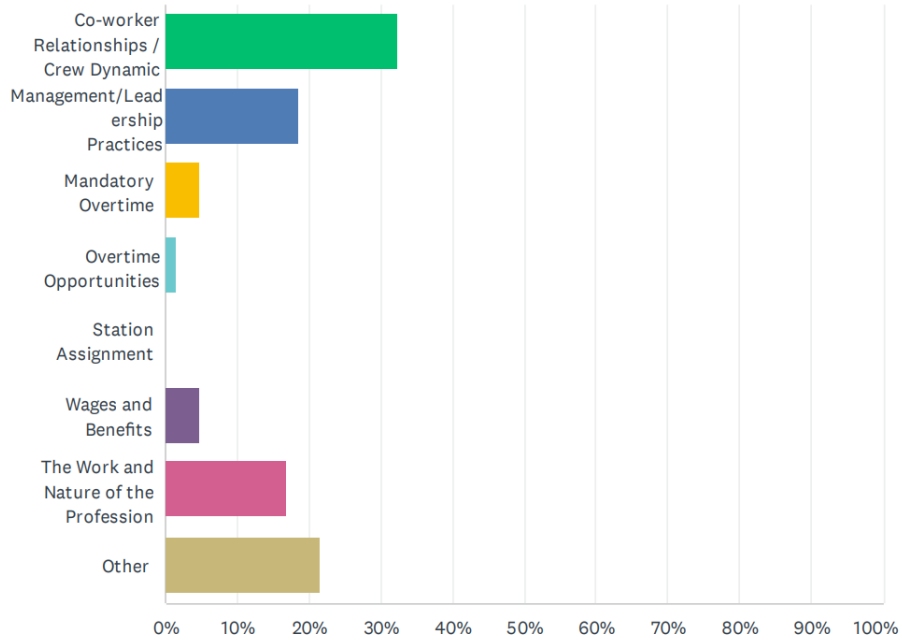
Answered: 497 Skipped: 0



ANSWER CHOICES	RESPONSES	
High	3.82%	19
Above Average	4.02%	20
Average	10.46%	52
Below Average	29.78%	148
Low	51.91%	258
TOTAL		497

Q2 If you selected "High", identify the primary reason for your rating.

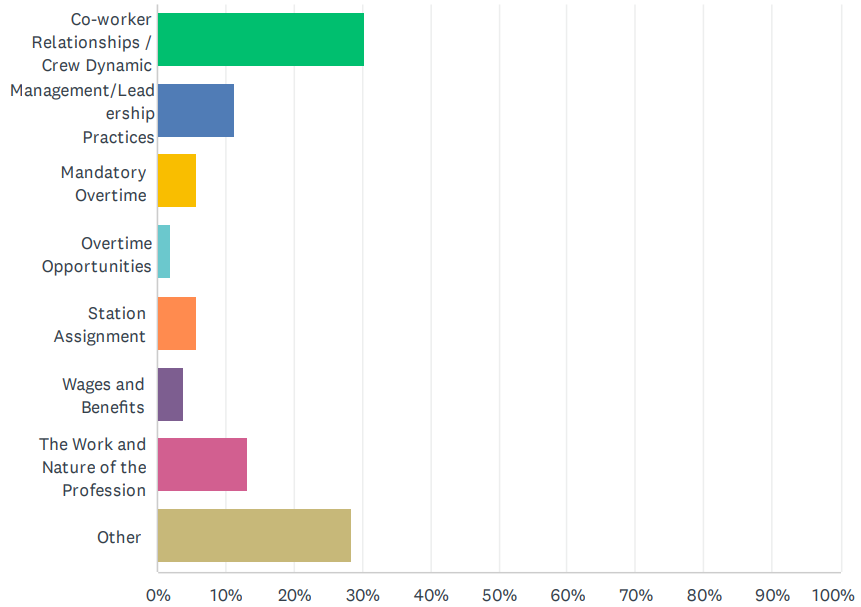
Answered: 65 Skipped: 432



ANSWER CHOICES	RESPONSES	
Co-worker Relationships / Crew Dynamic	32.31%	21
Management/Leadership Practices	18.46%	12
Mandatory Overtime	4.62%	3
Overtime Opportunities	1.54%	1
Station Assignment	0.00%	0
Wages and Benefits	4.62%	3
The Work and Nature of the Profession	16.92%	11
Other	21.54%	14
TOTAL		65

Q3 If you selected "Above Average", identify the primary reason for your rating.

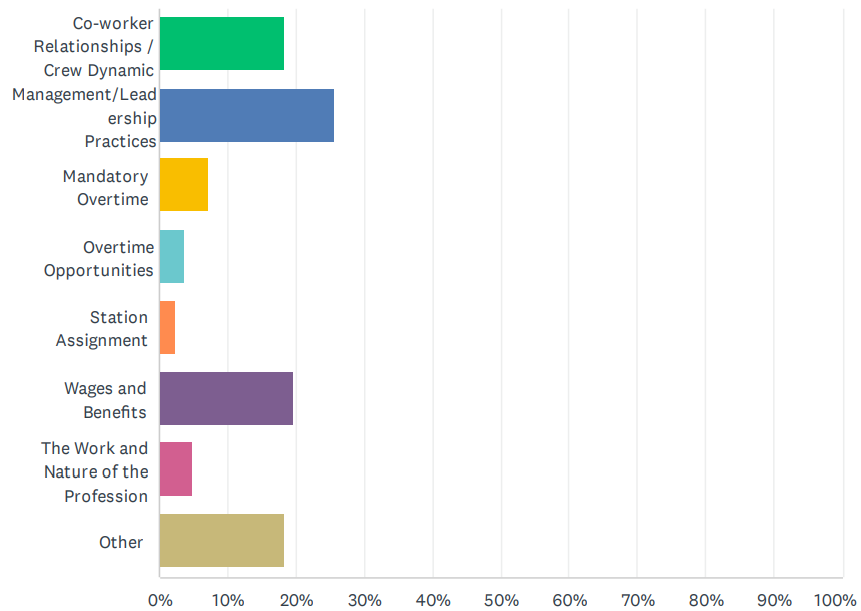
Answered: 53 Skipped: 444



ANSWER CHOICES	RESPONSES	
Co-worker Relationships / Crew Dynamic	30.19%	16
Management/Leadership Practices	11.32%	6
Mandatory Overtime	5.66%	3
Overtime Opportunities	1.89%	1
Station Assignment	5.66%	3
Wages and Benefits	3.77%	2
The Work and Nature of the Profession	13.21%	7
Other	28.30%	15
TOTAL		53

Q4 If you selected "Average", identify the primary reason for your rating.

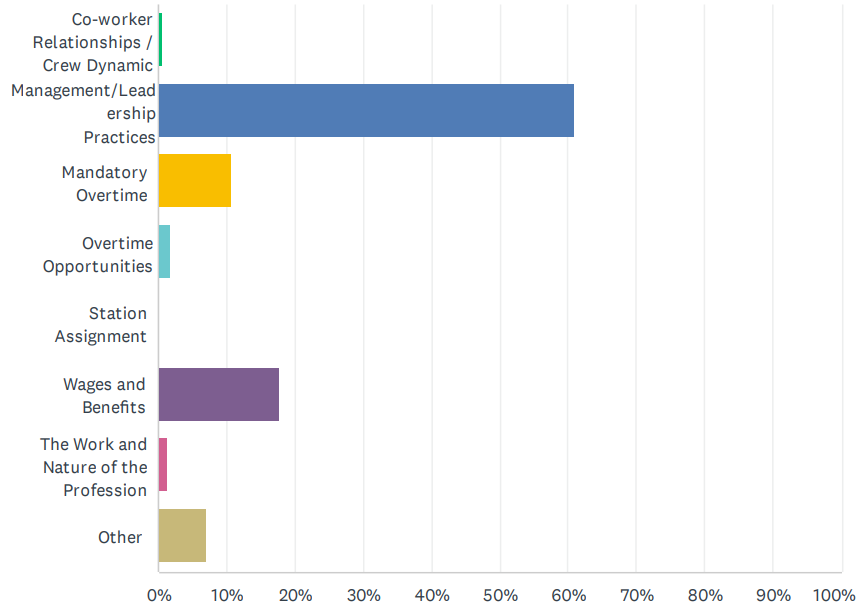
Answered: 82 Skipped: 415



ANSWER CHOICES	RESPONSES	
Co-worker Relationships / Crew Dynamic	18.29%	15
Management/Leadership Practices	25.61%	21
Mandatory Overtime	7.32%	6
Overtime Opportunities	3.66%	3
Station Assignment	2.44%	2
Wages and Benefits	19.51%	16
The Work and Nature of the Profession	4.88%	4
Other	18.29%	15
TOTAL		82

Q5 If you selected "Below Average", identify the primary reason for your rating.

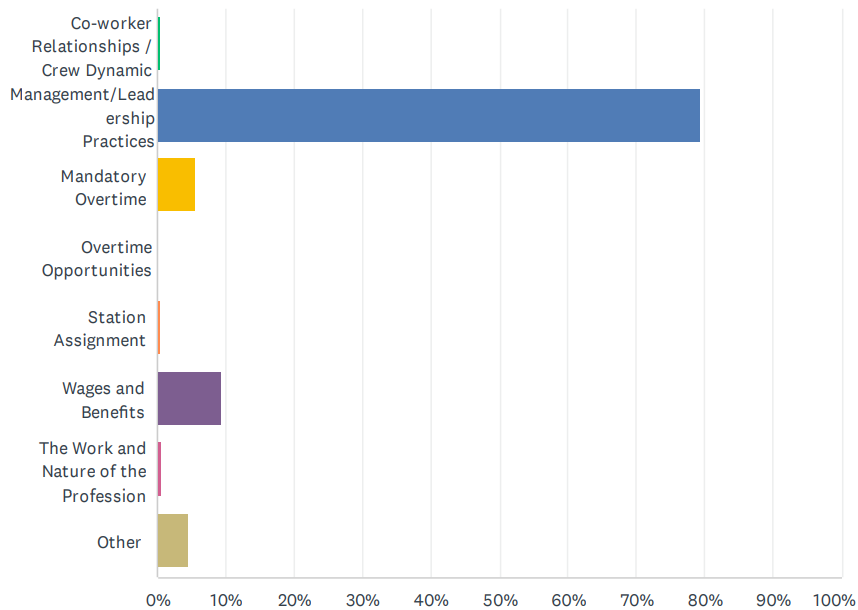
Answered: 169 Skipped: 328



ANSWER CHOICES	RESPONSES	
Co-worker Relationships / Crew Dynamic	0.59%	1
Management/Leadership Practices	60.95%	103
Mandatory Overtime	10.65%	18
Overtime Opportunities	1.78%	3
Station Assignment	0.00%	0
Wages and Benefits	17.75%	30
The Work and Nature of the Profession	1.18%	2
Other	7.10%	12
TOTAL		169

Q6 If you selected "Low", identify the primary reason for your rating.

Answered: 291 Skipped: 206



ANSWER CHOICES	RESPONSES	
Co-worker Relationships / Crew Dynamic	0.34%	1
Management/Leadership Practices	79.38%	231
Mandatory Overtime	5.50%	16
Overtime Opportunities	0.00%	0
Station Assignment	0.34%	1
Wages and Benefits	9.28%	27
The Work and Nature of the Profession	0.69%	2
Other	4.47%	13
TOTAL		291

The survey was delivered to all Fire Rescue personnel via an email from the Communications division. A feature in the survey prohibited multiple submissions from the same IP address.

During Fire Chief H. Smith’s interview, he reported to this Review that his perception is that morale is better than when he arrived. He used to hear descriptions of inconsistency in discipline, complaints that were not addressed, and how leadership was not seen in the field. He visits stations for dinner and attends critical events. He provided an example of extremely busy single-certificate EMS personnel in ambulances requesting air-friers so they could make food in

the field, and he provided that for them. He reports that he has made improvements on communications, accountability, and transparency, all of which have improved morale. (All documentation and data obtained from the survey service provider is attached as Attachment 11).

a. Causes of Morale Issues

Changes in Assignment, Duties, or Responsibilities

Multiple employees reported that their morale has been negatively impacted because they believe Fire Chief H. Smith made changes to their assignment or duties after they raised an issue or did something to fall out of favor. The following examples were provided:

- *Battalion Chief Reassignment*

For example, in late 2022, at the beginning of Fire Chief H. Smith's tenure, staffing was such that one Battalion Chief was over Logistics,¹³ the Warehouse, and was Special Operations Team Leader. This battalion chief requested a meeting with Fire Chief H. Smith to present a strengths, weaknesses, opportunities, and threats (SWOT) analysis. The employee reports that the meeting went poorly as Fire Chief H. Smith did not seem to agree with the SWOT analysis. Subsequently, in February 2023, Fire Chief H. Smith removed the Battalion Chief from all three assignments via a County-wide email. Fire Chief H. Smith provided no notice of the move, which involved changing from a 40-hour per week administrative schedule to a shift assignment in the field. No explanation was provided afterwards. The Battalion Chief was replaced by three different individuals, each with lesser experience. Then, in March 2023, the battalion chief received his annual evaluation for the prior year, and it rated him very positively with no criticisms. Thus, the Battalion Chief reports that the transfer could not be due to performance reasons.

The Report notes here that Fire Chief H. Smith did speak to some degree on this subject when describing his realignment of Fire Rescue. Specifically, he stated that he was aware of the issue of the alleged missing equipment and he determined that assigning a Deputy Chief over Logistics would provide more oversight and accountability.

The Battalion Chief reports that in June 2023, Fire Chief H. Smith or Fire Rescue Management put him under investigation for allegedly posting negative statements about Fire Rescue Management on social media. Multiple employees report that Fire Chief H. Smith directed them to go through his Facebook posts and find posts that could be used to discipline the battalion chief.

This same Battalion Chief reports that he was then disciplined in 2024. For years, the Battalion Chief was the de facto lead of the Honor Guard. The Battalion Chief reports that in November 2023, Fire Chief H. Smith advised him that he was not to be involved with Honor Guard and a new leader was selected.¹⁴ Then, in 2024, a request went out on the Honor Guard email

¹³ Now called Assets & Infrastructure.

¹⁴ Notably, this was after the battalion chief had criticized Management on social media.

thread. The Battalion Chief took no action. Apparently no one else did either, as the Honor Guard did not attend the ceremony. The Battalion Chief received a written reprimand. The Battalion Chief reports no other employees associated with Honor Guard were disciplined. The Battalion Chief reports there had been other instances since November 2023 in which Honor Guard did not respond to a request, and no one was disciplined. The battalion chief believes this discipline was unfair.

This Review did not question Fire Chief H. Smith about this alleged complaint. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

- *Grievance Over Promotion*

Multiple employees report that in 2023, there was a vacant battalion chief position over what was then or now called the Office of Medical Direction (OMD). Multiple employees report that due to the applicable collective bargaining agreement and current eligibility list, a particular captain was in line to be promoted. Deputy Chief Yevgeniy “Eugene” Gorokhov asserted to Fire Chief Smith that this captain should be promoted. Smith advised that he was the new fire chief and he would handle promotions his way. The captain subsequently filed a grievance challenging Smith’s attempt to fill the position with someone else, and Halman granted the grievance and the captain was promoted. After the grievance was resolved, both the captain and the deputy chief report experiencing changes in their employment at the direction of Fire Chief H. Smith.¹⁵

The Captain reports that around three weeks after his promotion to battalion chief, Smith emailed him after 5 pm on a Friday that he was being removed from his 40-hour (8 am - 5 pm) administrative schedule and reassigned to the field on a 24 hour on – 48 hour off shift schedule starting the following Monday. Common agency practice is to provide an employee with a couple weeks of notice of such a change in schedule, so the employee and his or her family can prepare and the employee can seek training if needed before returning to the field. The captain reports that he had to beg to be granted two weeks before the shift change and that he was not offered training. Around the same time, another captain was promoted to battalion chief, but he was not sent back into the field but continued his administrative shift. That example would undermine the assertion that a promotion is always followed with reassignment to the field. Multiple employees believe that Smith acted punitively against the captain due to the grievance.

- *Recruiter’s Duties and Access*

On or around September 15, 2023, the Recruiter in Fire Rescue filed an internal EO complaint against Fire Chief H. Smith. She states the complaint related to Fire Chief H. Smith diminishing her job duties over the course of months, which she attributed to her having previously filed an EO complaint against Equity and HR Director Kandis Buford-Baker in September 2022. The Recruiter reports that in her first meeting with Fire Chief H. Smith, he did not ask her about her work but instead advised her that she was not in HR anymore and to stay in her lane.

¹⁵ In Gorokhov’s subsequent EO complaint against Fire Chief H. Smith, the EO office found the allegations were unsubstantiated.

After the Recruiter filed her complaint against Fire Chief H. Smith, she alleges that he removed her access from Telestaff and also removed her from what she calls Executive Team meetings (Assistant Chiefs, Deputy Chiefs, and Battalion Chiefs). The Recruiter alleges that while Fire Chief H. Smith later re-added the Recruiter to those meetings, he gave her conflicting reasons as to why she had been removed. Additionally, the Recruiter alleges Fire Chief H. Smith began denying her leave requests, when previously such requests were generally approved. Additionally, the Recruiter alleges that Fire Chief H. Smith has continued to remove her duties and responsibilities (e.g., removed from overseeing Fire Rescue's scholarship program for high school cadets) and cut her off from information such that she is often the last person to receive information related to recruitment. According to the Recruiter, she is not told when interviews are scheduled.

The Recruiter further states that the EO Office never processed her complaint against Fire Chief H. Smith. She states that Tracy Stafford received her complaint, but that Stafford only took notes and did not record it. Stafford subsequently left the County's employment. The Recruiter then made multiple attempts to contact the Equal Opportunity Administrator but received no further contact from the EO Office regarding her complaint.

The Recruiter reports she does not know whether Fire Chief H. Smith was ever notified of her attempt to file a complaint with EO. However, many of the changes in her employment described above also occurred after she provided information to EO in support of the Digital and Media Services Manager's complaint against Smith.

This Review did not question Fire Chief H. Smith about this alleged complaint. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

- *Administrative Secretary's Access*

The Administrative Secretary alleges that Fire Chief H. Smith often called the personal phone of his Administrative Secretary after hours at the beginning of his tenure. The Administrative Secretary alleges she advised Fire Chief H. Smith that her position is non-exempt and she does not have a County phone, and asked him to stop the after hours calls. The Administrative Secretary alleges that Fire Chief H. Smith responded by eliminating her access to systems and information at work. The Administrative Secretary alleges she spoke with Halman's assistant about the issue and then directly to Fire Chief H. Smith about her needing to have that access to perform her duties. Only then was her access restored.

This Review did not question Fire Chief H. Smith about this alleged complaint. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

Regarding Fire Chief H. Smith and Training Expenditures

Multiple employees report that Fire Chief H. Smith frequently states that he values and promotes transparency. However, employees report they do not understand how some of Fire Chief

H. Smith's expenditures for training are selected and they question the degree of transparency. Multiple employees report the following matters have negatively impacted their morale.

- Center for Public Safety Excellence

Fire Rescue personnel report that in or around June 2023, Fire Chief H. Smith initiated preparation of a contract with an entity called the Center for Public Safety Excellence (CPSE). The services to be received were the facilitation of a community-driven strategic plan and community risk assessment/standards of cover. The proposed contract was for \$53,024.00 and was not submitted under the training exemption.¹⁶ (See Attachment 12). Fire Rescue Fiscal reports that the contract was apparently rejected by County Administration.¹⁷ Fire Rescue Fiscal reports that thereafter, Fire Chief H. Smith sent to Fiscal an invoice under the "exempt training" status in an amount for approximately \$3,450.00, which it processed. (See Attachment 13). It was reported to this Review that according to CPSE's website, Fire Chief H. Smith is a "Commissioner" on the CPSE's Commission on Professional Credentialing, serving as the entity's representative for "Career Developments." (See Attachment 14).

This Review did not question Fire Chief H. Smith about this alleged issue. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

- National EMS Management Association

Fire Rescue personnel report that in or around December 2023, Fire Chief H. Smith directed that the National EMS Management Association (NEMSMA) be engaged for training services. According to documentation, Fire Rescue paid \$13,000.00 for those services. (See Attachment 15). It was reported to this Review that according to NEMSMA's website, Fire Chief H. Smith is on the Board of Directors and is the President Elect. (See Attachment 16).

¹⁶ Fire Rescue Fiscal personnel report that, at least for Fire Rescue, a training expense is exempt from the normal process that the County's Procurement department administers. The normal Procurement process requires soliciting competing bids, and the larger the contract, the more onerous the process becomes. However, if the expense is exempt, as training is, then no competing bids are required. When an expenditure is under "exempt training" status, the Fire Chief can direct the Fiscal division to process it, the Fiscal staff will create a requisition to approve the expense, the Fiscal Manager signs off, then it goes to Procurement for approval, then a Purchase Order is created and it goes to the vendor, the vendor then sends invoice, the invoice is submitted to Fire Rescue's Fiscal staff to be attached to Purchase Order, they "receipt it", and the final step is off to Accounts Payable to get paid.

¹⁷ When interviewed, Deputy County Manager Halman did not recall this contract, but Fiscal personnel did recall it, provided documentation indicating the proposed contract for \$53,024.00, and reported that it was submitted and rejected.

This Review did not question Fire Chief H. Smith about this alleged issue. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

- Orlando Medical Institute

Fire Chief H. Smith directed that Fire Rescue engage Orlando Medical Institute (OMI) for a particular type of training called tactical emergency casualty care (“TECC”) training. In short, this training teaches EMS practitioners how to respond to and care for patients in a civilian tactical environment, such as a mass shooting. Fire Rescue ultimately paid OMI approximately \$108,000 for TECC training. (See Attachment 17). Multiple employees questioned this expense because Fire Rescue had historically received TECC training at no charge from the Polk County Sheriff’s Office, although the Sheriff’s Office could not issue Fire Rescue any type of certificate or accreditation for that training. However, Dr. Banerjee, who has reported concern about his lack of involvement in Fire Rescue’s medical training, advised that OMI is not currently accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP).

Other personnel expressed concern about the OMI training and expense. Reportedly, Fire Chief H. Smith first asked the Assistant Chief over Operations to sign off and approve the invoice for payment, but the Assistant Chief declined as his normal duties do not include approving such fiscal matters and he considered the amount of the expense to be significant. Also, Fire Rescue’s Fiscal division reports that it found that OMI had overcharged Fire Rescue for more employees than actually attended the training. They report that OMI had charged for nearly 800 employees when Fire Rescue had less than 700 employees who could take the training. Fire Rescue’s Fiscal division reports that it audited the invoices and found duplicate entries for employees’ attendance. (See Attachment 18). Personnel in Fiscal reported experiencing trouble when communicating with OMI about the correct number of attendees and payment matters.

Due to Fiscal discovering the overcharge, Fire Rescue did not overpay. Deputy Manager Halman was not aware of the total contract cost nor the potential overcharge until this Review. He has since directed that all training expenses be sent to him prior to it occurring for oversight and accountability.

This Review did not question Fire Chief H. Smith about this alleged issue. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

- D2 Consulting, LLC

Fire Rescue’s promotional process generally has three components: an exam, a practical, and usually an interview. Historically, Fire Rescue has outsourced the exam for review and approval, and then does the practical portion and interview in house.

Multiple employees report that in 2023, Fire Chief H. Smith directed that Fire Rescue engage D2 Consulting, a consulting company based in Las Vegas, NV, to conduct the promotional exam for the driver/engineer, captain, and battalion chief promotional processes that year. The

total cost of D2 Consulting's services cost \$62,678.00. Personnel in Fiscal report that no vendors other than D2 Consulting were discussed or considered for administering the promotional processes. After the three promotional processes, Halman directed that the company not be engaged again due to the cost of services.

This Review did not question Fire Chief H. Smith about this alleged complaint. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

MLK, Jr. Day Parade

Fire Rescue participates in MLK, Jr. Day parades in various locations in the county by sending apparatuses and personnel. Multiple employees report that some white employees are moved off the trucks participating in the parades and replaced with African American employees. (See Attachment 19). Fire Rescue personnel report they believe that this practice comes directed by personnel in Human Resources. Halman denies that the County has swapped white employees for African American employees on apparatuses and states anyone is welcome to walk in the parades. However, he also advises that PDRTP graduates are put in the parade to highlight the program. Employees report that a Human Resources employee often also rides in the parade. Multiple employees stated this negatively impacts morale and they feel excluded from participating in observance of MLK, Jr. Day.

Conference Attendance While Department Has High Number of Mandatory Overtime

- Black Chief Officers Committee Conference Attendance

In July 2023, Chief H. Smith took six recently promoted captains and Asst. Chief Shawn Smith to the Black Chief Officers Committee Conference (BCOC) in Ft. Lauderdale, Florida. This was during a staffing shortage/crisis and mandatory overtime was an issue. Conference reservations were made on or around January 24, 2023, and on that day Fire Rescue had 26 employees on MOT. On day 1 of BCOC Fire Rescue had 38 employees on MOT, day 2 had 30 employees on MOT, day 3 had 20 employees on MOT, day 4 of BCOC had 38 employees on MOT, day 5 of MOT had 24 employees on MOT. Fire Rescue personnel had to work additional MOT to cover the shifts missed by the conference attendees.

In contrast, in 2023, a Captain/Paramedic who is a member of the Honor Guard was set to attend the National Firefighter Memorial and escort the family of a fallen firefighter for the weekend memorial. Fire Administration had approved the Captain/Paramedic's request for administrative leave. The day before the trip, Fire Chief H. Smith canceled the trip and gave little to no explanation and only that he was open to supporting future trips. Shortly thereafter, Fire Chief H. Smith and multiple personnel attended the Black Chief Officers Committee conference referenced above.

Allegations of Race or Sex Based Statements or Actions by Fire Chief H. Smith

- New Hire Ceremonies

Fire Rescue generally has ceremonies for new hire classes and also for graduates of the PDRTP (Polk Diversity Recruitment Training Program). Fire Chief H. Smith as well as training officers attend, which this Report notes is a very positive practice for numerous reasons. Communications takes pictures of these ceremonies for posting notices of congratulations and other various publication means.

Multiple employees reported having observed Fire Chief H. Smith, when posing a new hire class for a picture, gather all the African American or Black new hires around him and tell white or other races to move to the outside of the grouping. On one particular occasion, a Communications employee was trying to move people around so all would be visible to the camera, and asked an African American new hire to move so a shorter white new hire could be better seen, and Fire Chief H. Smith stated, in sum, “No. I need my people around me.” The picture taken at this event is Attachment 20.

Similarly, Fire Rescue personnel report that while at a PDRTP graduation ceremony, the graduates had already posed themselves, but then Fire Chief H. Smith moved the two Caucasian employees to the back row. The picture taken at this event is Attachment 21.¹⁸

This Review did not question Fire Chief H. Smith about this alleged complaint. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

- Alleged Comment Regarding Sexual Orientation

At the same June 28, 2023, new hire ceremony described above, multiple employees report that when Communications directed a picture of all the female new hires and female employees present, Fire Chief H. Smith looked at a veteran Fire Rescue employee, who is gay, and said something to the effect of, “Females, non-males, whatever you want to call it,” or “Women, females, whatever you want to call it.” This Report offers both alleged versions of the statement because the witnesses’ recollections vary slightly. However, the witnesses were adamant that Smith clearly directed the comment at the gay employee and that it was derogatory in nature. The picture taken at this event is Attachment 22.¹⁹

This Review did not question Fire Chief H. Smith about this alleged complaint. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

¹⁸ Both of these allegations were raised during the investigation into the complaint by the Digital and Media Services Manager.

¹⁹ This allegation was raised during the investigation into the complaint by the Digital and Media Services Manager

Issues Between Fire Chief H. Smith and Communications Personnel

At the time of Fire Chief H. Smith's hire, there was one Public Information Officer (PIO) assigned to service Fire Rescue. PIOs are a position in the Communications department. Although a PIO must work closely with other departments and those directors certainly have some indirect supervision authority, they are ultimately supervised and evaluated by the Communications Director.

Multiple employees state they witnessed Fire Chief H. Smith bullying the PIO assigned to Fire Rescue over the course of several months. The PIO reports that on multiple occasions Fire Chief H. Smith called the PIO's phone around the hours of 3 or 4 am to discuss a non-emergency situation. The PIO reports that Fire Chief H. Smith frequently asked her to deviate from her Communications policies and procedures or take action without approval from the Communications Director. Multiple employees report that on one occasion, Fire Chief H. Smith published information over Communications' objection that turned out to be inaccurate. Fire Chief H. Smith allegedly assigned the PIO so much work that the PIO was working 60-70 hours a week. When the PIO asked Fire Chief H. Smith help by identifying priorities, he allegedly advised that all his assignments were priority. Frequently, when the PIO advised Fire Chief H. Smith that she had to follow the Communications Director's policies, he stated that it was he who was responsible for paying her paycheck.

In 2023, the PIO and her immediate supervisor report that they complained to HR Director Buford-Baker and Deputy County Manager Halman about Fire Chief H. Smith. Although Buford-Baker and Halman indicated the issue would be addressed, the PIO reports that Fire Chief H. Smith's style of interacting with her has not improved and continue as of this Report.

Most if not all of these complaints were alleged to the EO Office in 2023, when the PIO's immediate supervisor filed an internal complaint with the EO Office alleging bullying and a hostile work environment based on race and gender, as well as retaliation by Fire Chief H. Smith. Fire Chief H. Smith was given the opportunity to respond to these allegations as well as other allegations not recounted here in that investigation. The EO Office determined that the complaint was unsubstantiated.

This Report acknowledges that these issues with Communications have previously been investigated by EO and unsubstantiated. However, this matter is discussed in this Report because he two PIOs assigned to Fire Rescue report that Fire Chief H. Smith's treatment of them has caused their morale to be extremely low and they describe their work environment as "toxic" and that it continues as of this Report. The former Digital and Media Services Manager resigned her employment in part due to Fire Chief H. Smith's treatment.

During this Review, Fire Chief H. Smith stated one of his objectives has been to enhance Fire Rescue's communications with the public, and that the PIO position is integral to achieving that objective.

During this Review, Halman advised that his view of the issues in 2023 was that the PIO was overworked, and he addressed that issue by hiring and assigning a second PIO position assigned to service Fire Rescue.

A related issue reported by Communications was that in 2023, Fire Chief H. Smith allegedly had directed the PIO to monitor and collect social media posts by Fire Rescue employees that were negative towards him or Fire Rescue, and they potentially would be used to discipline the employees. The PIO and her immediate supervisor report they advised Halman of this and their concern about the employee's 1st Amendment rights.

Halman reports that he directed them in this instance to not do as Fire Chief H. Smith instructed, and that he has only looked to discipline for social media that violates the County's policy. This Review notes that in June 2023, a battalion chief was placed under investigation over social media posts that allegedly were negative towards Fire Rescue. The investigation resulted in no discipline.

Alleged Mentioning of Office Manager's Race in Wage Discussions

Fire Rescue personnel reports that when hiring Fire Rescue's Office Manager, Fire Chief H. Smith called HR and asked how many people in that position in other County departments were of color and how much they made. Relatedly, the person hired reported that when she attempted to negotiate a fifteen percent (15%) raise, Fire Chief H. Smith allegedly told her that he could not grant it because she was Black. This claim regarding the requested salary increase was reported to EO in the Gorokhov investigation. The investigation report states that Fire Chief H. Smith explained any communications he had regarding the Office Manager's salary was attempting to ensure it was set appropriately.

This Review did not question Fire Chief H. Smith about this alleged complaint. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

Inter-Agency Divisional Spotlights

Multiple employees report that "Inter-Agency Divisional Spotlights" are often projected on digital billboards in the various stations and offices, and that they show an employee's picture with a caption that says the employee is the "first" female/national origin/etc. to be promoted or attain some other accolade. In other words, it is not just the accomplishment that is broadcast, but some type of EEO demographic is also emphasized.

This Review did not question Fire Chief H. Smith about this alleged practice. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

Diversity, Equity, and Inclusion (DEI)

The IAFF reports that in December 2023, Fire Chief H. Smith assigned a department-wide online training course called: "What is DEI? Diversity Equity and Inclusion." Employees were required to watch a YouTube video and pass a test with a score of 100 to complete the assignment.

Fire Rescue personnel do not recall another assignment of which they have been required to score a 100. (See Attachment 23).

This Review did not question Fire Chief H. Smith about this alleged issue. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

Fire Chief H. Smith Allegedly Asked for “Dirt” on Employees

Multiple employees report that in the beginning of Fire Chief H. Smith’s tenure, he asked employees for “dirt” on their co-workers and asked who socialized with whom outside of work.

This Review did not question Fire Chief H. Smith about this alleged complaint. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

Fire Chief H. Smith Wearing Shirt for Personal Company

Multiple employees report that Fire Chief H. Smith frequently states the importance of Fire Rescue personnel’s appearance and wearing clean and unwrinkled Fire Rescue-issued uniforms to present a professional appearance. Fire Chief H. Smith is the CEO of a private company registered in Florida. As a general matter, there is no issue with Fire Chief H. Smith having a private company. However, multiple employees report witnessing Fire Chief H. Smith at work and conducting County business while wearing a shirt with his company’s name and logo and not a Fire Rescue uniform. For example, on a Unity Day event at Polk State College for firefighter recruitment, personnel allege seeing Fire Chief H. Smith wearing his personal company’s shirt and not a Fire Rescue uniform. Multiple employees question Fire Chief H. Smith allegedly wearing attire with his company’s emblem while apparently on duty.

This Review did not question Fire Chief H. Smith about this alleged complaint. The Report recommends that the County Manager review this issue further and Smith be given an opportunity to respond.

9. Miscellaneous

NAACP Lawsuit and Diversity Initiatives

HR and some individuals in County Management referenced a lawsuit and settlement agreement with the NAACP that created diversity employment requirements. This Review obtained the settlement agreement, and it is dated February 15, 2000. The agreement does not establish an expiration date or term. It requires a number of initiatives, including but not limited to, 1) continuation of an EO office and its staff separate from the Human Resources Office, and the EO Officer shall continue to report directly to the County Manager, so long as practical as determined by the County Manager; 2) amending its Affirmative Action Plan and maintenance of a data bank for hiring and promotions in the 8 categories of employees defined by the U.S. Department of Labor Guidelines. (See Attachment 24).

This Report simply wishes to highlight to potential issues: 1) EO is not separate from HR. It is actually supervised by the same position, the Equity and HR Director. (This may be not be an issue if, in the past, a County Manager has determined separation was no longer practical; and 2) the current state of the law regarding affirmative action programs by public employers has many requirements, including the plan must be in writing and demographics must be constantly monitored to determine if and when the plan should be discontinued.

The Report recommends that the County Manager review this issue further and determine if the settlement agreement is being monitored and followed.

Poor Morale Caused by HR

Multiple chiefs and Administrative personnel report that HR negatively impacts morale because is demeaning to Fire Rescue and its processes, asserts that Fire Rescue is a “good ol’ boy” system, and micromanages all aspects of Fire Rescue employment matters unlike for other County departments. First, these employees state that Fire Rescue has not been a good ol’ boy system for many years. Second, they state that HR’s posture towards Fire Rescue is in stark contrast to how it actually services Fire Rescue. They state that HR often is delayed or untimely in processing Fire Rescue requests, investigations, etc. They further provided examples of HR providing conflicting answers about promotion lists for battalion chief and deputy chief, or not having copies of contracts or personnel records. In another example, Shawn Smith and Jennifer Huff applied for the open fire chief position ultimately filled with Fire Chief H. Smith. The employees report HR and County Management never provided them with a response or an update, and eventually they heard rumors that interviews had been set. Only after interviews occurred did HR advise via email that Smith and Huff would not be interviewed. Smith and Huff report this lack of courtesy towards two veteran County employees heavily damaged their morale, and stands in contrast to HR’s suggestions that Fire Rescue is guilty of poor communication and management.

Also, employees alleged to this Review that HR/EO aided a complainant in strengthening his complaint against a co-worker because that the complainant’s shift-level incident report was modified and strengthened in HR/EO’s investigative report. The employees report that the investigation process damaged their morale.

An employee’s morale is a personal matter and generally not something that can be refuted by another person or party. That said, this Review did not gather information directly from Human Resources employees about these potential issues as that was deemed outside the scope of the Review. While the perspectives of Fire Rescue must be included in this Report, Human Resources should be given an opportunity to respond. This Report recommends the County Management review this issue further and gather Human Resources’ responses to these alleged issues.

Alleged Issue of Terminating an Employee for a False-Positive Drug Test

Multiple individuals reported to this Review that an employee was terminated two years ago for a false positive drug test, which the MRO confirmed was a false positive, but the process

for challenging the test was not followed by the County. The terminated employee believes the termination was in error.

Issues with the IT Department

Multiple employees report a belief that Fire Rescue does not get adequate support from the IT department. Fire Rescue is very technology dependent. When Fire Rescue reports technology issues, IT and County Management generally take the position that Fire Rescue should address the issue on its own. For examples, internet is often down and there is poor coverage in rural areas of the county; the Tiberon system is often down [The Rockridge Road fire was in part a Tiberon issue. Around March 2024, allegedly Tiberon stopped completely and was out for approximately 1 week.]; at several stations, individual log-ins do not work, so employees must use a generic log in, and they face scrutiny about completion of reports. These issues are particularly acute after business hours or on weekends. Multiple employees report having little to no support from IT during those timeframes. Fire Rescue can only call one designated individual and that person may or may not answer or know the solution to the problem. This Review did not gather information directly from IT employees about these potential issues as that was deemed outside the scope of the Review.

This Report recommends the County Management review this issue further and gather IT's responses to these alleged issues.

Alleged Misclassification of a Part-Time Employee

An employee was hired on or around December 13, 2010, in a temporary part-time position. Pursuant to County policy, temporary part-time employees are not eligible for raises or benefits. Policy also dictates that the temporary position is "not to exceed six months." Thus, this person's employment should have ended around June 2011 or, if the employment continued, placed into a regular full or part-time position. Instead, however, the County has apparently left the employee in a temporary status. Also, in 2015, the County added the employee to the Florida State Retirement System (FRS) and began contributing 3% of his compensation. County policy further indicates that temporary employees are not eligible for FRS.

In January 2022, the employee complained to County Administration about missing multiple raises and accrued benefits. Equity and HR Director Baker-Buford, replying on Beasley's behalf, initially stated that the employee was appropriately classified as temporary, before later conceding that a reclassification may be appropriate. After eight months of inactivity, the employee again contacted County management. This time, Deputy County Manager Halman replied and stated that while the employee was still considered a part-time temporary employee, the County was working to reclassify him, and he would receive a County-wide five percent (5%) raise on October 1, 2022. However, the employee advised this Review that he never received that raise. The employee believes the County still classifies him as temporary, some 13+ years after his hire. He believes he has been denied numerous raises and a significant number of hours of accrued leave. (See Attachment 25).

This Review asked Halman for further explanation about the handling of this issue. Halman advised he was not satisfied with the outcome and would address it further. Halman has since advised the County offered this employee a full-time Inspector I position, which the employee has accepted. It is unclear whether action was taken regarding the employee's claim that he missed past wages and benefits due to being classified temporary.

III. Conclusion

This concludes the Report of the Review of the management of the Polk County Fire Rescue Division.

Dated: September 5, 2024.

Respectfully,

/s/ J. Wes Gay
J. Wes Gay
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