

We, the Charlotte Firefighters' Association Local 660, do hereby affirm the deleterious effects from top management practices and policies employed during the last four years at the Charlotte Fire Department and the City of Charlotte. Therefore, we as a body attest to a vote of *No Confidence* for City Manager Marcus Jones (Manager Jones) and Fire Chief Reginald Johnson (Chief Johnson).

We bring these matters to the attention of the Charlotte City Council, citizens of the City of Charlotte, and others with a vested interest to ensure these problems are addressed and resolved. It is our hope that elected city officials can quickly settle these matters to reduce any effect to public safety response in the City of Charlotte.

It is not our purpose shirk our responsibilities in any way or bring ill repute upon the department. However, it is our sworn duty and obligation to perform our job responsibly, effectively, and efficiently. It is also not our goal to cast doubt on the capabilities of frontline supervisors and mid-level managers (captains and battalion chiefs). These members are vocal advocates for this department and tirelessly work to ensure the mission of the organization is completed.

We do desire to bring to light the ineffective management practices and policies from Chief Johnson that plague this organization. These practice and policies are detrimental to in the performance of our duties. We seek relief from the problems and a constructive solution to the problems.

We have repeatedly tried to work within our chain of command to bring these problems to the attention of our senior and executive management at the Charlotte Fire Department. We have also pointed out the detrimental effects occurring from these problems. We have offered suggestions and solutions to these problems. We have also repeatedly attempted to work with city officials and elected officials to collaboratively solve these problems. The problems and the detrimental effects not only remain; they are also significantly worsening.

These problems have evolved and grown because of a lack of effective communication, decisions, and policy changes. These problems are exacerbated with Chief Johnson and his Command Staff's lack of integrity, lack of transparency, lack of willingness to solve the problems and has created an apathetic attitude towards command staff. These problems are well recognized by fire department members, fire department chief officers, city officials, elected officials, outside investigators, outside consultants, and outside researchers. The problems remain consistently the same without relief.

The detrimental effects of these problems have eroded the morale of the entire department and affected public safety operations in the City of Charlotte. This lack of morale has brought about a lack of organization respect, a widespread lack of respect for departmental leadership, an increase in complaints, an increase in lawsuits, an increase in resignations, lack of new applicants, and a dramatic increase in early retirements. There is discontentment, resentment, and dissatisfaction throughout the ranks. Rules, regulations, and even discipline are

widely disregarded by Command Staff. Members of City Council have described the fire department as “extremely toxic” and expressed frustration and disappointment with Chief Johnson’s tenure at the CFD. The result is loss of confidence in Chief Johnson and Manager Jones, and reduction of effectiveness of public safety operations in the City of Charlotte.

THEREFORE, WE DECLARE THE FOLLOWING ISSUES:

1. LACK OF EFFECTIVE COMMUNICATIONS

- a. Under oath, Chief Johnson admitted he cut off all communication with CFFA Local 660 as of March 2020. It has been more than two years since the full Executive Board has met with Command Staff to voice concerns and offer suggestions to fix problems.
- b. Chief Johnson would send battalion chiefs or division chiefs to meet with President Brewer about issues instead of meeting with President Brewer himself. These chiefs lacked knowledge of the problems and stated the problems were above their rank and pay grade. Despite this, Chief Johnson continued to refuse to meet President Brewer to discuss issues.
- c. Multiple surveys show a major problem with communication from Command Staff. This includes a survey conducted with only battalion chiefs and mirrored the survey of the entire department. This survey found fundamental problems with communication between Command Staff and battalion chiefs, Command Staff repeatedly refusing to address departmental problems, low morale, and more. Following the survey, City Human Resources sent Catherine Luther to manage Chief Johnson’s monthly chief’s meetings. Ms. Luther stated she was there to try and establish effective communications between Chief Johnson and the 37 battalion chiefs in the department.
- d. There is wide-spread departmental confusion with policies, memos, and informational bulletins (IBs), and what effect they have in the day-to-day operations. Members studying for promotional exams have expressed serious concerns that memos and IBs are not consistent with General Orders. Chief Johnson is well aware of this confliction and has done nothing to provide any clarification. Numerous battalion chiefs and division chiefs have stated they cannot keep up with the volume of constantly changing information presented in IBs. Under Chief Johnson, the quantity of communication has increased dramatically; however, the quality has decreased substantially.
- e. Work groups and committees have been formed in the past to understand and deal with some of the ongoing problems. The conclusions and suggestions from the committees were often ignored. There is a lack of respondents when a new committee is formed because the widespread belief that it is a waste of time.

2. THE CITY AND FIRE DEPARTMENT ADMINISTRATION LACKS TRANSPARENCY, INTEGRITY, AND ACCOUNTABILITY.

- a. Manager Jones and the City of Charlotte have been sanctioned by the courts for repeatedly refusing to comply or willfully destroying documents they are required by law to maintain. This type of sanction is incredibly rare and reserved only for egregious and willful misconduct.
- b. In 2021, Mecklenburg County Manager Dena Diorio and Assistant County Manager Anthony Troutman described Manager Jones as “useless”. This sentiment is shared by other city officials and elected officials.
- c. Members of City Council have publicly and repeatedly stated that Manager Jones and his staff often intentionally provides misleading, confusing or no information on projects within the Council’s scope.
- d. Manager Jones has allowed his department heads to conduct improper and unethical investigations of a retaliatory nature against members of the Fire Department.
- e. Manager Jones and Chief Johnson have allowed outside investigators with pending or previous criminal charges to conduct highly sensitive investigations of CFD members. One investigator was out on felony bond for stealing weapons, and the other acknowledged he was arrested in the last couple of years for a weapons violation as well. The lead investigator also stated he had a pending lawsuit against Charlotte-Mecklenburg Police Department. Despite their sordid backgrounds, Director Simpson still hired them and allowed them to continue the investigation even after becoming aware of their backgrounds.
- f. North Carolina Department of Public Safety Director Paul Sherwin, stated to CFFA Local 660 President Brewer that the two outside investigators used (Ronald Mann and Adam Trantum) would be the last people would have ever expected to see conduct a highly sensitive employee investigation. Director Sherwin stated his office was familiar with these individuals and had received serious complaints on both in the past.
- g. HR Director Simpson dismissed the Class A charges Chief Johnson filed against BC Smith-Phifer, finding the charges were unwarranted and no evidence of “conduct unbecoming” occurred as alleged by Chief Johnson. Chief Johnson has repeatedly attempted to use unwarranted discipline as a method to retaliate against members who have crossed him or questioned him.
- h. HR Director Simpson also noted that CFD Command Staff continue to use discipline documents incorrectly. This is a long-standing problem that multiple battalion chiefs and previous division chiefs have addressed with the chain-of-command to no avail.

- i. Chief Johnson refused to investigate forged signatures on disciplinary paperwork for months, despite the division chief and battalion chief stating the paperwork that Chief Johnson presented to the Civil Service Board was not the paperwork that they signed. This was only addressed when Mayor Lyles stepped in and referred the matter to CMPD Internal affairs.
- j. Chief Johnson has provided false and misleading statements to the Civil Service Board regarding disciplinary matters and promotional processes.
- k. Chief Johnson refused to turn over the text messages on his city phone as required by state law. These text messages provided direct evidence that members needed to use in their defense at Civil Service Board hearings. These text messages were finally turned over more than two years after the request and long after the Civil Service Board hearing.
- l. After asking for over two years, City Attorney Patrick Baker finally released several text messages between Chief Johnson and Deputy Chief Winkles. These messages show that both used city-issued devices to speak very poorly about BC Nantz. The blatant disrespect in these text messages violates General Order 206.01 which states, *"All members of the public and other employees shall be treated with respect, courtesy and consideration."*
- m. Chief Johnson has refused to provide records under the Freedom of Information Act (FOIA) as required by law. Some FOIA requests are more than two years old. In addition, Manager Jones' refusal to answer FOIA requests has resulted in a lawsuit against the City by Viacom, one of the largest media corporations in the United States.
- n. Chief Johnson has refused to provide City Council and the fire department the raw data from surveys conducted on morale in the CFD. This raw data likely confirms there are numerous problems present in the CFD under Chief Johnson.
- o. Deputy Chief Skeris testified under oath that it is easy for Command Staff to manipulate promotional processes if they want.
- p. Chief Johnson did promote two chiefs from a division chief list that expired two months prior, effectively blocking future candidates from promotion.
- q. Morris and McDaniel did release internal communications regarding the 2019-2020 hiring process and promotional processes. They state that Chief Johnson refused to listen to any advice from Morris and McDaniel. They also state CFD Command Staff was more focused on following their own agenda instead of hiring and promoting competent members.
- r. In nearly every promotional process run by Chief Johnson, there were major problems with the process. In two back-to-back battalion chief processes, people were allowed to test for battalion chief and then told they were ineligible only after they received their passing scores.
- s. An outside investigator hired by HR Director Simpson to investigate promotional process complaints found multiple areas of serious concern in the way Chief

Johnson conducts promotional processes. The investigator stated he was going to make recommendations to Director Simpson and City Council on ways Chief Johnson should conduct CFD promotional processes.

- t. Chief Johnson and his Command Staff have retaliated against multiple individuals who have spoken out or filed a complaint.
 - u. Retaliation, harassment and bullying complaints have been filed directly to City Human Resources and the City Managers' Office as per City Policy HR-5. City Human Resources has either ignored the complaints or used immediate past employees of Human Resources to conduct "independent" investigations. Chief Johnson then retaliates against those who files complaints against him.
 - v. Chief Johnson has blamed everyone except himself for the problems in the department. He has blamed City Council, Manager Jones, his deputy chiefs, battalion chiefs, the Union, and the department as a whole. In recent meetings with all the Captains throughout the department, Chief Johnson refused to believe there was a morale issue and stated if there was one, it was because of the Battalion Chiefs and Captains. This is despite the recent surveys that say the exact opposite.
 - w. Chief Johnson's inability to manage the CFD budget resulted in a budget freeze halfway through the fiscal year. Numerous employees were unable to get required uniforms and replace essential protective gear. In addition, new apparatus did not come with required equipment and lost or damaged equipment is not replaced. In some cases, firefighters have used their own money to purchase nozzles and other required equipment for fire apparatus because the department had no money to purchase it.
 - x. City Manager Marcus Jones is well aware of the issues within his departments of the city and has refused to act upon them as well. In addition, Manager Jones has promised CFFA Local 660 meetings that never occurred. He has engaged in the act of negligent retention by continuing to employ Chief Johnson, a recognized liability to the City of Charlotte.
3. LACK OF ADEQUATE STAFFING AND FUNDING.
- a. Chief Johnson has readily admitted that the CFD is operating with a FY2018 budget. Chief Johnson has repeatedly allowed Manager Jones to strip funding from the fire department. The fire department has significantly grown, increased coverage area, and increased call volume in the last four years. However, the CFD budget has stagnated. Chief Johnson has repeatedly and openly blamed Manager Jones and City Council for focusing on initiatives that a detrimental to public safety.
 - b. The personnel study that was conducted by Management Partners recommended the "relief factor" for each position be increased to 4.1 from 3.8. This report was buried by Chief Johnson and the City. This report only came to light during

discovery for current lawsuits as it has been intentionally marked confidential and not shared with committee members who requested it or the CLTCC. This would put our current shortage about 70-80 people instead of the 25-30 that is consistently shown.

- c. It is understood that during the pandemic, all employees stepped up and filled in almost all the spots that were vacated because of illness. That does not mean we are still not short positions. Currently, we have mandatory hireback and the cancellation of Kelly numbers through the middle of August. This is not because of a pandemic; it is the shortage of manpower. This cancellation of Kelly numbers is projected to continue through to the end of the year.
- d. Positions have been created by this administration, and previous administrations, by “trading in” operations positions and not acquiring the proper funding through budget. This has led to even more shortages in the operations division and these new positions are not accounted for in the staffing model.
- e. Turnover is a major problem in Alarm. Chief Johnson refuses to pay Alarm members a market competitive salary. For those who remain, because of the staffing shortage, they are required to work mandatory overtime. In many cases, communicators work an eight-hour shift, are required to work another eight hours, allowed to go home and rest for eight hours, and then return and do it all again the next day. There are multiple shifts in Alarm operating with absolute minimum staffing. Minimum staffing leaves no margin for accommodating a sudden large volume in calls. Recent resignations from communicators in Alarm state toxic CFD culture as a primary reason for leaving.
- f. The staffing shortages in CFD Operations will continue to worsen in the foreseeable future because of the following:
 - i. The early retirements or the retiring of employees when they reach the minimum qualifications for retirement. We are no longer see the 30-year employee for the fire department. The common factor in these retirements is frustration with administration.
 - ii. Increase in sick days because of COVID-19, lack of available childcare, and stress-related health problems.
 - iii. Higher than normal turnover rates, especially those with one to five years of service.
 - iv. An additional week of military leave by the city without providing additional personnel.
 - v. The use of Paid Parental Leave without providing additional personnel.
 - vi. The addition of three safety captains without providing additional relief personnel when they are on leave.
 - vii. The number of personnel forced off the truck because of NFPA 1582 physicals.

- viii. The lowest recruitment numbers the department has seen in the last twenty-five years.
- ix. The high turnover of the civilian employees who work at the CFD.

We, the Charlotte Firefighters Association Local 660, do hereby affirm this vote of No Confidence for City Manager Marcus Jones and Fire Chief Reginald Johnson and submit it into the record to the Charlotte City Council on this date:
