

Office of the Naval Inspector General

**OSC DI-16-5887
NAVINSGEN 201700305**

Report of Investigation

**ALLEGED FAILURE BY FIRE AND EMERGENCY SERVICES
TO CREATE AND MAINTAIN TRAINING RECORDS
AT NAVAL STATION NEWPORT, RHODE ISLAND**

9 June 2017

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9 June 2017

Preliminary Statement

1. This report was prepared pursuant to an 18 January 2017 letter from the U.S. Office of Special Counsel (OSC) tasking the Secretary of the Navy (SECNAV) to conduct an investigation under Section 1213 of Title 5 of the United States Code (5 U.S.C. § 1213).
2. OSC is an independent federal agency whose primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices. OSC also serves as a channel for federal workers to make allegations of: violations of law; gross mismanagement or waste of funds; abuse of authority; or, a substantial and specific danger to the public health and safety.
3. Reports of investigations conducted pursuant to 5 U.S.C. § 1213 must include: (1) a summary of the information with respect to which the investigation was initiated; (2) a description of the conduct of the investigation; (3) a summary of any evidence obtained from the investigation; (4) a listing of any violation or apparent violation of any law, rule, or regulation; and, (5) a description of any action taken or planned as a result of the investigation, such as changes in agency rules, regulations, or practices, the restoration of any aggrieved employee, disciplinary action against any employee, and referral to the Attorney General of any evidence of criminal violation.

Information Leading to the OSC Tasking

4. The OSC tasking letter stems from a complaint to OSC alleging that employees at the Department of the Navy (DON), Naval Station (NAVSTA) Newport, Rhode Island, Fire and Emergency Services (F&ES), may have engaged in conduct that constitutes a violation of law, rule, or regulation; gross mismanagement; and, a substantial and specific danger to public safety. Specifically, the tasking letter states that Complainant, Mr. George Haywood, a firefighter and

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paramedic, alleged that the F&ES administrators¹ created and maintained training records in the Enterprise Safety Applications Management System (ESAMS)² falsely reflecting that F&ES personnel completed both mandatory and voluntary training courses. Mr. Haywood further alleged that F&ES personnel did not receive requisite training to allow F&ES personnel to perform their duties safely and responsibly. OSC stated that Mr. Haywood, hereafter referred to as the “Complainant,” consented to the disclosure of his name.³

5. Complainant, a Firefighter and Hazardous Material Technician (HAZMAT TECH)/ Paramedic, has been an employee of the NAVSTA Newport Fire Department since October 2015. He has 20 years of experience as a firefighter. His duties include, but are not limited to, responding to patients during emergency medical calls, responding to emergencies regarding hazardous materials, and responding to fires involving NAVSTA Newport facilities.

6. The OSC tasking letter stated:

[Complainant] reported that he first became aware of the falsified training records in April 2016. He explained that his [ESAMS profile] indicated that he had completed training that he did not receive. After opening these records, [Complainant] discovered that F&ES administrators had verified that he completed training courses he did not attend. [Complainant] spoke to other firefighters and F&ES personnel who also stated that they did not attend numerous training courses that were marked completed in their ESAMS profiles. According to [Complainant], the majority of the training courses improperly marked as completed were required training courses necessary to maintain credentials to perform emergency services.

In June 2016, [Complainant] accessed the ESAMS portal again and discovered additional falsified training documents. In total, [Complainant] provided a list of approximately 60 training courses from his ESAMS personnel file, which were marked completed, that he did [not] attend. [Complainant] explained that during the times that these courses had supposedly taken place according to the ESAMS records, management ordered F&ES personnel, including [Complainant], to complete assignments around the base. [Complainant] noted that the department maintains a daily journal of tasks performed by staff, and stated that a comparison of the training records against the daily journal would reveal that F&ES personnel never attended the courses described in ESAMS.

¹ “F&ES administrator” refers to personnel with administrative permissions in ESAMS that enable them to input training records on behalf of other personnel. Not all F&ES administrators are F&ES supervisors. **Note:** Footnotes are designated by numbers and endnotes (indicating reference material) by Roman numerals.

² ESAMS is an online training portal that maintains a database for all training completed by F&ES employees. All F&ES employees have access to view their completed trainings in ESAMS but only a limited number have administrative rights that allow them to create records, upload training records, and input names of individuals who completed training.

³ Complainant was also identified as Firefighter #1.

Department of Defense Instruction (DoDI) 6055.06, 6.10 requires that the Navy “ensure fire departments are prepared, *by virtue of appropriate training and equipment*, to respond (both on and off the installation) to emergencies involving facilities, structures, aircraft, transportation equipment, HAZMAT, and both natural and man-made disasters (including acts of terrorism).” See DoDI 6055.06, *DoD Fire and Emergency Services (F&ES) Program* (emphasis added). [Complainant’s] disclosure suggests that F&ES personnel may not have the requisite training or qualifications to assist in different types of emergencies, impairing the agency’s ability to accomplish its mission.

[Complainant] stated that ESAMS incorrectly noted that he had received firefighter training on responding to shipyard fires; however, given his lack of training or experience in handling shipyard emergencies, he is not prepared to properly execute his duties in this type of situation. The lack of requisite training provided by the agency may also constitute a substantial and specific danger to public safety, because, should fire or medical emergencies occur on a shipyard, [Complainant] and other F&ES personnel may not be able to properly respond to the emergency. The ESAMS portal also incorrectly shows [Complainant] as having completed nearly 50 courses that are required for F&ES employees, including “HAZMAT Level II Analyzing the Hazardous Materials Incident Skills”; Confined Space Rescue Drill Practical Exercises”; and, “Fireground Operations Ladders Skills.”

7. The OSC tasking letter referred the following allegations for investigation:

- (1) F&ES Administrators improperly created and maintained training records reflecting that F&ES personnel completed both mandatory and voluntary trainings; and,
- (2) F&ES personnel did not receive requisite training to perform their duties safely and responsibly.

Summary of Conduct of the Investigation

8. After receiving the OSC tasking letter, SECNAV tasked the Office of the Naval Inspector General (NAVINSGEN) to conduct the investigation.

9. NAVINSGEN, in turn, directed the Commander, Navy Installations Command (CNIC) to assist in the investigation because NAVSTA Newport F&ES falls within the CNIC chain of command.

10. At the outset of the investigative effort, the NAVINSGEN Investigating Officer (IO) interviewed Complainant by telephone. Information provided by Complainant that was not contained in the OSC tasking letter appears in the findings of fact as appropriate.

11. During the course of the inquiry, the NAVINSGEN and CNIC IOs interviewed 21 witnesses by telephone or in person. They also reviewed hundreds of documents, including NAVSTA Newport F&ES ESAMS training records, Standard Labor Data Collection and Distribution

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Application (SLDCADA) time and attendance (T&A) records, Dispatch Journals, and Daily Attendance Reports, as well as applicable instructions and regulations, contracts, audits, and e-mails.

Summary of Allegations and Conclusions

12. Based on the contents of the OSC tasking letter and a preliminary review, NAVINSGEN structured the investigation around two allegations that assert F&ES administrators at NAVSTA Newport improperly created and maintained training records, and F&ES personnel did not complete requisite training to perform their duties safely and responsibly. During the course of the investigation, the IOs also identified an issue regarding trading time or time swapping, a common practice in the firefighting community. This issue has been addressed in Allegation One.

13. The allegations are:

Allegation One: That F&ES Administrators improperly created and maintained training records reflecting that F&ES personnel completed both mandatory and voluntary training in violation of DoDI 6055.06 (*DoD Fire and Emergency Services (F&ES) Program*), 21 December 2006, Paragraph 6.10, and Office of the Chief of Naval Operations Instruction (OPNAVINST) 11320.23G (*Navy Fire and Emergency Services Program*), 4 February 2013, Chapter 11. **Substantiated.**

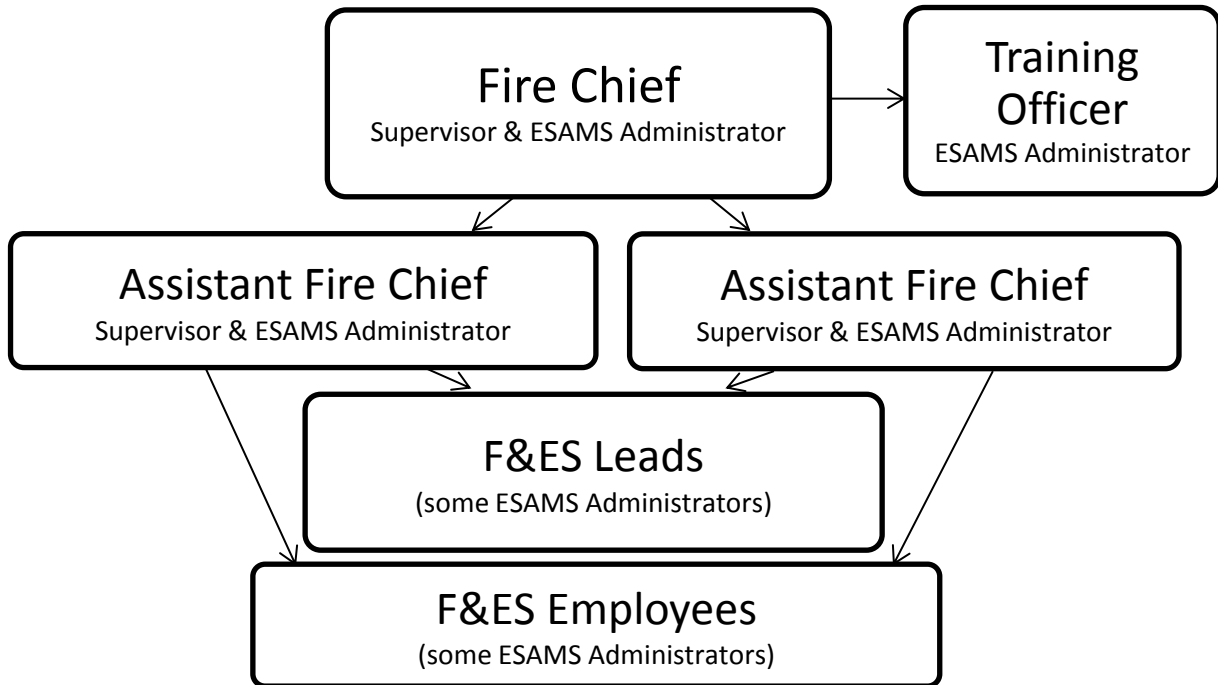
Allegation Two: That F&ES personnel did not receive requisite training to perform their duties safely and responsibly in violation of OPNAVINST 11320.23G, Chapter 11, Paragraph 2.a.⁴ and DoD 6055.06-M (*DoD Fire and Emergency Services Certification Program*), February 2006, incorporating Change 1, 16 September 2010, Paragraph C3.3.1. **Substantiated.**

Background

14. NAVSTA Newport is located in Newport, Rhode Island. NAVSTA Newport is home to 50 Navy, Marine Corps, Coast Guard, and U.S. Army Reserve commands and activities. It is the Navy's premier site for training officers, officer candidates, senior enlisted personnel and midshipman candidates, as well as testing and evaluating advanced undersea warfare and development systems. Approximately 5,800 employees work aboard NAVSTA Newport, with an additional 17,000 students annually passing through one of its many schools (to include the Navy Supply Corps School, the U.S. Marine Corps Aviation Logistics Tactical Information Systems School, the Naval War College, and Officer Training Command Newport).

⁴ OPNAVINST 11320.23G, Chapter 11, Paragraph 2.a. states in part, "F&ES personnel shall have full ownership of their training responsibilities to ensure they obtain certification and maintain proficiency in F&ES and EMS [Emergency Medical Service] skills."

15. The NAVSTA Newport Fire Department’s organizational chart is depicted below:



16. NAVSTA Newport is an Echelon IV command reporting to Commander, Navy Region Mid-Atlantic (CNRMA) (Echelon III) who in turn falls under CNIC (Echelon II). The Fire Department’s mission is to provide fire and Advanced Life Support (ALS) emergency medical services (EMS) and hazardous materials (HAZMAT) responses, as well as non-emergency support services to NAVSTA Newport. As of April 2017, the Total Workforce Management System (TWMS) reflects that the department is staffed with 29 personnel, 26 of whom are bargaining unit members covered by the Fair Labor Standards Act (FLSA).⁵ The Fire Department F&ES employees provide services 24 hours a day, seven days a week by responding to emergencies both on and off the installation via reciprocal mutual aid agreements with the surrounding community. Members of the NAVSTA Newport F&ES staff are also responsible for fire prevention, fire inspection, code and regulatory compliance, construction plan reviews, and public fire education.

17. The NAVSTA Newport F&ES personnel use the ESAMS system to document completion of training. ESAMS is the electronic system that the CNIC F&ES Program Office uses to track both web-based and classroom training. It allows safety, F&ES, emergency management, and force protection professionals to record electronic data records online. Through ESAMS, reports can be generated with various fields including, but not limited to, the employee’s name, the course name, the course creator,⁶ the instructor’s name,⁷ the start date,⁸ and the time the training

⁵ With the exception of the supervisory staff (the chief and his two assistants), the NAVSTA Newport Fire Department F&ES employees are represented by the International Association of Fire Fighters, Local F-100.

⁶ The person who entered the course and participant information into the ESAMS database.

took place. NAVSTA Newport F&ES employees are granted permissions based on their need to access and input data. All F&ES personnel have “permission” view, *i.e.*, they can view their own training records. ESAMS administrators can access and input data on behalf of other F&ES personnel. The Chief, two Assistant Chiefs, and the Training Officer were administrators during the relevant time period. At various times, other F&ES employees were administrators as well.

18. The NAVSTA Newport F&ES personnel use SLDCADA to track their T&A. Information from SLDCADA is used to track various types of leave and pay information. Certification of T&A in SLDCADA is considered an official authorization for expenditure of government funds. All F&ES personnel have permission to input data for their own T&A and supervisory personnel can access, input data, and approve T&A for their subordinates.

Summary of Evidence Obtained During Investigation

Allegation One

That F&ES administrators improperly created and maintained training records reflecting that F&ES personnel completed both mandatory and voluntary training in violation of DoDI 6055.06, Paragraph 6.10, and OPNAVINST 11320.23G, Chapter 11. **Substantiated.**

Findings of Fact

19. DoDI 6055.06 establishes DoD’s F&ES Program and makes the Head of each DoD Component responsible for its F&ES Program, to include ensuring that F&ES staff are qualified and trained. DoDI 6055.06 Paragraphs 5.5.4 and 5.5.13. Paragraph 6.10 requires fire departments to be prepared “by virtue of appropriate training” to handle emergencies. DoD 6055.06-M, issued under the authority of DoDI 6055.06, establishes “professional qualification standards, standardized training, and certification procedures for all DoD [F&ES] personnel.” OPNAVINST 11320.23G implements DoDI 6055.06 for the DON. Chapter 11, Paragraph 1 of OPNAVINST 11320.23G states that training programs shall be developed and implemented in accordance with, *inter alia*, DoDI 6055.06 and DoD 6055.06-M. While the F&ES chief is responsible for administering the training program (Chapter 11, Paragraph 11), Chapter 11, Paragraph 2 states, in part, “F&ES personnel shall have full ownership of their training responsibilities to ensure they obtain certification and maintain proficiency in F&ES and EMS skills.” Chapter 11, Paragraph 12 requires F&ES departments to maintain individual training records in ESAMS.

20. The NAVSTA Newport Fire Chief began serving in this position in 2003 and had worked for the federal government for approximately 33 years.⁹ He was the management official in charge of the NAVSTA Newport Fire Department and had ESAMS administrative rights¹⁰ that

⁷ The person who taught the class.

⁸ The day the class was given.

⁹ The Fire Chief was also identified as Firefighter #3.

¹⁰ On 17 March 2017, the NAVSTA Newport Fire Chief’s ESAMS rights were restricted to allow him the right to review reports only.

allowed him to review and create F&ES employee training records. When asked about the purpose of training for his personnel, he stated, “[t]he purpose is obviously to keep their skills up, and the training comes from a regional plan [that] is sent to my Training Officer,¹¹ and then [the Training Officer] tailors the monthly plan based on our needs here, because our needs are different....”¹² According to the NAVSTA Newport Fire Chief, the Training Officer is responsible for scheduling and ensuring training is conducted, in addition to maintaining training records. NAVINSGEN attempted to conduct a follow-up interview with the Fire Chief, but he refused.

21. The NAVSTA Newport Training Officer held this position for approximately 15 months and had been employed by the NAVSTA Newport Fire Department for three-and-one-half years. He received training requirements from the CNMRA Training Chief and tailored the training to meet the needs of NAVSTA Newport F&ES personnel. The Training Officer is responsible for creating the training schedule, ensuring training is recorded, and making sure personnel take make-up courses when classes are missed. The Training Officer has ESAMS administrative rights that allow him to review and create F&ES employee training records.

22. When asked if training was not conducted from early 2016 up until the OSC investigation began, the Training Officer stated, “I have no idea. I don’t conduct the actual trainings. I don’t physically teach the trainings. I don’t know what the companies do. I am in my office behind my desk, behind my computer doing my wonderful spreadsheets.” The Training Officer’s position description indicates this billet is responsible for preparing and instructing courses, in addition to maintaining training records.

23. Complainant began his employment at the NAVSTA Newport Fire Department in October 2015 as a Firefighter/Paramedic with responsibilities ranging from responding to calls related to fire emergencies and emergency medical calls on and off the NAVSTA Newport installation. After reviewing his ESAMS training records in April 2016, Complainant grew concerned because entries in ESAMS reflected that scheduled training had been completed even though none had been conducted since NAVSTA Newport F&ES personnel were completing other tasks. Complainant was worried because continuing education is meant to facilitate safe and efficient treatment of patients. Complainant also alleged that the records generated by ESAMS were fraudulently used to certify to the National Registry of Emergency Medical Technicians (NREMT) that required continuing education classes had been conducted.

24. Complainant forwarded his training record, generated from ESAMS, to OSC and indicated with black dots the specific courses he had not completed that were improperly and falsely recorded as having been completed.

25. Complainant’s ESAMS training record was cross-referenced with Dispatch Logs¹³, Daily Activity Logs¹⁴, and T&A Records¹⁵ from SLDCADA. This cross-reference provided

¹¹ The Training Officer was also identified as Firefighter #2.

¹² The interview with the Fire Chief was terminated after he indicated he was very volatile and became combative. After a discussion with the Base Commanding Officer and attorneys at NAVINSGEN, the investigators had no further contact with the Fire Chief.

¹³ Records created for the movement of F&ES employees and vehicles out of the fire station.

verification that Complainant was engaged in activities other than training during 30 out of the 71 ESAMS training courses which Complainant's training record reflected he had completed but he said he did not complete.

26. Additional discrepancies included three instances in which Complainant was not at work because he was on leave (4 January 2016, 21 June 2016, and 23 June 2016) and one instance (11 July 2016) that was Complainant's scheduled day off, yet the ESAMS record showed that he completed training on those days. Complainant confirmed that his time card accurately reported the days that he was not at work and that he did not complete any training courses on those dates although ESAMS reflected that he did. These were not isolated instances. A review of ESAMS records revealed that there were 110 other instances where personnel were on leave or off duty on days that a course creator (someone other than the employee) recorded in ESAMS that the employee had completed a course. Several NAVSTA F&ES employees testified that their time cards accurately showed that they were not at work on the same day their ESAMS records showed that they completed courses. For example, Firefighter #10 noted that he could not have taken a training course listed in his ESAMS record because he was on vacation at Disney World at that time and Firefighter #9 similarly confirmed he was on vacation on a date that ESAMS records showed him as having completed training.

27. The Training Officer provided us a copy of the NAVSTA Newport Fire Department's ESAMS training records from January 2016 to January 2017, a total of 8,886 individual training records. Of these records, 7,051 did not have an instructor listed as teaching the course – that field was left blank. Several different NAVSTA Newport F&ES personnel were listed as the “course creator” but failed to input the instructor's name; therefore, we could not confirm the accuracy or validity of the 7,051 records because the majority of the course creators could not remember the instructors that taught the classes. The review found 518 records reporting that NAVSTA Newport F&ES employees (including Complainant) had completed Shipyard Training.¹⁶ The course descriptions for these classes state “will include dry-dock....” NAVSTA Newport is not a shipyard and does not have a dry dock where such courses could feasibly have taken place. CNIC F&ES SMEs indicated that this error was due to an administrative oversight in the wording of the course titles and descriptions and that shipyard dry-dock related training was not CNIC's intent for the courses. The SME indicated that the title should have read “Shipboard” training vice “Shipyard” training.

28. During the interviews, NAVSTA Newport F&ES personnel consistently indicated that when training is held, there are no hardcopy rosters passed around during training that the attendees sign or initial certifying that they were in attendance. Firefighter #9 testified that whenever he is an instructor and is done teaching a class, he logs into ESAMS as the course creator and uploads the attendees who were in attendance based only on his personal recollection of who was there. To assist in his recollection, he uses the names listed on the Fire Station's Daily Attendance Report.

¹⁴ Daily activity logs are used to track the work schedules of the NAVSTA Newport Fire department F&ES employees. Days that do not list an employee's name are considered off days for that employee.

¹⁵ NAVSTA Newport Fire department F&ES employees work 24-hour shifts every other day.

¹⁶ #4414 Ship Yard F&ES Responder Training - On Board Vessel Familiarization Tour & Pre Plan Visit and #4415 Ship Yard F&ES Responder Training- Practical Drills.

29. The two Assistant Fire Chiefs (Firefighter #7 and Firefighter #20) noted that they were routinely granted credit for courses they did not complete in their entirety. Both supervisors stated that they merely had to sit in classroom training for approximately 20 minutes to obtain full credit for completing the course in ESAMS.

30. A Union Vice President (Firefighter #12) testified that management (Fire Chief and Assistant Chiefs) forced him to sign blank training records. When asked what training classes he was signing for he replied, "Couldn't tell you." He further asserted that he signed the blank training documents because he did not want to get in trouble or written up (as he claimed to have been in the past). Firefighter #12 said he believed that management purposely kept the rosters (daily attendance logs) from the employees to prevent them from questioning the accuracy of their training records.

31. The Union President (Firefighter #4) asserted that prior to September 2016, the NAVSTA Newport Fire Department did not conduct training on Sundays. However, the ESAMS training logs from January to July 2016 recorded 515 training courses as having been completed on Sundays.

32. Firefighter #13 testified that prior to September 2016, training was not held in the NAVSTA Newport Fire Department on Sundays because that was considered a "down" day. He also testified that he was specifically directed to enter fraudulent training records into ESAMS by a lead firefighter (whom he did not identify)¹⁷ at the Newport Fire Department in July 2016. He stated he was directed to enter two separate classes into ESAMS on 31 July 2016, each showing attendance by 10 employees, for a total of 20 records for training that never took place. Firefighter #13 stated that management entered information into ESAMS to make it look like the staff provided training even though the training did not actually take place. Regarding his reaction to the request to enter fraudulent training data, he stated:

I didn't think anything of it. It had appeared to be standard practice. Everybody was doing it. When I originally got back into the fire department as of March of last year [2016] we never had training classes. We never sat in room and went through them. We had training drills, but we never had formalized classroom training; that all changed as of late last year. All of a sudden kind of turn of the moment we were all brought into classrooms at 9:30 and at 1:00 and starting doing actual classroom training. That was a real drastic change, which I had never seen before ... Since we started this transition, though, there are no supervisory firefighters in the trainings. So our assistant chief I have not seen him except for maybe a couple – sitting in on the training classes. So even to this date they're still entering people in that are not actually in the training classes.

33. Firefighter #11 stated that his erroneous entries were administrative oversights. He recorded erroneous training data for F&ES employees 18 times between January 2016 and January 2017.

¹⁷ Lead Firefighters are not management officials.

34. We asked other NAVSTA F&ES administrators about courses they entered into ESAMS as completed on behalf of other F&ES employees while those employees were either on leave or off duty. With the exception of Firefighter #13 who stated he was directed to enter fraudulent information into ESAMS, the other course creators consistently stated that their erroneous entries were administrative oversights.

35. A retired¹⁸ Firefighter/Emergency Medical Technician (EMT) (Firefighter #6) with 22 years of service at NAVSTA Newport Fire Department explained that he formerly served as an assistant training Non-Commissioned Officer (NCO) in the Army and therefore was familiar with the benefits and importance of training. He noted that a lack of training could be held against the employee or the Fire Department if someone were to get hurt, but that NAVSTA Newport Fire Department employees were afraid to complain about training because they knew they would be punished by having to do “uncomfortable” and “non-meaningful” training exercises as a form of retaliation. According to Firefighter #6, his superiors required him to sign off on firefighter-related training classes that he did not attend; that routinely, at the end of the day, a sheet would get routed to him claiming that he attended training and he was ordered to sign it. He added that when he refused to sign a training attendance certification sheet, he would be called into the Fire Chief’s office where the Fire Chief would scream at him, belittle him, or threaten to transfer him to another shift if he did not sign it. He stated that he signed off on training he did not attend because he did not want to disobey a direct order. When asked about training at the NAVSTA Newport Fire Department, he testified that training was “a joke” and usually “pencil whipped.” He added:

There was all kind of different training matrix that, you know, they had followed. But a good 80 or 90 percent of the time, like I said, it was just pencil-whipped [not based on actual events, just a guess]. The captain would write up a small board up on a piece of paper, a training sheet, put everybody’s name on there, and you were required to sign it.

36. Complainant also raised concerns about the impact of the inaccurate ESAMS records on F&ES employees’ NREMT certification. Employees with NREMT certifications rely upon the data contained in ESAMS to support completion of required continuing education requirements. These employees are able to download a list of classes completed from their ESAMS training records for submission to the NREMT as part of their recertification application to meet their continuing education requirement. In addition to the list of courses completed, the application requires the signature of the applicant and the Training Officer or supervisor for the NREMT certification.¹⁹ By signing the application, the individuals certify to the following statement:

I hereby affirm that all statements on the EMT-Paramedic Recertification Form are true and correct, including the copies of cards, certificates NREMT EMT-Paramedic refresher attachment. It is understood that false statements or documents may be sufficient cause for revocation by NREMT. It is also

¹⁸ His retirement date was 31 January 2016.

¹⁹ There is also a local certification portion that is required to be signed by a Physician Medical Director that works in a local hospital in Newport, Rhode Island. This individual does not have access to ESAMS training records.

understood that NREMT may conduct an audit of the recertification activities listed at any time.

37. Firefighter #10 (Firefighter/Paramedic), who recently submitted an application for recertification to the NREMT, relied on the veracity of the information contained in ESAMS and from the Training Officer to verify his training. Of 66 total courses listed on Firefighter #10's NREMT application dated 6 January 2017, eight were recorded as completed in ESAMS on dates the employee was absent from work according to his certified T&A records. Both Firefighter #10 and the Training Officer erroneously certified that the training listed as completed in the Firefighter/Paramedic's NREMT recertification application was accurate. The Training Officer stated that he did not retain copies of the applications after he received the approved certification itself from the NREMT and/or state of Rhode Island. We were only provided one application for recertification to review.

38. During the course of this investigation, we learned that the F&ES employees engaged in trading time, which had an impact on the veracity of the training records. Trading of time is a common practice among firefighters, and is an accepted practice for federal firefighters, provided the time traded is within a single pay period. The procedures for trading time are typically set forth in the collective bargaining agreement with the relevant agency, but permit two employees to voluntarily swap their shifts, without having any impact on hours worked or pay for that pay period.²⁰

39. We cross-referenced ESAMS training records from January 2016 to January 2017 with the Dispatch Logs, Daily Activity Logs, and SLDCADA T&A Records for the same period and found inconsistencies. The Training Officer indicated that these inconsistencies could be related to individuals that traded/swapped shifts. In a sample size of 12 out of 28 employees, we compared their T&A Records with the ESAMS training records and Daily Activity Log records and found 100 instances of Newport Fire Department F&ES personnel that swapped shifts with other F&ES employees that were not reflected in SLDCADA. These SLDCADA time cards were reviewed and certified as accurate by the NAVSTA Newport Fire Department supervisory personnel. The NAVSTA Newport Fire Chief, Firefighter #7, and Firefighter #20 are the supervisory personnel responsible for reviewing and certifying NAVSTA Newport F&ES T&A Records. We found that Firefighter #7 and Firefighter #20 were responsible for approving the majority of the inconsistent T&A Records.

40. The NAVSTA Newport Fire Department established a Standard Administrative Procedure (SAP) 102.05, dated 1 February 2016, for addressing trading/swapping shifts. Regarding the trade/swap shift policy, we found that Newport Fire Department F&ES employees were

²⁰ A 1987 Federal Labor Relations Authority (FLRA) decision (IAFF, Local F-48 vs Naval Station, Mare Island, 28 FLRA 137) upheld an arbitrator's decision that federal firefighters are not covered by 29 C.F.R. Part 553, but by the Civil Service Commission (or OPM). It referenced a 1977 Civil Service Commission letter limiting the trading of time to within one given pay period, *i.e.*, could not trade time in pay period 3 for time in pay period 5. Neither the letter nor the FLRA 1987 decision address the issue of accounting for the swap in official time keeping records.

instructed²¹ not to change their SLDCADA time cards to accurately reflect the days they actually worked.

41. The NAVSTA Newport Fire Chief explained that no one from payroll (CNIC N8) reviewed or approved his issuance of SAP 102.05. The NAVSTA Newport Fire Chief further stated it was his understanding that “trade time” is an accepted practice in the DoD fire [service/departments] for as long as he can remember and that it is authorized in accordance with 29 Code of Federal Regulations (C.F.R.) § 553.31.

42. SAP 102.5 sets forth procedures for the trading of time at NAVSTA Newport. Section 4.2 requires: “Trading of time shall be conducted within the same time period. . . . Employees involved in a trade shall notify all Captains of the date, times, and number of hours requested via e-mail. Any Captain, ASAP will review, approve, and forward to all Asst. Fire Chiefs as well as CC’ing all Captains and all personnel that are involved in the trade time.” While we could find no reference to trade time in NAVSTA Newport’s collective bargaining agreement, SAP 102.05 is very similar to the trade time provisions in other DoD firefighter collective bargaining agreements (and is signed by NAVSTA Newport and the local union). The SAP does not address accounting for traded time in SLDCADA.

Discussion and Analysis

43. We concluded Allegation One was substantiated due to a preponderance of evidence. Falsified records were created that reflected personnel completed training they did not actually receive or complete. These falsified records were corroborated by records that showed the same personnel were on leave or otherwise unavailable to take the training. In addition, records were created without all the fields populated, making it difficult to verify if, in fact, the training was actually completed by the employee. The relevant provisions of DoDI 6055.06 and OPNAVINST 11320.23G cited in Paragraph 21 above clearly establish that F&ES personnel are subject to training requirements and such training must be documented. CNIC implemented a system to track that training. While the applicable Instructions do not explicitly state that records documenting training be accurate, it is implicit in both as there can be no purpose to having a training program and records systems based on false, incomplete, and inaccurate records. The facts uncovered during this investigation demonstrate that training records for NAVSTA Newport were improperly created by multiple F&ES personnel, to include administrators, and entered and stored in ESAMS.

44. We found that between January 2016 and January 2017, NAVSTA Newport F&ES ESAMS administrators failed to properly create and maintain training records in ESAMS. This was evidenced by more than 7,000 training records without an instructors’ name listed, 110 instances of erroneously recorded training for multiple personnel who were on leave or off duty, and one F&ES employee with false training information listed on his NREMT recertification application. Witness statements indicate training on Sundays from January to July 2016 did not take place at the NAVSTA Newport Fire Department, yet records falsely document such training. In addition, in some instances a full credit was given in ESAMS for courses that the employees only partially

²¹ Only supervisory personnel are responsible for reviewing and certifying T&A in SLDCADA.

completed. Further, since NAVSTA Newport is not a shipyard and does not have a dry-dock, the 518 shipyard courses could not have substantively taken place consistent with the course titles/descriptions as shown in ESAMS.

45. Testimonial evidence demonstrates that F&ES personnel at NAVSTA Newport were not concerned about training or accurately documenting it. According to his own testimony, the Training Officer had little or nothing to do with the training program, despite it being his responsibility. Testimony from two assistant fire chiefs demonstrates that they knew about the inaccurate reporting of training completion (and some of their own training was incomplete), yet there is no evidence they attempted to correct the practices. The testimony also indicates that employees feared retaliation and complied with direction by supervisory staff to sign off on falsified training.

46. We believe the trade time practices contributed to the inaccuracies in the training records.²² Based on the testimony and time records, it would appear that the common trade time practices make it difficult, if not impossible, for a fire station to state with certainty who worked what shift on what date. The fact that NAVSTA F&ES supervisors and the Training Officer (and instructors) were lax in determining who was present for training and sometimes relied on attendance records that did not necessarily reflect accurately who was actually present due to the time swaps contributed to the lack of integrity in the training records in violation of DoD and Navy requirements. While the time swaps are permissible, they do not create an exception to the requirement that training records be accurate.

47. Based on the testimonial and documentary evidence, training records for F&ES personnel at NAVSTA Newport are incomplete and inaccurate for the period January 2016 to January 2017. These errors and inaccuracies are a direct result of action and inaction on the part of the F&ES personnel responsible for the training program and administering ESAMS. The evidence shows that most F&ES personnel also bear some responsibility for the input of false, erroneous, and/or inaccurate data. As a result of the inaccuracies found in the records reviewed (and in light of the testimony of the F&ES personnel), it is likely that training records prior to 2016 were also erroneously created, and thus may not be valid. Training records prior to 2016 were not included in the scope of the analysis for purposes of this investigation. To accurately assess the extent of the problem, prior years would have to be reviewed.

Conclusion

²² We also note that trade time practices may be inconsistent with time-keeping requirements. DoD 7000.14-R, Financial Management Regulation, Volume 8, Chapter 2, Paragraph 020202.A., states “when approving T&A, all supervisors, other equivalent officials, or higher-level managers must certify, to the best of their knowledge, that work schedules are accurately recorded. An employee’s supervisor should be aware of an employee’s work schedule, leave taken, and any absence from duty and must review and approve the T&A to ensure its accuracy. Supervisors must ensure that exceptions to the employee’s normal tour of duty are recorded in a timely and accurate manner.”

The allegation that F&ES administrators²³ improperly created and maintained training records reflecting that F&ES Personnel completed both mandatory and voluntary training in violation of DoDI 6055.06, Paragraph 6.10, and OPNAVINST 11320.23G, Chapter 11 is **substantiated**.

Recommendations

48. That CNIC take immediate action on the items set forth in the letter (11320 Ser N3/17U054 dated 31 March 2017) presented below.
49. That CNIC review trade time practices to ensure that they are in compliance with all applicable laws and regulations, to include those governing time and attendance and pay.
50. That CNIC review this report to determine what, if any, personnel actions should be taken.

Actions Taken/Actions Planned

51. By letter 11320 Ser N3/17U054 dated 31 March 2017, CNIC directed all Region Operations Officers (N3) to work with installation commanders, the Region F&ES Chief, and Region Employee Labor Relations personnel to immediately implement the following actions with regard to F&ES training programs at *all* installations throughout CNIC, to include NAVSTA Newport:

- a. All F&ES proficiency training will include didactic training and skills practice. Fire drills and exercises will be conducted to validate proficiency training. Drills and exercises will not be used in lieu of conducting didactic and skills practice.
- b. All F&ES training will be recorded in ESAMS, the F&ES information system (IS) of record, per guidance provided in the Enterprise Safety Application Management System, Training Administration User's Manual of 16 November 2016.
- c. The "Instructor Field" in ESAMS will be populated on every F&ES training report.
- d. Only personnel on-duty who attend training sessions will be listed on the training report. F&ES personnel shall not conduct or attend Navy F&ES training while in an off-duty status.
- e. A new training report with the actual date and time of training will be generated for firefighters requiring make-up training. Make-up training will not be added to the original training report.
- f. The instructor will print the training report with the attendance roster and each student will sign the report to validate their attendance.
- g. The Training Chief, Assistant Chief of Operations, or a supervisory fire officer will sign

²³ "Administrator" refers to personnel with access rights in ESAMS with regards to created training records.

the training report to validate that the training was conducted and the attendance is accurate.

- h. The attendance roster will be scanned (if possible), attached to the electronic report (e-report) and closed-out in ESAMS on the day of training. If the report cannot be scanned or attached to the e-report, the hard copies will be retained in accordance with SECNAVINST 5210.8E.
- i. Firefighters who obtain individual medical continuing education units while off-duty and would like to record the training in ESAMS, will be required to obtain and present a course certificate or proof of training to the Training Chief or the appointed training point of contact. The Training Chief will then create the appropriate training record in ESAMS and attach a scanned copy of the document to the e-report.
- j. Region Fire Chiefs will ensure periodic audits of the training program are conducted to ensure personnel are certified for their duty position and assess overall participation in F&ES proficiency training to the standards outlined below:
 - (1) Critical proficiency training: 100 percent annual attendance or make up required.
 - (a) Safety training: ESAMS duty tasks; F&ES 01 Annual safety training; F&ES 02 Safety training operations personnel.
 - (b) Live fire training.
 - (c) Emergency vehicle operator course.
 - (d) Cardiopulmonary resuscitation.
 - (e) Emergency medical service re-certification(s).
 - (2) Supplementary proficiency training assigned by duty task: At least 90 percent annual attendance required (by person per duty task); when participation falls below 90 percent, make-up training is required.
- k. Training sessions interrupted for any reason, including emergency response, will not be recorded as a complete until the remainder of the training is completed. The training report will note if the class was interrupted and the reason for the interruption.
- l. F&ES personnel will not sign training reports for training they did not give or receive.
- m. The Region F&ES chief will review [the 31 March 2017 letter] carefully to determine any impact to the fire department and identify any potential change to working conditions for F&ES personnel. The F&ES chief will provide a copy of [the 31 March 2017 letter] and consult with Labor Employee Relations professionals to determine the potential labor relations impact of the changes, and if notifications to bargaining units are required. Any required impact and implementation will be completed prior to implementation of the directed changes when applicable.

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52. CNIC has updated the ESAMS training course titles and objectives to clarify the previous shipyard training courses are applicable to other port and berthing locations, and not just shipyards:

- a. ESAMS Course #4413 – Shipboard F&ES responder training – classroom session.
- b. ESAMS Course #4414 – Shipboard F&ES responder – on board vessel familiarization tour and pre-plan visit.
- c. ESAMS Course #4415 – Shipboard F&ES responder training – practical drills.

53. CNIC N30 will review and initiate programmatic changes within ESAMS to meet the requirements and policy objectives outlined above.

54. CNIC will ensure changes enhancing the F&ES Training Program are incorporated in the next revision of OPNAVINST 11320.23G.

55. CNIC sent the 31 March 2017 training letter to Regions for action via taskers²⁴, with instructions to forward it to Region Fire Chiefs, implement its policies in accordance with OPNAVINST 11320.23G, and report compliance within 30 days and every 30 days until full compliance is achieved. Once full compliance is achieved, the tasker will be signed off. Some of these actions will require engagement with labor organizations and could require Impact and Implementation (I&I) due to a change in working conditions. To date, actions are complete in Commander, Navy Region Japan (CNRJ) and Commander, Navy Region Korea (CNRK). N3 will conduct monthly follow up with Regions.

56. Target completion date for all of the above actions is 30 September 2017, to facilitate bargaining unit notification, discussion, and implementation of actions to be completed. Region Fire Chiefs will provide implementation status by the end of each month until closed.

Personnel Actions Taken

57. NAVSTA Newport Fire Chief retired from federal service effective 29 April 2017. The NAVSTA Newport Fire Training Officer separated from employment with CNIC effective 18 March 2017.

Allegation Two

That F&ES personnel did not receive requisite²⁵ training to perform their duties safely and responsibly in violation of OPNAVINST 11320.23G, Chapter 11, Paragraph 2.a. and DoD 6055.06-M, Paragraph C3.3.1. **Substantiated.**

Findings of Fact

²⁴ Taskers is a software application used by the DON as a correspondence management system. CNIC used this system to distribute the 31 March training letter.

²⁵ NAVINSGEN accepts the definition of “requisite” in reference to training as: training made necessary by particular circumstances or regulations.

58. OPNAVINST 11320.23G, Chapter 11, Paragraph 2.a., states in part, “F&ES personnel shall have full ownership of their training responsibilities to ensure they obtain certification and maintain proficiency in F&ES and EMS skills.” Additionally, DoD 6055.06-M, C3.3.1 states that Installation or Regional Fire Chiefs “shall [e]nsure the integrity of the certification program.”

59. Complainant asserted that F&ES personnel at the NAVSTA Newport Fire Department did not receive requisite training to perform their duties safely and responsibly. Additionally, as stated in Allegation 1, paragraph 38, Complainant also alleged that the classes generated by ESAMS were also being used to fraudulently certify to the NREMT. Specifically Complainant stated:

[w]e deal with, you know, multiple areas of responsibility, one being EMS, the other being, you know, fire, the other one being hazardous materials, shipboard firefighting, and so on, and each area has kind of the minimum standards. What is the most pressing here is EMS related stuff because it comes down to patient safety and safety of the general public.

60. The training listed in the OPNAVINST 11320.23G, Chapter 11, Paragraph 2, outlines training required for F&ES employees to maintain annual proficiency. The list of training includes: Cardiopulmonary Resuscitation (CPR), including Automated External Defibrillator (AED) use; Confined space and technical rescue; Self-contained breathing apparatus (SCBA) and respiratory protection; Rapid intervention team procedures; Firefighter rehabilitation procedures; Fire ground safety and accountability procedures; Structural, shipboard and aircraft firefighting evolutions; HAZMAT evolutions; and, Live fire evolutions (structural and shipboard).

61. Firefighter #14, Training Chief (Acting), CNRMA²⁶, testified that he has been in the Training Chief position for two-and-one-half years although his actual title is Regional Assistant Chief for Health and Safety and Regional Accreditation. According to Firefighter #14, he is responsible for creating and developing a training plan every year, based on regulatory requirements from the National Fire Protection Association (NFPA), Occupational Safety and Health Administration (OSHA), and DoD. Of note, OPNAVINST 11320.23G references NFPA, OSHA, and DoD regulations.

62. Firefighter #14 explained that he annually forwards the training requirements to the Training Officer and then reviews reports the NAVSTA Newport Fire Department returns that show training is completed. We reviewed the list of training requirements Firefighter #14 forwarded to the Training Officer and found that it contained 155 specific training requirements which include training required by OPNAVINST 11320.23G.

63. We found 110 instances of erroneous entries recorded in ESAMS which affected virtually all 29 F&ES employees. Many were for classes that covered required training topics set forth in OPNAVINST 11320.23G. Examples of some of these required classes erroneously recorded in

²⁶ NAVSTA Newport F&ES employees receive direction from CNRMA F&ES Leadership.

ESAMS as completed by employees (while they were actually on leave or off duty) included the following:

ESAMS Class ID	Class Title
7917810	ALS Refresher - OB/Pediatrics-FLEXIBLE CORE
7917823	ALS Refresher - Operations-lifting and moving
7917829	ALS Refresher - Operations-therapeutic communications
8063399	ALS Refresher - Trauma-spinal injuries
8273601	BLS Refresher - Patient Assessment
7783510	BLS Refresher - Preparatory (human systems, legal, ethical, EMS systems)
8226977	EMT-B - Abdominal and Genitalia Injuries
8216601	EMT-B - Allergic Reactions and Envenomations
8318105	Fireground Operations Ladders Skills NFPA/1001
8277556	Fireground Operations Portable Fire Extinguisher Skills NFPA/1001
8385929	Respirator User Refresher Training
7850049	Ship Yard F&ES Responder Training - Practical Drills

64. Complainant described what he considered “bothersome” incidents that demonstrated that the F&ES employees’ lack of training impacted proficiency. He related one example highlighting F&ES employees having difficulty operating stretchers when handling patients. Complainant explained that when F&ES personnel lifted Firefighter #5, who required medical attention due to chest pains, they dropped him off the stretcher. Complainant believed they dropped him because the NAVSTA Newport F&ES personnel were not proficient at operating a stretcher. Complainant asserted that a false training record titled “lifting and moving patients” was entered after the incident occurred for the personnel involved in treating Firefighter #5. Complainant stated that he raised concerns with the Union President (Firefighter #4) about personnel not being proficient with the stretcher operations prior to the incident (dropping Firefighter #5)²⁷. Firefighter #5 attributed it to a mechanical malfunction. When asked if the stretcher was removed from service, Firefighter #5 replied in the affirmative.

65. Firefighter #4 (Union President) stated that Complainant brought up issues regarding the lack of purposeful training. He stated that Complainant wanted more emphasis to be put on topics other than box training [testing].²⁸ After Complainant raised his concerns (approximately September 2016), Firefighter #4 made more of an effort to put greater emphasis on training and ensured it was conducted properly.

²⁷ Firefighter #5 was not injured in this incident and was reluctant to discuss it with the investigator.

²⁸ According to Complainant, box training/testing refers to testing the functionality of fire alarm pull stations located throughout NAVSTA Newport.

66. Firefighter #5 testified about an “EMS Optional ALS (Advanced Life Support)/BLS (Basic Life Support) Refresher training: Protocols, Policies, and Treatment” training he entered into ESAMS as complete (as the “course creator”) on another employee’s behalf while the employee was on leave. He stated, “Honestly? Especially with the overtime everything, I thought that he was there. It’s, you know, an honest mistake.”

67. Firefighter #10 affirmed that he uses his training record information from ESAMS to support his application for recertification to the NREMT. This Firefighter/Paramedic added that if there is not documentation that training was completed, then it cannot be claimed for credit. However, we found that some of the documented training he used for his NREMT recertification was erroneously recorded as demonstrated in paragraph 39 under Allegation One above.

68. Firefighter #9 provided an example of why training is important to maintain proficiency and skills. He said that the state of Rhode Island issues new medical protocol requirements as to what is expected when responding to emergency medical situations.²⁹ As a result, F&ES employees have to become proficient with the new protocols.

69. Firefighter #8 reviewed his ESAMS training record which showed that he completed Basic Life Support Refresher training on 21 August 2016. He then reviewed his SLDCADA T&A records and they showed that he was on Annual Leave the entire day on 21 August 2016. Upon seeing this, Firefighter #8 acknowledged that he did not complete the course and that this was the type of course record that he would have submitted to the NREMT for his recertification application.

70. Firefighter #7 and Firefighter #20 (Supervisory Firefighters) noted that they were routinely granted credit for courses they did not complete in their entirety and two other F&ES employees testified that they were forced by management to sign off on false training records.

Discussion and Analysis

71. We concluded Allegation Two is substantiated. We found that multiple NAVSTA Newport F&ES personnel were given credit for training required by OPNAVINST 11320.23G which they did not complete. The failure to complete these required courses likely impacts proficiency levels required to safely and responsibly perform F&ES duties. In addition, we found no evidence that the NAVSTA Newport Fire Chief took any actions to ensure the integrity of the certification program as required by Paragraph C3.3.1 of DoD 6055.06-M.

72. The unreliability of training records for the period January 2016 to January 2017 for NAVSTA Newport F&ES personnel that is due to the widespread problems uncovered during our investigation and set forth under Allegation One also supports substantiation. It is impossible to determine with any certainty for the period reviewed if the training records of any NAVSTA Newport F&Es personnel are accurate. As a result, NAVSTA Newport cannot verify that all required training was in fact provided and/or completed.

²⁹ In 2017, the state of Rhode Island issued new medical protocol requirements and change in procedures related to chest compressions during a cardiac emergency.

73. As discussed under Allegation One above, the investigation found that the culture of the Newport Fire Department contributed to a belief among F&ES personnel that it was acceptable to create and/or sign off on records that documented training that was not actually received or completed, including records used to meet OPNAVINST 11230.23G and maintain EMT certifications. Extensive testimony from F&ES supervisory staff and non-supervisory F&ES personnel revealed permissive behaviors regarding training generally and specifically with respect to accurately recording what training had been completed by F&ES personnel.

74. It is impossible to calculate the total amount of required training courses missed by these employees due to the problems with the training records. Consequently, we could not quantify the actual effect this has had, or could potentially have, on the personnel aboard NAVSTA Newport who rely on F&ES personnel's ability to safely and responsibly perform their duties.

75. OPNAVINST 11320.23G requires that NAVSTA Newport F&ES employees maintain F&ES and EMT proficiency and certifications and DoD 6055.06-M requires the Fire Chief to maintain the integrity of the training program. However, the evidence establishes that the ESAMS training records of NAVSTA Newport F&ES employees could not be relied upon to affirm that they have had all the training required to maintain their F&ES and EMT proficiencies and certifications. As a result, the integrity of the training program is compromised. Given the critical and serious nature of the type of training in question, any degree of uncertainty is significant and warrants the attention of CNIC leadership.

Conclusion

The allegation that F&ES personnel did not receive requisite training to perform their duties safely and responsibly, in violation of OPNAVINST 11320.23G, Chapter 11, Paragraph 2.a. and DoD 6055.06-M, Paragraph C3.3.1, is **substantiated**.

Recommendations

76. That CNIC take immediate action on the items set forth in the letter (11320 Ser N3/17U054 dated 31 March 2017) presented in paragraphs 51-54 above.

77. That CNIC review this report to determine what, if any, personnel actions should be taken.

Actions Taken/Actions Planned

78. See Actions Taken/Actions Planned listed under Allegation One, paragraphs 45-50.

Personnel Actions Taken

79. The NAVSTA Newport Fire Chief retired from federal service effective 29 April 2017. The NAVSTA Newport Fire Training Officer separated from employment with CNIC effective 18 March 2017.

Appendix A – Reference Documents

1. The Reference Documents are not included in the Public Release version of this report.

Appendix B – Witness List

1. Complainant, Firefighter NAVSTA Newport Fire Department,
2. Training Officer, NAVSTA Newport Fire Department
3. Fire Chief, NAVSTA Newport Fire Department
4. Firefighter, NAVSTA Newport Fire Department
5. Firefighter, NAVSTA Newport Fire Department
6. Retired Firefighter, Former NAVSTA Newport Fire Department
7. Supervisory Firefighter, NAVSTA Newport Fire Department
8. Firefighter, NAVSTA Newport Fire Department
9. Firefighter, NAVSTA Newport Fire Department
10. Firefighter, NAVSTA Newport Fire Department
11. Firefighter, NAVSTA Newport Fire Department
12. Firefighter, NAVSTA Newport Fire Department
13. Firefighter, NAVSTA Newport Fire Department
14. Firefighter, Acting Training Chief, Commander Navy Region Mid-Atlantic
15. Firefighter, NAVSTA Newport Fire Department
16. Firefighter, NAVSTA Newport Fire Department
17. Fire Chief, Commander Navy Region Mid-Atlantic
18. EMS Program Manager, Commander Navy Region Mid-Atlantic
19. Firefighter, NAVSTA Newport Fire Department
20. Firefighter, NAVSTA Newport Fire Department
21. Firefighter, NAVSTA Newport Fire Department

Appendix C – Consolidated List of Recommendations

Allegation One Recommendations

1. That CNIC take immediate action on the items set forth in the letter (11320 Ser N3/17U054 dated 31 March 2017) presented in paragraphs 51-54 above.
2. That CNIC review trade time practices to ensure that they are in compliance with all applicable laws and regulations, to include those governing time and attendance and pay.
3. That CNIC review this report to determine what, if any, personnel actions should be taken.

Allegation Two Recommendations

1. That CNIC take immediate action on the items set forth in the letter (11320 Ser N3/17U054 dated 31 March 2017) presented in paragraphs 51-54 above.
2. That CNIC review this report to determine what, if any, personnel actions should be taken.