

Brian Brehm Government Writing W13

City Council investigating alleged labor violation by elected official

By Brian Brehm

The Winchester Star

WINCHESTER — City Council is investigating an alleged violation of the federal Fair Labor Standards Act in the Winchester Commissioner of the Revenue's Office.

The [Fair Labor Standards Act](#) sets rules for wages, overtime pay and practices in the workplace. An employer who violates the regulations would be required to reimburse the wages of any worker who was not properly paid and could be fined \$1,000 per incident. Willful violations of the act could also lead to the employer being criminally prosecuted.

According to a brief statement issued by council on Tuesday afternoon, "Representatives of the city have met with the COR [Commissioner of the Revenue Ann Burkholder] to discuss these allegations. The city takes these allegations very seriously and has begun an investigation into this matter."

When asked about the allegations on Tuesday afternoon, Burkholder said, "I am completely unaware of any violation. I value my team highly and I have always worked with my people very closely. If someone had a concern and didn't share that with me, then I would have been unable to address it."

Mayor and council President David Smith said on Tuesday he could not elaborate on the nature of the allegations or the specifics of the investigation because personnel matters are confidential.

"I wish I could," Smith said. "We try our best to be as transparent, open and honest as we possibly can."

City Council has not disclosed the name of the accuser or the time period in which the alleged violation occurred, but Tuesday's statement said the incident involved a person who no longer works in the Commissioner of the Revenue's Office.

Burkholder made it clear she is not pleased with the way City Council is addressing the alleged incident.

"What I have heard is that there is no written documentation," she said. "Council and the city attorney have shared no information with me, but apparently documentation exists because council has discussed it and decided to take action."

Smith confirmed on Tuesday that City Council discussed the accusation with City Attorney Melisa Michelsen during an executive session on May 10.

Burkholder, who was not included in the executive session, said, "That feels to me like not at all a collaborative approach and absolutely not at all with respect to a fellow elected official and constitutional officer."

She added it will be difficult to present her side of the case until council provides more details about the allegation.

"With zero information, I can do nothing," she said. "It feels far more political than it does cooperative in the way a local government should operate."

Burkholder is a Republican who was first elected in 2009 and is currently serving her fourth four-year term as commissioner. Seven of the nine members of City Council, including Smith, are Democrats.

Not your typical morning commute: City employee lauded for saving 2 drivers from burning wreckage

**By Brian Brehm
The Winchester Star**

WINCHESTER — Shortly before sunrise on Jan. 31, Sam DeBergh was driving to work at the Opequon Water Reclamation Facility on Berryville Pike (Va. 7) when he saw the northbound Chevy pickup truck in front of him cross into oncoming traffic in the 900 block of South Pleasant Valley Road. The Chevy collided with a southbound GMC pickup that almost immediately burst into flames.

Without hesitation, DeBergh stopped his vehicle and ran to the victim's pickup, pulling her out through a broken window before the flames could reach her. He then helped the man who had been driving the Chevy get clear of the scene before calling 911.

Afterward, "He said, 'That's what everybody would do, right?'" Winchester Communications Director Amy Simmons said on Tuesday.

To honor DeBergh's heroism, city officials held a surprise luncheon and award presentation in his honor on Feb. 4.

When DeBergh walked into the lunchroom at the Opequon Water Reclamation Facility, he was surprised to see a roomful of coworkers and city representatives. A [YouTube video](#) captured his confused reaction as everyone cheered and applauded.

"What is this all for?" DeBergh asked.

"For you," replied Winchester Water Supply and Wastewater Treatment Division Manager Don Rigglesman. "You're the hero."

"We just wanted to thank you for making that [911] phone call and doing what you did that day," Winchester Police Sgt. Chaz Niang told DeBergh.

Niang, who was one of the officers who responded to the crash, started to present DeBergh with a special award for his heroism, but DeBergh was more interested in the welfare of the

people he saved. The Feb. 4 luncheon had been his first opportunity to find out what happened to the man and woman involved in the crash.

Niang told him both drivers were checked out at [Winchester Medical Center](#) and escaped serious injuries, thanks in large part to DeBergh getting them away before the vehicles were totally consumed by flames.

The officer then handed DeBergh a small trophy with the inscription: “In recognition of your heroic actions. Samuel DeBergh. 01/31/2022.”

That was followed by Battalion Chief T.J. Vaught of the Winchester Fire and Rescue Department giving DeBergh a department hat and T-shirt “so you can transfer over to Fire and Rescue anytime you want to. Seems like you’ve already got the skills and the talent.”

DeBergh seems pretty committed to his current job, though. After his heroic actions on Jan. 31, he called his boss to apologize in advance for potentially being late for work.

“He actually made it on time and was able to share pictures and the story of his adventure,” Opequon Water Reclamation Facility Manager Corey Crabill wrote in a Jan. 31 email to Rouss City Hall. “... Sam is a very humble and unusually quiet person, but I didn’t want his actions to go unheard.”

On Tuesday, Niang said the Jan. 31 crash remains under investigation and charges are pending. For now, officials are not releasing the names of the man and woman involved in the collision.

At long last, city's Police, Fire and Rescue departments are fully staffed

**By Brian Brehm
The Winchester Star**

WINCHESTER — For the first time in at least five years, Winchester’s Police and Fire and Rescue departments are both fully staffed.

That’s a dramatic turnaround from just two years ago, when tensions between Rouss City Hall and the two public safety departments made it a challenge to find police officers, firefighters and paramedics willing to come to Winchester and build a career.

When City Manager Dan Hoffman started his job on Sept. 28, 2020, one of his first goals was finding ways to improve the city’s public safety network. He went on a 12-hour ride-along with the Police Department, then worked full 24-hour shifts in all four of Winchester’s fire and rescue stations — Friendship, Rouss, Shawnee and South End.

“I want to see the conditions in which they’re working, the status of their apparatus,” Hoffman told The Winchester Star during his first week as city manager. “I want them to know I’m doing my best to understand their day-to-day lives.”

On Thursday, Hoffman said a variety of factors led to a remarkably quick turnaround with the Police and Fire and Rescue departments.

“We’ve been better engaged with our employees ... given the challenge of retaining police officers and the past issues that our firefighters were having with city management,” he said. “We’ve addressed a lot of those issues and, of course, we’ve taken care of them. We’ve approved salary increases and additional equipment — we’ve really tried to make not just their financial picture better, but also their work environment.”

Fire and Rescue

The [Winchester Fire and Rescue Department](#) arguably had to overcome the biggest obstacles in order to reach full staffing. In April 2020, an independent study of the department by [Emergency Services Consulting International](#) (ESCI) of Chantilly found it to be in the midst of a significant crisis.

According to ESCI’s report, an atmosphere of distrust existed between then-City Manager Eden Freeman and Fire and Rescue’s career and volunteer personnel. The ongoing tensions created a situation where there weren’t enough firefighters and paramedics on staff to adequately protect the city from fires and emergencies.

At the time of the report’s publication, a total of four people — Allen Baldwin, William A. Garrett, Frank Wright and Scott Kensinger — had served as permanent or interim chief of the Fire and Rescue Department in the prior three years. Also, the department had not had full staffing since Jan. 30, 2017, and that only lasted 28 days.

On June 2, 2020, then-chief Garrett resigned after a one-year tenure in which he frequently clashed with Freeman, who herself had left her job in mid-March. Interim City Manager Mary Beth Price named Hadden Culp, who had retired nine years earlier from the [Prince William County Fire and Rescue Department](#), to serve as interim chief.

Culp, with help from Winchester Fire and Rescue Assistant Chief Jon Henschel, immediately began implementing many improvements that had been recommended in the ESCI report, including improved communications and cooperation with the city manager’s office.

Culp was the department’s interim chief until April 26, 2021, when Henschel, who had been with the Winchester Fire and Rescue Department since 1997, was promoted to chief.

Henschel continued Culp’s quest to implement ESCI’s suggestions and improve the department. He delivered frequent progress reports to City Council, oversaw the development of Fire and Rescue’s first five-year strategic plan and authorized overtime for firefighters and paramedics to ensure there would be at least two people in every emergency vehicle that responded to fires, accidents and other incidents.

“It’s been a full team effort,” Henschel said on Thursday. “We’ve taken the items within the study, broken them out, identified some of our most critical areas of need and addressed those items pretty quickly. And I will say we’ve had the benefit of some of this federal funding [from COVID-19 financial assistance programs] over the past couple of years that helped us resolve a few of these issues we faced.”

Today, the Winchester Fire and Rescue Department is back to its full complement of 78 full-time employees, including field personnel and office staff. The only caveat, Henschel said, is that nine of those firefighters are still in training and won't be elevated to full operational status for a few more months.

Henschel already has plans to expand the department's staff.

"We want to start putting a minimum of three [personnel] on each of our firefighting apparatus so that we're operating safely and providing the best service we can to community members," he said.

As for how his department is now getting along with Rouss City Hall, Henschel said, "I firmly believe that we've bridged that gap and have a very open, transparent and good relationship."

Police

Winchester Police Chief John Piper has been with the city for nearly five years but, until recently, has never had a fully staffed department.

Now, the [Winchester Police Department](#) has a full contingent of 80 police officers, and Piper is making plans to bring in more to better serve the growing community.

"Anytime that you have organizational change, there's obviously going to be stress and, frankly, some people that just don't want to get on board with what that change is," Piper, who has been Winchester's police chief since Sept. 1, 2017, said on Thursday about one of the problems he faced trying to get his department back to full staffing.

Adding to the difficulties in attracting and retaining officers, he said, were a series of national trends that included citizens developing negative perceptions of police, a series of criminal justice reforms that some officers felt hindered their ability to do their job effectively, the COVID-19 pandemic that made it difficult to recruit personnel and growing complaints about low pay for personnel.

Piper said his department managed to address the bulk of those issues, starting with a reminder to his staff that most people in the Winchester area have a positive attitude about police. He and Hoffman also created salary incentives for new and incumbent staff members, and implemented \$5,000 hiring bonuses to attract more officers who have already been trained and certified.

"The certified officers are huge because we spend, on average, about \$32,000 to fully equip and train a new officer," Piper said. "It's a win for them because they're coming into a great environment, and it's a win for us because we're getting officers on the street much more quickly than having to wait six months [for new recruits to complete academy training] plus another 12 weeks of field training."

Now that he's fully staffed, Piper said he wants to keep it that way by promoting "a culture where people feel appreciated. Pay and benefits are only a small part of why people get into law enforcement and, more importantly, why they stay."

"It's become very much a family feel here, an environment where people care about one another," he said.

Hoffman said it's gratifying to see how quickly Winchester's Police and Fire and Rescue departments have bounced back after several challenging years.

"From when I started to today, there's a night and day difference," he said. "Of course, it's not just me. It's a team effort that includes our HR (Human Resources) Department, Chief Henschel and Chief Piper."