

New Fire Chief: Challenging Issues

NFC: Challenging Issues-Student Manual

1st Edition, 3rd Printing-October 2014



FEMA

FEMA/USFA/NFA
NFC: Challenging Issues-SM
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Glossary

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ACKNOWLEDGMENTS

The development of any National Fire Academy (NFA) course is a complex process aimed at providing students the best possible learning opportunity we can deliver.

There are many players in course development, each of whom plays an equally important part in its success. We want to acknowledge their participation and contribution to this effort, and extend our heartfelt thanks for making this quality product.

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COURSE GOAL

The goal of this course is to develop the managerial, administrative, and leadership skills necessary for the new fire chief to effectively meet his/her obligations.

AUDIENCE, SCOPE, AND COURSE PURPOSE

The primary audience is the new fire chief in volunteer or combination departments. The secondary audience includes new career fire chiefs in larger departments, department leaders who may become fire chiefs, and local government administrators and elected officials who are involved in the administration of a fire department.

This 2-day course addresses critical knowledge and skills pertaining to the responsibilities of a fire chief; the nature of local politics and the fire chief's role in local politics; and liability and risk management issues and resources available to help the new fire chief meet his/her responsibilities.

The purpose of the course is to develop the managerial, administrative, and leadership skills necessary for the new fire chief to effectively meet his/her obligations.

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SCHEDULE

TIME	DAY 1	TIME	DAY 2
8:00–9:00	Introduction, Welcome, and Administrative	8:00–9:00	Unit 3: Liability/Risk Management (cont'd)
9:00–9:10	<i>Break</i>	9:00–9:10	<i>Break</i>
9:10–10:30	Unit 1: Responsibilities of the Fire Chief Activity 1.1: Leadership Issues	9:10–10:10	Unit 3: Liability/Risk Management (cont'd)
10:30–10:40	<i>Break</i>	10:10–10:20	<i>Break</i>
10:40–11:40	Unit 1: Responsibilities of the Fire Chief (cont'd) Unit 2: Politics	10:20–11:30	Unit 3: Liability/Risk Management (cont'd)
11:40–12:40	<i>Lunch Break</i>	11:30–12:30	<i>Lunch Break</i>
12:40–1:40	Unit 2: Politics (cont'd) Activity 2.1: Establishing and Maintaining Political Influence	12:30–1:40	Unit 3: Liability/Risk Management (cont'd) Activity 3.3: Identifying Effective Risk Management Measures
1:40–1:50	<i>Break</i>	1:40–1:50	<i>Break</i>
1:50–2:50	Unit 2: Politics (cont'd) Unit 3: Liability/Risk Management	1:50–3:20	Unit 4: Toolbox/Resources Activity 4.1: Using Resources
2:50–3:00	<i>Break</i>	3:20–3:30	<i>Break</i>
3:00–4:00	Unit 3: Liability/Risk Management (cont'd) Activity 3.1: Identifying Liabilities #1	3:30–5:00	Unit 4: Toolbox/Resources (cont'd) Final Exam and Course Evaluation
4:00–5:00	Unit 3: Liability/Risk Management (cont'd) Activity 3.2: Identifying Liabilities #2		

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FIREFIGHTER CODE OF ETHICS

Background

The Fire Service is a noble calling, one which is founded on mutual respect and trust between firefighters and the citizens they serve. To ensure the continuing integrity of the Fire Service, the highest standards of ethical conduct must be maintained at all times.

Developed in response to the publication of the Fire Service Reputation Management White Paper, the purpose of this National Firefighter Code of Ethics is to establish criteria that encourages fire service personnel to promote a culture of ethical integrity and high standards of professionalism in our field. The broad scope of this recommended Code of Ethics is intended to mitigate and negate situations that may result in embarrassment and waning of public support for what has historically been a highly respected profession.

Ethics comes from the Greek word ethos, meaning character. Character is not necessarily defined by how a person behaves when conditions are optimal and life is good. It is easy to take the high road when the path is paved and obstacles are few or non-existent. Character is also defined by decisions made under pressure, when no one is looking, when the road contains land mines, and the way is obscured. As members of the Fire Service, we share a responsibility to project an ethical character of professionalism, integrity, compassion, loyalty and honesty in all that we do, all of the time.

We need to accept this ethics challenge and be truly willing to maintain a culture that is consistent with the expectations outlined in this document. By doing so, we can create a legacy that validates and sustains the distinguished Fire Service institution, and at the same time ensure that we leave the Fire Service in better condition than when we arrived.



FIREFIGHTER CODE OF ETHICS

I understand that I have the responsibility to conduct myself in a manner that reflects proper ethical behavior and integrity. In so doing, I will help foster a continuing positive public perception of the fire service. Therefore, I pledge the following...

- Always conduct myself, on and off duty, in a manner that reflects positively on myself, my department and the fire service in general.
- Accept responsibility for my actions and for the consequences of my actions.
- Support the concept of fairness and the value of diverse thoughts and opinions.
- Avoid situations that would adversely affect the credibility or public perception of the fire service profession.
- Be truthful and honest at all times and report instances of cheating or other dishonest acts that compromise the integrity of the fire service.
- Conduct my personal affairs in a manner that does not improperly influence the performance of my duties, or bring discredit to my organization.
- Be respectful and conscious of each member's safety and welfare.
- Recognize that I serve in a position of public trust that requires stewardship in the honest and efficient use of publicly owned resources, including uniforms, facilities, vehicles and equipment and that these are protected from misuse and theft.
- Exercise professionalism, competence, respect and loyalty in the performance of my duties and use information, confidential or otherwise, gained by virtue of my position, only to benefit those I am entrusted to serve.
- Avoid financial investments, outside employment, outside business interests or activities that conflict with or are enhanced by my official position or have the potential to create the perception of impropriety.
- Never propose or accept personal rewards, special privileges, benefits, advancement, honors or gifts that may create a conflict of interest, or the appearance thereof.
- Never engage in activities involving alcohol or other substance use or abuse that can impair my mental state or the performance of my duties and compromise safety.
- Never discriminate on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sexual preference, medical condition or handicap.
- Never harass, intimidate or threaten fellow members of the service or the public and stop or report the actions of other firefighters who engage in such behaviors.
- Responsibly use social networking, electronic communications, or other media technology opportunities in a manner that does not discredit, dishonor or embarrass my organization, the fire service and the public. I also understand that failure to resolve or report inappropriate use of this media equates to condoning this behavior.

Developed by the National Society of Executive Fire Officers

A Student Guide to End-of-course Evaluations

Say What You Mean ...

Ten Things You Can Do to Improve the National Fire Academy

The National Fire Academy takes its course evaluations very seriously. Your comments and suggestions enable us to improve your learning experience.

Unfortunately, we often get end-of-course comments like these that are vague and, therefore, not actionable. We know you are trying to keep your answers short, but the more specific you can be, the better we can respond.

Actual quotes from student evaluations:	Examples of specific, actionable comments that would help us improve the course:
1 "Update the materials."	<ul style="list-style-type: none"> The (ABC) fire video is out-of-date because of the dangerous tactics it demonstrates. The available (XYZ) video shows current practices. The student manual references building codes that are 12 years old.
2 "We want an advanced class in (fill in the blank)."	<ul style="list-style-type: none"> We would like a class that enables us to calculate energy transfer rates resulting from exposure fires. We would like a class that provides one-on-one workplace harassment counseling practice exercises.
3 "More activities."	<ul style="list-style-type: none"> An activity where students can physically measure the area of sprinkler coverage would improve understanding of the concept. Not all students were able to fill all ICS positions in the exercises. Add more exercises so all students can participate.
4 "A longer course."	<ul style="list-style-type: none"> The class should be increased by one hour per day to enable all students to participate in exercises. The class should be increased by two days so that all group presentations can be peer evaluated and have written abstracts.
5 "Readable plans."	<ul style="list-style-type: none"> The plans should be enlarged to 11 by 17 and provided with an accurate scale. My plan set was blurry, which caused the dotted lines to be interpreted as solid lines.
6 "Better student guide organization," "manual did not coincide with slides."	<ul style="list-style-type: none"> The slide sequence in Unit 4 did not align with the content in the student manual from slides 4-16 through 4-21. The instructor added slides in Unit 4 that were not in my student manual.
7 "Dry in spots."	<ul style="list-style-type: none"> The instructor/activity should have used student group activities rather than lecture to explain Maslow's Hierarchy. Create a pre-course reading on symbiotic personal relationships rather than trying to lecture on them in class.
8 "More visual aids."	<ul style="list-style-type: none"> The text description of V-patterns did not provide three-dimensional views. More photographs or drawings would help me imagine the pattern. There was a video clip on NBC News (date) that summarized the topic very well.
9 "Re-evaluate pre-course assignments."	<ul style="list-style-type: none"> The pre-course assignments were not discussed or referenced in class. Either connect them to the course content or delete them. The pre-course assignments on ICS could be reduced to a one-page job aid rather than a 25-page reading.
10 "A better understanding of NIMS."	<ul style="list-style-type: none"> The instructor did not explain the connection between NIMS and ICS. The student manual needs an illustrated guide to NIMS.

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UNIT 1: RESPONSIBILITIES OF THE FIRE CHIEF

TERMINAL OBJECTIVE

The students will be able to explain the fire chief's scope of duties.

ENABLING OBJECTIVES

The students will be able to:

1. *Define the fire chief's role.*
 2. *Explain the fire chief's 10 responsibilities.*
 3. *Describe five performance areas for which a fire chief is held accountable.*
 4. *Differentiate between the leadership roles of the fire chief and subordinate positions.*
 5. *Explain the nine leadership behaviors of successful fire chiefs.*
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UNIT 1: RESPONSIBILITIES OF THE FIRE CHIEF

Slide 1-1

ENABLING OBJECTIVES

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- Define the fire chief's role.
- Explain the fire chief's 10 responsibilities.
- Describe five performance areas for which a fire chief is held accountable.
- Differentiate between the leadership roles of the fire chief and subordinate positions.
- Explain the nine leadership behaviors of successful fire chiefs.

Slide 1-2

ACTIVITY 1.1 Leadership Issues

Slide 1-3

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ACTIVITY 1.1

Leadership Issues

Purpose

To identify leadership issues commonly faced by new fire chiefs.

Directions

1. Working in your assigned group, discuss leadership or administrative issues that you face as a new fire chief. Be specific based on your personal experience. Record the issues on an easel pad. If an issue is faced by more than one person in the group, put a mark on the easel pad by that issue.
2. Next, select an issue that is common to all or most of the group members. This issue will be used by the group during other activities in the course.
3. Select a spokesperson to report your issues to the class. You have 10 minutes to complete this activity.

ACTIVITY 1.1 NOTES

I. FIRE CHIEF'S ROLE AND RESPONSIBILITIES

ROLE OF THE FIRE CHIEF

Lead and administer the human, financial, and physical resources of the department so that the mission of the organization is accomplished.

Slide 1-4

A. Role of the fire chief.

1. The role of the fire chief is to lead and administer the human, financial, and physical resources of the department so that the mission of the organization is accomplished.

ROLE OF THE FIRE CHIEF (cont'd)

- Accomplished through the traditional management practices of organizing, planning, directing, and controlling.
- Varies with each department.

Slide 1-5

2. The role is accomplished through the traditional management practices of organizing, planning, directing, and controlling.
3. The role varies with each department.

FIRE CHIEF RESPONSIBILITIES

- Ensure operational readiness of the department.
- Ensure health and safety of department personnel.
- Manage the community's fire risk.
- Administer the department's human, financial, and physical resources.
- Ensure compliance with local, State, and Federal laws and regulations.

Slide 1-6

B. Responsibilities of the fire chief.

1. Ensure operational readiness of the department.

- a. Operational readiness involves the department's ability to respond to emergencies and perform other assignments.
- b. Operational readiness includes the preparedness of several department programs.
- c. Training is one of the most important elements of operational readiness. Responders must be adequately trained so that they can perform their assigned duties safely, effectively, and efficiently.

- Training requirements may be established by the local department, State agencies, or Federal law.

- National Fire Protection Association (NFPA) 1500, *Standard on Fire Department Occupational Safety and Health Program*, identifies the minimum level of training for various fire department positions.

- The training may be delivered internally by department training officers or by other training agencies such as State training, community colleges, etc.

- d. Maintenance of apparatus, tools, and equipment. The maintenance is generally performed by department personnel. Apparatus must be able to respond whenever an alarm is received.
- e. Operational readiness also includes adequate staffing. Staffing is part of another responsibility, but it affects operational readiness.

2. Ensure health and safety of department personnel.
 - a. The health and safety of department personnel is the most critical responsibility for any fire chief.
 - b. NFPA 1582, *Standard on Comprehensive Occupational Medical Program for Fire Departments*, identifies the medical requirements for firefighters. It may be adopted locally or by the State in some cases. Until it is adopted, it is only a guideline.
 - c. A department wellness coordinator can help implement wellness programs which improve the health of personnel.
 - d. Every department must have a trained cadre of safety officers. The role of the safety officer may vary, but they are responsible for safety operations at emergency operations.
 - e. Health and safety standard operating procedures (SOPs) and department policies should be developed and adopted. Once adopted, it is the responsibility of the fire chief to ensure the procedures and policies are enforced.
3. Manage the community's fire risk.
 - a. The fire chief should proactively manage the community's fire risk instead of relying only on emergency response. Emergency response is one strategy for managing the risk.
 - b. Another important strategy is fire prevention including enforcement of fire codes, public education, and fire investigation.
 - c. Preplanning identifies the highest risks in the community and provides a response plan in case of a fire.
 - d. In some communities, a department may be tasked with managing other hazards such as emergency medical emergencies, hazardous materials emergencies, etc.
 - e. Managing risk should be a cooperative effort involving other local and State agencies such as law enforcement, emergency management, and public works.
4. Administer the department's human, financial, and physical resources.
 - a. The human resources involve recruiting, selecting, and hiring qualified personnel. This also involves evaluating the performance of current personnel.

- b. Financial responsibility includes administering the department's budget. This includes financing, budgeting, and reporting. Also, this requires the fire chief to work with other city officials.
 - c. Physical resources include buildings, apparatus, and other infrastructure. The fire chief is responsible for identifying what is needed in order to meet the department's mission, and they then need to obtain those physical resources.
 - d. The fire chief must develop and adopt policies which guide the administration of the resources.
5. Ensure compliance with local, State, and Federal laws and regulations.
- a. As the senior official in the fire department, the fire chief is responsible for ensuring that all applicable laws and regulations are met. This includes ensuring that department policies and procedures are in compliance with applicable laws and regulations.
 - b. The fire chief must be familiar with the laws which affect the fire department. The fire chief should work with the city, district, or county's legal counsel on all legal matters.
 - c. Professional organizations such as the State chief's association may provide training on legal issues. These organizations also provide a peer network.
 - d. When a legal issue arises, the fire chief must work with other appointed officials who may have an interest in the issue.

FIRE CHIEF RESPONSIBILITIES
(cont'd)

- Create and maintain a strategic plan for the department.
- Promote positive community relations.
- Administer department policies and procedures.
- Foster positive relationships with other appointed and elected officials.
- Maintain professional competence and credibility.

Slide 1-7

6. Create and maintain a strategic plan for the department.
 - a. The strategic plan charts a course for the department's activities and services. The plan establishes priorities for the department.
 - b. The strategic plan is built on the mission and charter of the fire department as well as on the goals of the local government.
 - c. The strategic plan addresses all the major aspects of fire department operations.
 - d. All members of the department should have involvement in the development of the strategic plan.
 - e. The strategic plan should be updated annually.
7. Promote positive community relations.
 - a. The effectiveness and success of the department is tied to the quality of the relationship the department has with the community.
 - b. The fire chief and department must work with members of the community and the community organizations. This helps the fire chief understand the needs of the community.
 - c. The fire chief should be involved with community organizations such as Lions, Rotary, or Chamber of Commerce. This involvement can provide the fire chief with access to community leaders.
 - d. Community relations also involve developing and maintaining mutual-aid agreements and maintaining relationships with fire officials from other departments.
8. Administer department policies and procedures.
 - a. The fire chief is responsible for the development, adoption, and enforcement of the department policies and procedures.
 - b. Policies and procedures assist with decisionmaking and guide operations.
 - c. The adoption process must meet local requirements, State laws, etc.

- d. Policies and procedures must be based on current standards, codes, and laws.
- 9. Foster positive relationships with other appointed and elected officials.
 - a. The fire chief is responsible for building these relationships. If the chief is new, the relationships may be new.
 - b. The fire chief should learn about the agendas of elected and senior appointed officials.
 - c. By attending meetings of elected officials, the fire chief becomes acquainted with the officials and understands the local political process.
 - d. Appointed and elected officials should be provided with regular updates on fire department activities and achievements.
 - e. The fire chief should always cooperate with appointed and elected officials. Resistance reduces trust and credibility and may have a negative impact on department funding and status with influential community members.
- 10. Maintain professional competence and credibility.
 - a. Professional competence requires the completion of training and education courses. These can include local training, college courses, and National Fire Academy (NFA) programs.
 - b. A job description identifies the required level of training and experience for the fire chief. Other requirements can be found in the NFPA 1021, *Standard for Fire Officer Professional Qualifications*.
 - c. The State chiefs association may provide training courses. Also, participation in the association helps build a peer network and brings professional credibility.
 - d. When available, the fire chief should obtain professional certifications such as Fire Officer III or IV or Chief Officer designation.
 - e. Credibility also requires ethical behavior, keeping commitments, etc.

ACCOUNTABILITY

- There are five areas of accountability that the community has for the fire department.
- These areas of accountability are used to evaluate the performance of the fire chief.
- The fire chief will be accountable for successfully meeting these community expectations.

Slide 1-8

C. Accountability.

1. There are five areas of accountability that the community has for the fire department. These areas of accountability are used to evaluate the performance of the fire chief.
2. The community, specifically elected and senior appointed officials, will hold the fire chief accountable for successfully meeting these expectations of the community.

ACCOUNTABILITY (cont'd)

Five areas of accountability.

1. Ethical behavior by all members of the department.
2. Efficiency of the department.
3. Effectiveness of the department.
4. Equitable treatment of all citizens.
5. Responsive to needs and requests for assistance.

Slide 1-9

3. Five areas of accountability.

- a. Ethical behavior by members of the department. The public expects all members of the fire department to act ethically, especially the fire chief. A breach of ethical conduct can immediately destroy a trusting relationship, resulting in a loss of influence both inside and outside the department.

- b. Efficiency of the department. The public expects the fire chief to wisely and prudently use the resources provided. Any waste, even if just perceived, is seen as a lack of efficient operation.
- c. Effectiveness of the department. The public expects the fire department to be effective during operations and service delivery.
- d. Equitable treatment of all citizens. Citizens, especially minorities and economically disadvantaged, expect to be treated equitably. In other words, these groups expect to receive the same types of services and quality of services as any other group in the community.
- e. Responsive to needs and requests for assistance. The public expects the fire department to be responsive to requests for assistance. This includes both emergency and nonemergency situations. This is something that is most affected by the individual companies in the neighborhood.

TRANSITION TO FIRE CHIEF

- Fire chief must lead from a strategic level and see the big picture.
- The first objective of most new fire chiefs is to establish their credibility.

Slide 1-10

II. TRANSITIONING TO THE FIRE CHIEF'S ROLE

- A. The fire chief leads at a different level than other officers in the department. The fire chief must lead at the strategic level, i.e., the big picture level. To be effective, the fire chief must have the mindset of a strategic leader.
- B. The first objective of most new fire chiefs is to establish their credibility within the department and with senior appointed and elected officials.
 - 1. This means setting themselves apart from the previous fire chief so that they are clearly recognized as the department's leader and senior official.

2. New chiefs often take a critical position toward current procedures and policies. In some cases, the new chief begins changing policies immediately.
3. As the new chief begins to make changes, department members feel stressed about the changes and the impact of those changes to them personally.
4. The greater the difference between the new direction of the chief and the needs of the department members, the greater the stress and the more likely there will be resistance to the new direction.
5. It is very beneficial for the new fire chief to be properly trained prior to assuming the duties of chief. The chief will be more confident as a result of the training as well as better equipped to meet the responsibilities of the position.

**AREAS OF INTERACTION
DURING TRANSITION**

- Partnering in decisionmaking.
- Focusing on successful implementation of new changes.
- Allowing the new fire chief to be challenged when appropriate.
- Providing support to the new fire chief.

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- C. Four areas of interaction between the fire chief and department members are critical for a successful transition.

1. Partnering in decisionmaking.
 - a. The new chief should seek input on major issues from those affected by the potential changes.
 - b. Time must be taken to listen to department members to better understand the issues most important to the members.
 - c. Decisions by the new chief must be made on facts and accurate data.

2. Focusing on successful implementation of new changes.
 - a. The new chief must trust department leaders to implement the new changes, policies, etc.
 - b. The key is clear communication to department personnel on the reason for the change and the expected results. This places a focus on results instead of the implementation process.
 - c. Implementation decisions should be delegated to qualified officers and department leaders.
3. Allowing the new fire chief to be challenged when appropriate.
 - a. The fire chief is well served by allowing respected personnel to give feedback on ideas they believe to be impractical.
 - b. Honest interaction will also bring new information and ideas that may benefit the department.
 - c. Feedback must be presented professionally and focus on issues rather than agendas.
4. Providing support to the new fire chief.
 - a. The new fire chief must actively communicate and request assistance when needed.
 - b. Department officers and leaders must implement changes as intended and directed.
 - c. Department officers and leaders should inform the new fire chief early regarding issues that may become a problem, allowing proactive interventions.

TRANSITION PROCESS

- New fire chief must be patient with the pace of change.
- Making change too fast may increase stress and the resistance to change.

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- D. The transitioning process takes time, sometimes several months.
1. During this time, the new fire chief must be patient with the pace of change.
 2. Trying to make change too quickly will increase stress and the resistance by department members.

LEADERSHIP BEHAVIORS

- Acts with integrity.
- Communicates effectively.
- Demonstrates professional competence as a fire chief.
- Treats others fairly and with respect.
- Builds positive relationships with staff, citizens, and other officials.

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III. LEADERSHIP BEHAVIORS OF SUCCESSFUL FIRE CHIEFS

- A. Acts with integrity.
1. The fire chief must act ethically and with integrity both on and off duty. The fire chief, especially in a small community, is observed and scrutinized every day, all day.
 2. Integrity includes acting ethically, being moral, keeping confidences, and remaining truthful in relationships.
 3. Integrity also includes having the courage to stand up for what is right even when it may bring criticism from others.
 4. The fire chief is a role model for department members, especially for following the regulations and policies. At all times, and in every situation, the fire chief must adhere to the same standards and expectations to which others are held accountable. In fact, the fire chief should hold his or herself to an even higher standard of conduct.
- B. Communicates effectively.
1. Effective communication is necessary for the fire chief to be able to reach and influence staff members, community leaders, and officials.

2. Effective communication involves being able and willing to listen to others, speak articulately, and write with proper grammar and spelling.
 3. As part of communication, the fire chief should seek out input from others on department issues and major decisions.
 4. Keeping the staff informed on department activities and issues, especially during periods of change, is critical for success.
- C. Demonstrates professional competence as a fire chief.
1. The department staff will constantly evaluate the fire chief's competence. Firefighters will tend to respect the judgment of a fire chief whom they believe is competent.
 2. The fire chief should participate in professional development courses and programs. The training and education should focus on the skills needed as a fire chief.
 3. Another measure of professional competence is participation in professional organizations such as the International Association of Fire Chiefs (IAFC), the State fire chiefs' organization, etc. These organizations may also offer professional development courses and professional certifications.
 4. When available, the fire chief should work toward certification as a fire officer based on NFPA professional qualifications standards or other respected certification.
- D. Treats others fairly and with respect.
1. The fire chief respects the values and beliefs of others regardless of race, creed, gender, etc.
 2. Everyone is treated fairly and impartially, without bias or prejudice.
 3. The fire chief is consistent in demeanor and avoids any public criticism of others.
- E. Builds positive relationships with staff, citizens, and other officials.
1. To be successful, the fire chief must build a local network that can support the fire department and its programs.

2. The fire chief must become active in the community to learn about the needs of the community and to build a relationship with community leaders. These relationships can build support of the fire department.
3. With all stakeholders, the fire chief must have a win-win philosophy and seek areas in which the fire department can work cooperatively with other agencies, departments, and organizations.
4. The fire chief must attend and participate in meetings of senior appointed and elected officials, including regular meetings of the authority having jurisdiction (AHJ) over the fire department.

LEADERSHIP BEHAVIORS
(cont'd)

- Creates and communicates a vision for the department.
- Leads proactively.
- Builds and maintains credibility.
- Demonstrates commitment to the department members, the organization, and the community.

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F. Creates and communicates a vision for the department.

1. The vision is the fire chief's road map for the future of the department. The new fire chief must have a plan to move the department forward from the current status quo.
2. The vision must be based on the goals and needs of the community and include input from department members.
3. The fire chief is responsible for integrating the vision into the department's programs, services, and procedures.
4. It is critical that the fire chief frequently communicate the vision to department members, community decisionmakers, and stakeholders.

G. Leads proactively.

1. The fire chief must be a capable decisionmaker. This means acting decisively and proactively.

2. By being a proactive leader, the fire chief anticipates issues and community needs and takes action before the issues and needs become critical.
- H. Builds and maintains credibility.
1. Credibility is developed by sound decisionmaking, keeping commitments, and leading department successes.
 2. The fire chief makes decisions based on data, facts, and objective input from respected officers and community leaders. When this is done, the quality of decisions improves and mistakes are reduced.
 3. The fire chief takes responsibility for actions and decisions and, when necessary, remains accountable for errors in judgment.
 4. The public expects the fire chief to accept responsibility for the performance of the department and its members.
 5. The fire chief acknowledges the hard work and successes of others and always gives credit where credit is due. In addition, the fire chief acts with humility.
- I. Demonstrates commitment to the department members, the organization, and the community.
1. The fire chief is hard working and dedicates the time and energy necessary to meet the responsibilities of the position. In this regard, his work ethic is a positive model for others in the department.
 2. The decisions made, programs implemented, and services provided are intended to serve the community and improve the quality of life.
 3. The health and safety of the department members is always considered during decisionmaking.
 4. The fire chief is a strong advocate for the department and its members and for community fire protection.
 5. The fire chief serves the community through participation in local organizations such as Lions, Rotary, Chamber of Commerce, etc.



SUMMARY

- Fire chief's role and responsibilities.
- Transitioning to the fire chief's role.
- Leadership behaviors of successful fire chiefs.

Slide 1-15

IV. SUMMARY

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UNIT 2: POLITICS

TERMINAL OBJECTIVE

The students will be able to explain how a successful fire chief navigates the local political environment to effectively influence public policy.

ENABLING OBJECTIVES

The students will be able to:

1. *Define politics and public policy in the local environment.*
 2. *Define the local political organization.*
 3. *Identify the local formal and informal power base(s).*
 4. *Differentiate power from influence.*
 5. *Explain the role of collaboration and negotiation in the political process.*
 6. *Identify four leadership principles necessary to be effective in a political environment.*
 7. *Explain how to effectively build and maintain political equity.*
 8. *Identify the eight steps of effective change management.*
 9. *Explain the fire chief's role relative to the local political process and public policy.*
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UNIT 2: POLITICS

Slide 2-1

ENABLING OBJECTIVES

The students will be able to:

- Define politics and public policy in the local environment.
- Define the local political organization.
- Identify the local formal and informal power base(s).
- Differentiate power from influence.
- Explain the role of collaboration and negotiation in the political process.

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ENABLING OBJECTIVES (cont'd)

- Identify four leadership principles necessary to be effective in a political environment.
- Explain how to effectively build and maintain political equity.
- Identify the eight steps of effective change management.
- Explain the fire chief's role relative to the local political process and public policy.

Slide 2-3

POLITICS AND PUBLIC POLICY

- Politics is the art of building and using influence to achieve an individual or group public policy goal.
- Public policy is the set of laws, standards, policies, and procedures that direct the actions of public officials and employees.

Slide 2-4

I. POLITICS AND PUBLIC POLICY

- A. Politics is the art of building and using influence to achieve an individual or group public policy goal.
 1. Because politics involves human relationships, it is not a well-defined science. It is rather a skill that is learned through experience. This is the "art" of politics.
 2. Politics requires establishing influence through relationships; no relationship, no influence.
 3. Affecting public policy is ultimately the goal of local politics.
- B. Public policy is the set of laws, standards, policies, and procedures that direct the actions of public officials and employees.
 1. Public policy is developed by elected and appointed officials, including the department heads of emergency services agencies.
 2. Public policy embodies not only what the local government does, but also what it deliberately does **not** do.
 3. Public policy is always political in nature. It may not be the product of analysis, facts, or a rational approach.
 4. All services and tasks performed by a public safety agency are the result of some level of public policy.
 5. Local officials and employees administer public policy.

- a. Local officials often exercise significant discretion in day-to-day operations.

- Example: fire apparatus staffing.
- b. Allows for more responsive services.
- c. Increases potential for greater inconsistency in service delivery.

CREATING PUBLIC POLICY

- Identify the policy issue.
- Build a community agenda around the issue.
- Propose public policy to resolve the issue.
- Advocate for adoption of proposed policy.
- Implement policy once adopted.

Slide 2-5

C. Creating public policy.

1. Identify the policy issue.
 - a. Often occurs as a result of an event or recognized problem.
 - b. Some issues brought forward by concerned citizens.
 - c. Analysis of the issue is usually very beneficial prior to moving to the next step.
2. Build a community agenda around the issue.
 - a. Policymakers judge the merits of a proposed policy in political terms. (What does this mean to my constituents?)
 - b. When a policy issue has the support of the community and/or key stakeholders, it is more likely to be supported politically.

- c. The fire chief's involvement in building the community agenda will depend on the relationship between the policy issue and the fire agency. In some cases, the fire chief will be the official leading the process; in other cases, he/she may serve a supporting role to another government official.
 - d. During this process, the most feasible solutions to the issue are identified and promoted. These solutions are addressed through proposed public policy.
3. Propose public policy to resolve the issue.
 4. Advocate for adoption of proposed policy.

Local law establishes the public policy adoption process; most public policies require adoption by elected officials or voters of the jurisdiction.

5. Implement policy once adopted.
 - a. Once adopted, it is the fire chief's responsibility to ensure implementation.
 - b. Training is an essential element of implementation.
 - c. The reason for the policy and benefits to the community are critical elements.

II. THE LOCAL POLITICAL ENVIRONMENT

POWER AND INFLUENCE

- Power is the ability to influence people's behavior and get them to act in a certain manner.
 - Legitimate power.
 - Reward power.
 - Coercive power.
 - Expert power.
 - Referent power.

Slide 2-6

- A. Power and influence.

1. Power is the ability to influence people's behavior and get them to act in a certain manner.
 - a. Legitimate power—The authority a fire chief has by virtue of his/her position in the organization.
 - b. Reward power—The authority to give or reduce tangible rewards to subordinates (promotions, raises).
 - c. Coercive power—The authority to punish; opposite of reward power (disciplinary actions).
 - d. Expert power—The authority given to a person with special abilities or skills. (A fire marshal has expert power due to his/her knowledge of fire codes.)
 - e. Referent power—The power given when employees respect the department head for his/her leadership, admiration, and loyalty. A fire chief may develop referent power over time due to his/her success in the local political environment.

POWER AND INFLUENCE (cont'd)

- Influence is the ability to affect someone or something without direct or apparent effort.
 - Passive influence—Influence by actions or lifestyle.
 - Active influence—Influence with words or design.

Slide 2-7

2. Influence is the ability to affect someone or something without direct or apparent effort.
 - a. Passive influence—Influence by actions or lifestyle.
 - b. Active influence—Influence with words or design.

POLITICAL POWER AND INFLUENCE

- Politics is based on the use of power and influence to advance goals and meet specific needs.
- Political power is the ability to influence public policy.
- Power and influence vary with each community.

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B. Political power and influence.

1. Politics is based on the use of power and influence to advance goals and meet specific needs. These may be small issues or a large policy issue that requires voter approval.
2. Political power is the ability to influence public policy. The fire chief must be able to work within the local political environment, the world of power and influence, in order to achieve organization policy goals.
3. Power and influence varies with each community and may also vary within the same community, depending on the policy issue.
 - a. Specific stakeholders who are affected by the issue.
 - b. Impact of the issue on the community.
 - c. Internal versus external policy.

ESTABLISHING AND MAINTAINING POLITICAL INFLUENCE

- Visibility.
- Interaction.
- Policymaking process.
- Ethical behavior.
- Performance of the organization.

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C. Establishing and maintaining political influence.

1. Visibility—The fire chief must be visible in the community and be recognized by citizens, officials, and community leaders as the leader and person in charge of the organization.
2. Interaction—The fire chief must interact with decisionmakers, elected officials, and community leaders. This can be in the normal course of business, community groups, etc.
3. Policymaking process—The fire chief is expected to be involved in this process as the organizational leader. This involvement allows him/her to build credibility with officials. Credibility is critical to gaining influence.
4. Ethical behavior—The fire chief must behave ethically, both on and off duty. Ethical breaches, even when it is just the public's perception, challenge his/her influence.
5. Performance of the organization—The community and elected and appointed officials expect the organization to be effective in meeting their mission. The community holds the department head accountable for that effectiveness. An effective organization increases influence.

WHY SOME CHIEFS SUCCEED

- Positive relationships.
- Credibility.
- Respect.
- Engaged.

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D. Why some fire chiefs succeed and others fail to gain political influence:

1. Positive relationships—Successful leaders focus on the positive in people, and their relationships are based on this.
2. Credibility—Successful leaders always have a high level of trust within the community and political environment.
3. Respect—Successful leaders are respected within the community.

4. Engaged—Successful leaders are engaged with the community, political leaders, and their organization.

FORMAL POLITICAL POWER STRUCTURE

- Involves elected and appointed officials.
- Acts within constraints of laws, codes, and ordinances.
- Influenced by the informal political power structure.
- Influenced by community groups and business interests.

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E. Formal political power structure.

1. The formal political power structure involves elected and appointed officials who are tasked with establishing and managing public policy; in some communities, recognized community leaders such as officers of public organizations (Chamber of Commerce) form, or are, a part of the formal political power structure.
2. The formal political power structure acts within the constraints of local laws, codes, and ordinances.
3. The formal political power structure is influenced by the informal political power structure.
4. Community groups, business interests, etc., strongly influence the formal power structure when focused on specific local issues.

**FORMAL POLITICAL POWER
STRUCTURE (cont'd)**

- Understand the individual values and goals of each official.
- Build relationships with the formal political power structure.

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5. The fire chief should understand the individual values and goals of each elected and appointed official.
 - a. This provides insight into how each will respond to different public policy issues.
 - b. Typically, there are specific elected and appointed officials who have more political influence than others.
 - c. This may be due to tenure in office, popularity with citizens and interest groups, the constituency represented, etc.
6. Build relationships with the formal political power structure.
 - a. Attend meetings of the formal power structure (Board of Directors, Commissioners, Council, etc.).
 - b. Provide regular reports on organizational issues to elected/appointed officials.
 - c. Meet personally with elected/appointed officials as appropriate.
 - d. Invite officials to attend organizational functions, visit stations, and see operations.
 - e. Participate in community organizations.
 - f. Be visible at community events.

LOCAL POLITICAL ORGANIZATION

- Elected policymakers.
 - City Council/Mayor.
 - Town Elders.
 - Board of Commissioners.
 - County Supervisors.
 - District Board of Directors.

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F. The local political organization.

1. Elected policymakers.
 - a. City Council/Mayor.
 - b. Town Elders.
 - c. Board of Commissioners.
 - d. County Supervisors.
 - e. District Board of Directors.

LOCAL POLITICAL ORGANIZATION (cont'd)

- Appointed policymakers.
 - City Manager/Administrator.
 - County Administrative Officer.
 - District Executive/General Manager.
 - Others?

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2. Appointed policymakers.
 - a. City Manager/Administrator.

- b. County Administrative Officer.
- c. District Executive/General Manager.
- d. Others?

**INFORMAL POLITICAL POWER
STRUCTURE**

- In each community and organization, there is an informal political power structure.
- May include the following:
 - Prominent business leaders.
 - Former elected officials.
 - Affluent citizens.
 - Community and special interest groups.
 - Professionals.
 - Community members with political aspirations.

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G. Informal political power structure.

1. In each community, there is an informal political power structure that significantly affects public policy decisions.
2. The informal political power structure may include the following:
 - a. Prominent business leaders.
 - b. Former elected officials.
 - c. Affluent citizens.
 - d. Community and special interest groups.
 - e. Professionals (accountants, attorneys, physicians, etc.).
 - f. Community members with political aspirations.

INFORMAL POLITICAL POWER STRUCTURE (cont'd)

- The fire chief may have direct access.
- Any external public policy initiative must have the support of the informal power structure.
- May be a great benefit or a strong obstacle.
- In order to be effective politically, the fire chief must understand and respect the informal power structure within the community.

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3. The fire chief may have direct access to the informal power structure through community activities, groups, and relationships.
4. Any external public policy initiative must have the support of the informal power structure. The formal power structure waits to determine the position of the informal power structure prior to taking political action on the issue.
5. Just as the informal power structure may be a great benefit to the department or agency's policy agenda, it can also be a strong obstacle to the policy agenda if it is viewed as detrimental to the members of the power structure.
6. In order to be politically effective, the fire chief must understand and respect the informal power structure within the community.

INFORMAL POLITICAL POWER STRUCTURE (cont'd)

- Building a relationship with informal political power structure:
 - Participate in community service organizations.
 - Meet with community leaders.
 - Sponsor neighborhood and community events.
 - Participate in community events.
 - Attend meetings of special interest groups.

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7. Building a relationship with the community's informal political power structure:

- a. Participate in community service organizations.
- b. Meet with community leaders to discuss public safety policy issues.
- c. Sponsor neighborhood and community events such as safety fairs, station tours, citizen academies, etc.
- d. Participate in community events.
- e. Attend meetings of special interest groups to learn about perspectives, needs, and political agenda(s).

UNDERSTANDING COMMUNITY NEEDS AND EXPECTATIONS

- Failure to align programs and services with needs and expectations reduces the fire chief's credibility and political influence.
- Align programs and services with community needs and expectations.

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H. Understanding community needs and expectations.

1. Failure to align programs and services with needs and expectations reduces the fire chief's credibility and political influence.
 - a. To be effective politically, the fire chief must understand the needs and expectations of the community and its various interest groups.
 - b. This requires the fire chief to be actively engaged with the community and its leaders.
2. A key political and administrative role of the fire chief is to align the department's programs and services with the community's needs and expectations.

COMMUNITY POLITICS

- Must understand how local politics take place.
- How do officials personally approach and react to policy issues?
- How do the officials obtain and organize information on a policy issue?
- What are the motivations of local officials?

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I. Community politics.

1. The fire chief must understand how local politics takes place. This goes beyond the governmental process of policymaking. It is how elected and senior appointed officials approach the political process.
2. How do officials personally approach and react to policy issues? For example: quick to make decisions; seek alternative views; etc.
3. How do the officials obtain and organize information on a policy issue? For example: seek citizen input; rely on staff for information and recommendations; do research on their own; meet with community leaders and stakeholders; etc.
4. What are the motivations of local officials? For example: what are they trying to accomplish with policymaking? do they have pet projects? what issues are they eager to support? etc.

COMMUNITY POLITICS (cont'd)

- What are the values, beliefs, and attitudes of each of the elected and appointed officials?
- How do the officials communicate with the fire chief on policy issues?
- How willing are officials to compromise on policy issues?

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5. What are the values, beliefs, and attitudes of each of the elected and appointed officials? For example: are they conservative, social advocates? etc.
6. How do the officials communicate with the fire chief on policy issues? For example: directly through the city manager; indirectly through stakeholders or community leaders; in writing or in person; etc.
7. How willing are officials to compromise on policy issues?

COMMUNITY POLITICS (cont'd)

- Are there any policy issues on which officials will not compromise?
- How do the officials communicate and interact with the community?

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8. Are there any policy issues on which officials will not compromise? Why will they not compromise? For example: any policy that increases taxes; any policy that increases regulation; etc.
9. How do the officials communicate and interact with the community? For example: attend local community meetings; Web site; social media; participation in local organizations; etc.

ESTABLISHING AND MAINTAINING POLITICAL INFLUENCE

- "Politically correct" means taking and/or maintaining a political position acceptable to a majority of the formal/informal power structure.
- Being politically astute means understanding the political process and environment and working effectively within that environment.

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III. ESTABLISHING AND MAINTAINING POLITICAL INFLUENCE

A. Establishing and maintaining political influence.

1. "Politically correct" means taking and/or maintaining a political position acceptable to a majority of the formal/informal power structure; it involves knowing what is politically acceptable at the moment. This approach may not support the policy issue or effective fire protection. Being politically correct may appeal to some groups, while others may view it as a weakness.
2. Being politically astute, on the other hand, means understanding the political process and environment and working effectively within that environment to influence policy issues regardless of the group, values, political correctness, etc.

ESTABLISHING AND MAINTAINING POLITICAL INFLUENCE (cont'd)

- It is possible to maintain positive political influence.
- Most important is to remain trustworthy.
- Community expectations of the fire chief:
 - Efficiency.
 - Effectiveness.
 - Equity.
 - Responsiveness.
 - Ethical behavior.

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3. It is possible to maintain positive political influence even though your policy initiative fails.

Example: a fire chief requests funding for a new program. He/She provides sound justification, has community support, and advocates for the initiative in a professional and politically astute manner. The initiative fails due to budget constraints. The fire chief's professionalism and justification create a positive impression on the elected officials, leaving future funding of the program a viable option.

4. Most important is to remain trustworthy in the community's perception.
5. Community expectations of the fire chief:
 - a. Efficiency—The public expects the fire chief to use resources wisely and prudently; any waste or misuse, even if just perceived, is seen as an inefficient operation.
 - b. Effectiveness—The public expects the fire chief to provide effective services and conduct effective operations.
 - c. Equity—Citizens, especially minorities and the economically disadvantaged, expect to be treated equitably; these groups expect to receive the same types and quality of services as any other group in the community.
 - d. Responsiveness—The public expects the fire chief to be responsive to community needs and requests.
 - e. Ethical behavior—The public expects the fire chief to act ethically; a breach of ethical conduct can immediately destroy a trusting relationship and result in loss of political influence.

POLITICAL EQUITY

- Equity is the value of something in excess of any debt owed against it.
- Political equity is one's net value (credibility) with a particular interest group.
 - Credibility is the quality of being believed or trusted.
 - Political equity = community equity.

Slide 2-24

- B. Political equity.

1. Definition of "equity."

Equity: The value of something (asset or interest) in excess of any debt owed against it; net value of a property or asset.

2. Definition of "political equity."

- a. Political equity is one's net value (credibility) with a particular interest group.
- b. Credibility is the quality of being believed or trusted.
- c. Political equity = community equity.

POLITICAL EQUITY (cont'd)

- Virtually everyone has personal or group interests and priorities to promote.
- Special interest groups:
 - Have common interest(s) or goals.
 - Influence public policy within a community.

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3. Virtually everyone a fire chief interacts with has personal or group interests and priorities to promote.

- a. For a fire chief, every interaction has a real or potential political element.
- b. Political priorities of some elected officials may not be in alignment with the goals and priorities of some community interest groups.

4. Special interest group.

- a. Have common interest(s) or goals. Examples:
 - Business groups.
 - Education groups.

- Religious groups.
- Service organizations.
- Industry.
- Military.
- Recreation groups.
- Resident (homeowner) groups.
- Health-care groups.
- Government groups.
- Elected officials.

- b. Special interest groups influence public policy within a community.

POLITICAL EQUITY (cont'd)

- Political effectiveness relies on the nature and quality of personal relationships.
 - Create and nurture alliances.
 - Find partners.
 - Establish diverse partnerships.
 - Foster creative dialogue.
 - Maintain visibility.
 - Maintain alliances.
 - Politics is about effective relationships.

Slide 2-26

5. As in one's personal life, political effectiveness relies on the nature and quality of personal relationships.

"For leaders attempting to move an issue forward, the merits of a cause and the strategy to move it forward are relevant but not controlling; the critical issue is access, and the greatest care should be directed toward creating and nurturing networks of people with whom you can call on, work with, and engage in addressing the issue at hand" (Heifetz and Linsky, 2002).

- a. The key is to create and nurture alliances:

- Find partners.
 - Even leaders with great authority and vision need partners to bring about significant change.
 - Strengthen yourself and your initiatives.
 - Finding real partners takes considerable time and energy.
- Establish diverse partnerships.
 - Creating change requires a leader to move beyond his/her constituents and followers.
 - Create access to factions (interest groups) other than your own.
 - Engage the voices of dissent.
- Foster creative dialogue.
 - Nurture communication and interaction across all formal and informal boundaries.
 - Foster and value independent thinking.
 - No position or solution is sacred.
 - Encourage and support those who ask uncomfortable questions or challenge the status quo.
- Maintain visibility and connectivity within the community.
 - Be active within the "communities" you serve.
 - Attend community events and meetings.
 - Maintain equitable visibility among all key interest groups.
 - Don't avoid groups opposed to your ideas.
- Maintain alliances.
 - Reciprocity is key to any successful relationship.

-- Relationships usually fade or die if only one party undertakes the effort required to maintain it.

-- Planning and commitment are essential to sustain political alliances.

-- Keep your commitments.

-- Personal integrity is essential to maintain effective alliances.

-- Effective alliances (relationships) are essential to political success (and often survival).

- b. Politics is ultimately about effective relationships. Failure to establish and maintain an effective alliance with one or more stakeholder/interest group will affect your effectiveness with others.

COLLABORATION AND NEGOTIATION

- Collaboration is working together to create a joint effort.
- Negotiation is the attempt to reach a mutually agreeable or desired result.
- Collaboration and negotiation are both essential elements of the political process.

Slide 2-27

C. Collaboration and negotiation.

1. Collaboration is working together to create a joint effort.
 - a. Build trust, and you can build partnerships.
 - b. In the political process, it is important to know what the common interests are of each party.
 - c. Collaboration is an avenue to discover the informal political power brokers.
2. Negotiation is the attempt to reach a mutually agreeable or desired result.

- a. Avenue to gain consensus.
 - b. To be successful, both sides must feel they have an equal level of input.
 - c. Must understand collaboration in order to become skilled at negotiation.
3. Collaboration and negotiation are both essential elements of the political process.

ACTIVITY 2.1
Establishing and Maintaining
Political Influence

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ACTIVITY 2.1

Establishing and Maintaining Political Influence

Purpose

To identify current issues within the student's community and/or organization with public policy implications; to identify the formal and informal power structures relative to the public policy issue(s); and evaluate the current fire chief's ability to influence those formal and informal power structures.

Directions

1. Within your assigned small group, discuss the following:
 - a. Given the issue you selected in Activity 1.1, what are the public policy implications of this issue within your community and/or organization?
 - b. What are the formal and informal power structures within your community and organization relative to those public policy issues?
 - c. Does the current fire chief have sufficient political awareness and credibility to influence the formal/informal power structures?
2. Each group is to select one example from those discussed.
3. Use the easel pad to record the following:
 - a. Community/Organizational issue with public policy implications.
 - b. Specific people/positions holding formal political power relative to the policy issue.
 - c. Specific people/positions holding informal political power relative to the policy issue.
 - d. Whether the fire chief has the ability to influence both the formal and informal powers relating to this issue, and why.
4. You have 10 minutes to complete this section of the Activity.
5. Each small group is to select a spokesperson to present the group's findings to the class.
6. Complete the entire activity within 20 minutes.

ACTIVITY 2.1 NOTES

IV. LEADERSHIP AND THE POLITICAL PROCESS

MANAGEMENT VERSUS LEADERSHIP

- Management involves planning and directing resources to achieve organizational goals.
- Leadership defines what the future will look like, aligns people with that vision, and inspires them.

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A. Management versus leadership.

1. Management involves planning and directing resources to achieve organizational goals effectively and efficiently (power).
2. Leadership defines what the future will look like, aligns people with that vision, and inspires them to make the future a reality in spite of the obstacles (influence).

LEADERSHIP PRINCIPLES

- Integrity.
- Ethical behavior.
- Professionalism.
- Accountability.
- Communication.
- Courage.
- Vision.
- Credibility.

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B. Leadership principles essential to effectiveness in the political environment.

1. Integrity—Honest; morally principled. Includes admitting to mistakes.

2. Ethical Behavior—Adhering to a high standard of behavior both on and off duty. The community generally holds its leaders accountable to the highest ethical standards and a breach of ethics results in a significant loss of credibility and influence.
3. Professionalism—Representing the position as one worthy of respect; knowledgeable in all of the unique facets of the position and the abilities required of it.
4. Accountability—Accepting responsibility for one's actions and the actions of the organization.
5. Communication—Shares/Exchanges information openly and effectively; this is the most important attribute a leader can possess.
6. Courage—The strength and confidence to face fear or difficulties and persevere for the benefit of the organization.
7. Vision—Being innovative; having foresight; the ability to use creativity to one's advantage. A leader must have the ability to clearly see the organization's position, where it can be in the future, and effectively convey that vision to others.
8. Credibility—Trustworthy, believable, honest.
 - a. Essential quality for a fire chief.
 - b. Keys to credibility:
 - Keep commitments.
 - Strong core values and convictions.
 - Professional demeanor.
 - Ethical behavior.

V. STRATEGIC CHANGE MANAGEMENT

EFFECTIVE STRATEGIC CHANGE AGENT

- No shortcuts.
- Inertia and complacency will kill initiative.
- Address each step in order to avoid failure.
- Effective public policy is an enormous task.
- Change requires great cooperation, initiative, and many sacrifices.

Slide 2-31

A. Effective strategic change agent.

1. There are no shortcuts to this process.
2. Inertia and complacency will kill the change initiative.
3. Change initiatives that fail to effectively address each step in order will rarely make it to the finish line successfully.
4. Realize that affecting major public policy or organizational change is an enormous task.
5. Change requires great cooperation, initiative, and many sacrifices.

EFFECTIVE STRATEGIC CHANGE AGENT(cont'd)

Eight steps essential to effective change management (Kotter, 1996).

1. Establish a sense of urgency.
2. Create a guiding coalition.
3. Develop a vision.
4. Communicate the vision.

Slide 2-32

B. Eight steps essential to effective change management (Kotter, 1996).

1. Establish a sense of urgency.
 - a. Establishing a sense of urgency is crucial to gaining needed cooperation.
 - b. Timing (ripeness) of an issue is an important factor in creating the urgency.
 - c. If a large enough group of affected people doesn't feel the same sense of urgency, the momentum for change will almost inevitably die short of the finish line. People will find ingenious ways to withhold cooperation from a process that they sincerely believe is unnecessary or wrongheaded.
 - d. Establishing a sense of urgency requires removing the sources of complacency, or at least minimizing their impacts on the change initiative.
2. Create a guiding coalition.
 - a. No one individual can effectively manage all of the essential change management principles alone.
 - b. Successful transformations require a strong coalition of supporters and advocates with the right composition, level of trust, and a shared objective.
 - c. Effective leaders and managers, working together in tandem, are critical to success; managers keep the change process under control, while leaders drive the change.
3. Develop a vision.
 - a. Clarifies the general direction for change.
 - b. Motivates people to take action in the right direction.
 - c. Helps coordinate the actions of different people in a remarkably fast and efficient manner.
4. Communicate the vision.
 - a. The power of a vision is unleashed only when most of those involved have a common understanding of its goals and direction.

- b. Accepting a future vision can be a challenging intellectual and emotional task.
- c. Humans, especially well-educated ones, buy into something only after they have had a chance to wrestle with it.

**EFFECTIVE STRATEGIC
CHANGE AGENT (cont'd)**

- 5. Empower subordinates to act.
- 6. Generate short-term wins.
- 7. Consolidate gains to produce more change.
- 8. Anchor new approaches in the culture.

Slide 2-33

- 5. Empower subordinates to act.
 - a. Extremely few internal transformations are successful without broad organizational assistance.
 - b. Employees cannot and will not help if they feel powerless.
 - c. Effective implementation of steps 1–4 already does a great deal to empower.
- 6. Generate short-term wins.
 - a. Provide evidence that the sacrifices of change are worth it.
 - b. Reward change agents with a pat on the back.
 - c. Help fine-tune the vision and strategies.
 - d. Build momentum.
- 7. Consolidate gains to produce more change.
 - a. Irrational and political resistance to change never fully dissipates.
 - b. Easing up after short-term wins loses critical momentum and opens the door to regression.

8. Anchor new approaches in the culture.
 - a. Cultural change comes last, not first.
 - b. New approaches usually sink into a culture only after it's very clear that they work and they are superior to old methods.
 - c. May involve turnover.

VI. THE FIRE CHIEF'S ROLE IN THE LOCAL POLITICAL PROCESS AND PUBLIC POLICY

FIRE CHIEF'S ROLE IN PUBLIC POLICY

- Identify public policy issues based on community needs and the organization's mission.
- Build a community agenda around proposed public policy issues.
- Communicate community needs to elected and appointed decisionmakers.
- Propose public policy solutions that will resolve the issues.

Slide 2-34

- A. Fire chief's role in public policy.
 1. Identify public policy issues based on community needs and the organization's mission.
 2. Build a community agenda around proposed public policy issues.
 3. Communicate community needs to elected and appointed decisionmakers.
 4. Propose public policy solutions that will resolve the issues.

**FIRE CHIEF'S ROLE IN PUBLIC
POLICY (cont'd)**

- Advocate for adoption of the proposed public policy.
- Keep community and policymakers informed.
- Implement the policy once adopted by elected or appointed officials.

Slide 2-35

5. Advocate for adoption of the proposed public policy.
6. Keep community and policymakers informed.
7. Implement the policy once adopted by elected or appointed officials.

**FIRE CHIEF'S ROLE IN PUBLIC
POLICY (cont'd)**

- Analyze the outcomes and effectiveness of public policies.
- Forecast future policy issues that require planning.
- Advocate for regional, State, and Federal public policy that supports local policy.

Slide 2-36

8. Analyze the outcomes and effectiveness of public policies.
9. Forecast future policy issues that require planning.
10. Advocate for regional, State, and Federal public policy that supports local policy.

**FIRE CHIEF'S ROLE IN THE
LOCAL POLITICAL PROCESS**

- Clearly understand the local formal and informal political power structure.
- Be able to work effectively within that political environment.
- Clearly understand how local politics takes place.

Slide 2-37

B. Fire chief's role in the local political process.

1. Clearly understand the local formal and informal political power structure.
2. Be able to work effectively within that political environment to establish and maintain political influence.
3. Clearly understand how local politics takes place and how local policymakers:
 - a. Approach and react to policy issues.
 - b. Obtain and organize policy issue information.
 - c. Are motivated politically; personal values, beliefs, and attitudes.
 - d. Communicate with public officials on policy issues.
 - e. Communicate and interact with the community.

FIRE CHIEF'S ROLE IN THE LOCAL POLITICAL PROCESS (cont'd)

- Understand community needs and expectations.
- Build and maintain political equity.
- Be politically astute.
- Be an effective change agent.

Slide 2-38

4. Understand community needs and expectations.
 - a. Various interest groups.
 - b. Align organizational programs with community needs and expectations.
5. Build and maintain political equity.
6. Be politically astute.
7. Be an effective change agent.



SUMMARY



- Politics and public policy.
- The local political environment.
- Establishing and maintaining political influence.
- Leadership and the political process.
- Strategic change management.
- Fire chief's role in the political process.

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VII. SUMMARY

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APPENDIX

CHECKLIST

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FIRE CHIEF'S ROLE IN PUBLIC POLICY

- ☐ Identify public policy issues based on community needs and the organization's mission.
- ☐ Build a community agenda around proposed public policy issues.
- ☐ Communicate community needs to elected and appointed policymakers.
- ☐ Propose public policy solutions that will resolve the issues.
- ☐ Advocate for adoption of the proposed public policy.
- ☐ Keep the community and policymakers informed.
- ☐ Implement the policy once adopted by elected or appointed officials.
- ☐ Analyze the outcomes and effectiveness of public policies.
- ☐ Forecast future policy issues that require planning.
- ☐ Advocate for regional, State, and Federal public policy that supports local policy.

FIRE CHIEF'S ROLE IN THE LOCAL POLITICAL PROCESS

- ☐ Clearly understand the local formal and informal political power structure.
- ☐ Be able to work effectively within the political environment to establish and maintain political influence.
- ☐ Understand how local politics takes place and how local policymakers operate and make public policy decisions.
- ☐ Understand community needs and expectations.
- ☐ Build and maintain political equity.
- ☐ Be politically astute.
- ☐ Be an effective change agent.

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UNIT 3: LIABILITY/RISK MANAGEMENT

TERMINAL OBJECTIVE

The students will be able to explain the fire chief's role in identifying and minimizing the legal liabilities of the organization/jurisdiction.

ENABLING OBJECTIVES

The students will be able to:

1. *Identify the legal authority and any constraints relative to the provision of local emergency services.*
 2. *Identify six operational liabilities.*
 3. *Identify four workplace liabilities.*
 4. *Identify three fiduciary liabilities.*
 5. *Identify three environmental liabilities.*
 6. *Explain statutory immunity.*
 7. *Describe three potential consequences of liabilities.*
 8. *Define risk management.*
 9. *Identify six elements of an effective risk management program.*
-

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UNIT 3: LIABILITY/RISK MANAGEMENT

Slide 3-1

ENABLING OBJECTIVES

The students will be able to:

- Identify the legal authority and any constraints relative to the provision of local emergency services.
- Identify six operational liabilities.
- Identify four workplace liabilities.
- Identify three fiduciary liabilities.

Slide 3-2

ENABLING OBJECTIVES (cont'd)

- Identify three environmental liabilities.
- Explain statutory immunity.
- Describe three potential consequences of liabilities.
- Define risk management.
- Identify six elements of an effective risk management program.

Slide 3-3

I. LIABILITY

LEGAL AND REGULATORY ENVIRONMENT

- Legal authority to provide local emergency services.
- Legal constraints to authority to provide services.
- Nonprofit organizations have legal authority and constraints.
- It is critical for the fire chief to know what authority and/or constraints apply to their provision of local emergency services.

Slide 3-4

A. Legal and regulatory environment.

1. Legal authority to provide local emergency services.

- a. No specific authority or requirement to provide local fire or emergency medical services (EMS) in most States. Some States require or mandate a State fire marshal position.
- b. Some States govern specific segments of local emergency services:

- Oklahoma:

-- §11-29-204 defines the minimum rules and regulations for volunteer fire departments.

- California:

-- State-level: Specific authority for wildland fire responsibility in designated watershed areas (Public Resources Code § 4125 et seq.).

-- Counties/Cities: No specific legal mandate to provide fire protection services (Government Code § 850).

-- Fire districts: General authority, governance, and finance outlined in Health and Safety Code § 13800 et seq. (Fire Protection District Law of 1987).

-- Volunteer departments: No specific mandate or constraints to services provided, except that County Board of Supervisors may restrict the number of volunteer companies if population exceeds 400,000 (Health and Safety Code).

- c. Local jurisdiction(s).
 - d. If no specific authority is required or granted to provide local emergency services, other statutes and regulations govern **how** such services are to be provided.
 - Occupational Safety and Health Administration (OSHA) regulations relative to Immediately Dangerous to Life and Health (IDLH) and confined space operations, etc.
 - Ability to levy taxes or fees for services.
2. Legal constraints to authority to provide services:
- a. California:
 - Authority to provide EMS is regulated by the State **and** local Emergency Medical Services Authorities.
 - b. Florida:
 - Prohibits charging fees for first responder services (Title XII, §166.0-446).
3. Nonprofit organizations—legal authority and constraints to providing local emergency services.
- a. State Corporations Code or Commission.
 - b. Internal Revenue Service (IRS) Code Section 501(c) (3).
4. It is critical for the fire chief to know what authority and/or constraints apply to their provision of local emergency services.

LEGAL AND REGULATORY ENVIRONMENT (cont'd)

- Definition of liability
 - Liability refers to an obligation, responsibility, debt, or the potential for loss or harm.
 - Something that has the potential to cause an unfavorable situation or outcome.

Slide 3-5

5. Definition of liability.

- a. Liability refers to an obligation, responsibility, debt, or the potential for loss or harm.
- b. From a leadership perspective, it refers to something that has the potential to cause an unfavorable situation or outcome for the leader and/or organization.

ACTIVITY 3.1 Identifying Liabilities 1

Slide 3-6

ACTIVITY 3.1

Identifying Liabilities 1

Purpose

To introduce you to liabilities you are exposed to as fire chiefs.

Directions

1. Within your assigned small group, discuss the following:
 - a. Given the issue you selected in Activity 1.1, what are the liabilities you face as a fire chief within your organization and jurisdiction?
 - b. Record your responses on an easel pad.
2. Each group is to select a spokesperson to share the group's results with the class. You have 10 minutes to complete this part of the activity.
3. The instructor will select one of the small groups to share its results with the class, and then select the other groups to share any results that differ from the previous group(s).
4. You have 20 minutes to complete the entire activity.

ACTIVITY 3.1 NOTES

I. LIABILITY (cont'd)

LIABILITY AND RISK

- An action, activity, or inaction that results in an undesirable outcome (harm or loss).
- Liability and risk are used interchangeably in this context.
- Insurance providers refer to their potential for loss as risk exposure.

Slide 3-7

B. Liability and risk.

1. Risk is the potential that an action, activity, or inaction, will result in an undesirable outcome (harm or loss).
2. Liability and risk are used interchangeably in this context.
3. Insurance providers refer to their potential for loss as risk exposure.

MISFEASANCE

A legal term for an act performed legally but improperly.

Slide 3-8

C. Misfeasance, malfeasance, and nonfeasance.

1. Misfeasance is a legal term for an act performed legally but improperly. In tort law, a civil defendant generally will be held liable for misfeasance if the defendant owed a duty of care toward the plaintiff, the defendant breached that duty of care by improperly performing a legal act, and the improper performance resulted in harm to the plaintiff.

MALFEASANCE

An intentional act that is either legally or morally wrong which one had no right to do. It always involves dishonesty, illegality, or knowingly exceeding authority for improper reasons.

Slide 3-9

2. Malfeasance refers to an intentional act that is either legally or morally wrong which one had no right to do. It always involves dishonesty, illegality, or knowingly exceeding authority for improper reasons.

NONFEASANCE

An intentional failure to perform a required duty or obligation that results in harm to a person or property.

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3. Nonfeasance refers to an intentional failure to perform a required duty or obligation that results in harm to a person or property.

ADMINISTRATIVE AND OPERATIONAL LIABILITIES

- Training and certifications:
 - Federal/State mandated.
 - High risk.
- Firefighting operations:
 - Accountability.
 - Rehabilitation.
 - Immediately dangerous to life and health (IDLH) operations.
 - Wildland operations.

Slide 3-11

D. Administrative and operational liabilities.

1. Training and certifications.

a. Federal/State mandated training:

- Driver/Operator.
- Hazardous materials.
 - Awareness level.
 - Operations level.
- Confined space.
 - Awareness level.
 - Operations level.
- EMS.
 - State/County Emergency Medical Services Association (EMSA) requirements.
 - National registry requirements.
- Training in acquired structures.
 - NFPA 1403, *Standard on Live Fire Training Evolutions*.

- State Environmental Protection Agency (EPA) requirements.
 - State fire marshal requirements (permit), etc.
 - Aircraft Rescue and Fire Fighting (ARFF) operations.
 - Federal Aviation Administration (FAA) requirements.
 - b. High-risk training:
 - Technical rescue.
 - Live fire evolutions.
 - Water rescue.
 - Boat operations.
 - Dive rescue.
 - Short-haul rescue.
2. Firefighting operations.
- a. Accountability.
 - NFPA 1561, *Standard on Emergency Services Incident Management System*.
 - Fireground accountability is now an accepted and expected industry standard/practice.
 - b. Rehabilitation.
 - NFPA 1584, *Standard on the Rehabilitation Process for Members During Emergency Operations and Training Exercises*.
 - c. IDLH operations.
 - NFPA 1404, *Standard for Fire Service Respiratory Protection Training*.
 - NFPA 1500, *Standard on Fire Department Occupational Safety and Health Program*.

- NFPA 1981, *Standard on Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services*.

- OSHA—"2-in/2-out" regulation (29 CFR 1910).

d. Wildland operations.

- Written Incident Action Plan (IAP).

- Operational safety briefings.

- Safety factors National Wildfire Coordinating Group (NWCG).

-- Lookouts.

-- Communications.

-- Escape routes.

-- Safety zones.

**ADMINISTRATIVE AND
OPERATIONAL LIABILITIES (cont'd)**

- Vehicle operations:
 - Driver/Operator.
 - Department of transportation (DOT) inspections.
 - Weight limits.
 - Maintenance/Inspection.
- Roadway operations.

Slide 3-12

3. Vehicle operations.

a. Driver/Operator training/certification.

- U.S. Fire Administration (USFA)/Volunteer Fireman's Insurance Services (VFIS) programs.

b. U.S. Department of Transportation (DOT) inspections.

c. Weight limits.

- Gross vehicle weight (GVW) and axle weight ratings.
 - It's possible to exceed axle rating while conforming to overall GVW rating.
 - Road/Bridge weight limits.
 - d. Maintenance/Inspection records.
 - Preventive maintenance.
 - Repairs.
 - Inspections/Testing.
 - DOT.
 - Pump.
 - Ladders.
 - Hose.
 - Breathing air compressors.
 - e. Statistically, the greatest liability in terms of financial claims against emergency services organizations is vehicle operations, especially water tenders, volunteers, and personally owned vehicle operations.
 - f. Vehicle operations are also the second leading cause of firefighter fatalities.
4. Roadway operations.
- a. Response protocols, scene safety, and traffic control for roadway emergency work zones.
 - b. U.S. Department of Transportation (DOT) *Manual on Uniform Traffic Control Devices* (MUTCD) Part VI, 1996.
 - c. NFPA 1620, *Standard for Pre-Incident Planning* provides guidelines.
 - d. Potential for conflict with law enforcement agencies/on-scene relationships.

**ADMINISTRATIVE AND
OPERATIONAL LIABILITIES (cont'd)**

- Specialized services:
 - Emergency medical services (EMS).
 - Haz mat.
 - Technical rescue.
 - Water rescue/boat operations.
 - Emergency management/disaster operations.

Slide 3-13

5. Specialized services.

a. EMS.

- Licensure/Certification.

-- First Responder Medical.

-- Emergency Medical Technician (EMT)-I.

-- EMT-II.

-- EMT-P.

- Standard of care.

-- Written statements describing the rules, actions, and conditions that direct patient care.

-- For prehospital EMS systems, standards of care are approved by the designated Medical Director.

-- Standards of care guide prehospital patient treatment and may be used to evaluate performance.

-- Also referred to as "patient care protocols."

- Abandonment.

- Medical abandonment results when the caregiver-patient relationship is terminated without making reasonable arrangements with an appropriate person so that care by others can be continued.
- A duty to care is established once patient contact is made pursuant to a request for assistance (caregiver-patient relationship).
- Negligence.
 - Improper, unskilled, or negligent treatment of a patient by a physician, dentist, nurse, pharmacist, or other health care professional.
 - Duty to provide appropriate, skilled care with reasonable diligence.
- Medical direction, oversight, and interface.
 - Agency medical direction/oversight.
 - Regional EMS Councils (EMSCs).
- b. Haz mat.
 - Emergency Planning and Community Right-to-Know Act (EPCRA) (42 USC 116).
 - State Emergency Response Commissions (SERCs).
 - The Governor of each State has designated a SERC that is responsible for implementing EPCRA provisions within its State.
 - NFPA 400, *Hazardous Materials Code*.
 - Local Emergency Planning Committee (LEPC).
 - Charged with the development and maintenance of a local emergency response plan.
 - Providing information about hazardous chemicals in the community to citizens.

-- Link to find LEPC (United States Environmental Protection Agency, 2012): yosemite.epa.gov/oswer/lepdb.nsf/SearchForm?OpenForm

- NFPA 472, *Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents*.

c. Technical rescue.

- High-risk operational liability.

- Training/Qualification program is critical.

- Foundation of training/qualification program is critical relative to liability exposure.

d. Water rescue/boat operations.

- High risk exposure.

- Training/Certification program is critical.

- Foundation of training/certification program is critical relative to liability exposure.

e. Emergency management/disaster operations.

- Operational coordination with other agencies.

- Interface with other governmental/non-governmental (NGO) organizations.

- Volunteers/Disaster service workers.

WORKPLACE LIABILITIES

- Workplace safety.
- Employment practices.
- Labor relations.
- Youth programs.

Slide 3-14

- E. Workplace liabilities.
 - 1. Workplace safety.
 - a. OSHA.
 - Broad authority over workplace safety.
 - IDLH operations.
 - Confined space.
 - Other workplace activities.
 - California—1999 changes to California Labor Code made all OSHA regulations applicable to local government, including administrative and criminal penalties under CalOSHA. Individual managers and supervisors can be fined up to \$250,000 and be imprisoned for up to four years for failure to take appropriate safety precautions.
 - b. Americans with Disabilities Act (ADA).
 - Broad authority relating to employment and access issues for persons with disabilities.
 - Includes fire station construction standards (new/remodel).
 - Very strict interpretation and sanctions.
 - 2. Employment practices: Equal Employment Opportunity Commission (EEOC).
 - a. Broad authority over employment practices.
 - b. Employee can file complaint directly with EEOC.
 - c. Employer responsibility to investigate complaints.
 - d. Significant monetary sanctions for violations.
 - 3. Labor relations.
 - a. Right-to-work state versus collective bargaining state.

- b. Collective bargaining laws require bargaining in good faith by both parties.
 - c. Sanctions for "unfair labor practices."
 - d. Civil liability for failure to comply with terms of collective bargaining agreement.
 - e. Even volunteer organizations can have labor issues.
 - f. Role of fire chief in labor contract negotiations.
4. Youth programs.
- a. Criminal background check/automated criminal activity reporting for adults working with youths.
 - b. Parental/Guardian permission to participate.
 - c. Appropriate level of supervision.
 - d. Involvement in games of chance; sale of alcohol.

WORKPLACE LIABILITIES (cont'd)

- Facilities.
- Alcohol use in fire station(s).
- Internet and social media.

Slide 3-15

5. Facilities.
- a. Locker and restroom facilities.
 - b. Sleeping accommodations.
 - c. Privacy issues.
6. Alcohol use in fire station(s).
7. Internet and social media.

- a. Organizational Web sites.
 - Copyright, defamation, trademark infringement, invasion of privacy issues.
- b. Inappropriate Internet use.
- c. Inappropriate use of social media.
- d. Incident operations/victim photographs/video.

FISCAL LIABILITIES

- Accountability and record keeping.
- Audits.
- Fiduciary responsibility.
- Procurement.

Slide 3-16

F. Fiscal liabilities.

- 1. Accountability and record keeping.
 - a. Accurate records are key.
 - b. Check State IRS for record retention guidelines.
 - c. Recommend minimum 10-year retention period for fiscal records.
- 2. Audits.
 - a. Annual fiscal audits.
 - Required by some States.
 - b. Nonprofit Organizations (NPOs) and fiscal issues.
- 3. Fiduciary responsibility.
 - a. Use of public funds.

- b. Use of private (donated) funds.
 - c. Bonding/Insurance.
 - d. Tax-exempt status (Internal Revenue Code Section 501(c) (3)).
 - Funds received by an organization are tax-exempt.
 - Donations are tax-exempt.
 - Organization must be organized and operated exclusively for exempt purposes.
 - No earnings may transfer to any shareholder or individual.
 - Organization may not attempt to influence legislation as a substantial part of its activities.
 - May not participate in any campaign activity for or against a political candidate.
 - e. "Intermediate sanctions."
 - Following the United Way scandal in 1992 relating to improper fiscal transactions, Congress empowered the IRS to assess stiff monetary penalties on both those who authorized an improper transaction as well as those who benefited from it.
 - f. Revocation of tax-exempt status.
 - g. Potential trouble areas for NPOs:
 - Games of chance.
 - Product sales without collecting sales tax.
 - Sale of food without health department inspection/permit.
 - Sale of alcoholic beverages without liquor license.
4. Procurement.
- a. Specifications.
 - Care must be exercised to ensure that specifications cannot be interpreted to unfairly benefit a single bidder/proposal.

- When using another jurisdiction's specifications, carefully review their process to ensure conformance with above.
- Regulatory and standards compliance (OSHA, NFPA, ASTD, NIOSH, DOT).
- b. Open bidding requirements.
 - Many States have "open bidding" requirements for public agency procurement exceeding a minimum fiscal threshold.
 - Intent is to ensure the "best value" for taxpayer funds.
 - Essential to know if proposed procurement is subject to open bidding.
 - Generally requires strict accountability and public opening of sealed bids.
 - Also generally includes a procedure to protest a bid process or award of bid.
- c. Committee procurement.
 - Often difficult to ensure conformance with specification and bidding requirements without appropriate oversight.
- d. Cooperative purchasing.
 - "Tag on" to another jurisdiction's purchase with similar specifications and procurement requirements.
 - Care must be exercised to ensure conformance with purchasing agency's procurement policy.
 - Cooperative purchasing agreements are generally allowed as an alternative to open bidding.
 - Examples: Western States Contracting Alliance (WSCA), State/county contracts.
- e. Compliance with Federal/State/local/NGO grant guidelines.
 - Example: Fire Act grant reporting requirements.
- f. Management of procurement issues.

- Specifications.
- "Best value."
- Warranty issues.
- Maintenance issues.
- Federal/State EPA vehicle emission compliance.
- g. Accountability of excess property.
 - Sale, transfer, or disposal.
 - Required notification.

ENVIRONMENTAL LIABILITIES

- State/Local land use and zoning requirements and restrictions.
- Code enforcement.
- Adverse environmental impacts:
 - Spills.
 - Discharges.
 - Areas of Special Biological Significance (ASBS).
 - Sites used for training.

Slide 3-17

G. Environmental liabilities.

1. State/Local land use and zoning requirements and restrictions.
 - a. Fire stations/facilities must conform to applicable land use and zoning requirements/restrictions.
 - b. May restrict type, size, and height of building/location on parcel.
 - c. May also restrict certain uses of site (e.g., games of chance, amplified audio, etc.).
 - d. May not be compatible use for neighborhoods.
 - e. Potential for long-term conflict with neighbors.

- f. Zoning/Use exemptions may be available through local process.
- g. Building/Use permit compliance.
 - Nonconforming use issues.
 - Exceptions may be authorized by local land use authority or policy board.
- 2. Code enforcement.
 - a. Failure to inspect as required by law or regulation.
 - b. Failure to inspect to recognized standards.
- 3. Adverse environmental impacts.
 - a. Spills.
 - Example: paint, motor oil, diesel fuel, gasoline.
 - Impacts if substance enters sanitary sewer or storm drain systems.
 - b. Discharges.
 - Longer-term release of an unauthorized substance.
 - Example: gray water into storm drain.
 - Impact: State Storm Water Discharge Permit.
 - Unauthorized material(s) discharged from storm drains.
 - Steep fines for violation.
 - c. Areas of Special Biological Significance (ASBS).
 - Established in 1972 under the Federal Water Quality Act.
 - Accorded "special protection" to ensure maintenance of natural water quality.
 - Interpreted to prohibit both point and nonpoint source discharges of waste.

- Some States narrowly interpret waste to include storm water and urban runoff.
- Implications to fire services: restrictions on runoff into storm drain system.
 - Vehicle washing.
 - Training.
 - Fire suppression.
 - Use of foam.
- Very steep fiscal sanctions for violations.
- d. Structures and sites used for training.
 - Lead-based paint.
 - Asbestos.
 - Ground contamination.
- e. Required notifications.
 - State/Federal EPA.
 - U.S. Fish and Wildlife Service.
 - State Fish and Game.
 - County health department.

ENVIRONMENTAL LIABILITIES (cont'd)

- Department facility issues:
 - Storage/Use of hazardous materials.
 - Biohazards.
 - Water conservation mandates.

Slide 3-18

4. Department facility issues.
 - a. Storage/Use of hazardous materials.
 - Gasoline/Diesel fuel.
 - Motor oil.
 - Hydraulic fluid.
 - Paint.
 - Cleaners/Degreasers.
 - Oxygen cylinders.
 - Storage quantities/location.
 - Special permits required?
 - Standard operating procedures (SOPs)/Standard operating guidelines (SOGs) and documentation.
 - b. Biohazards.
 - Identification.
 - Storage.
 - Disposal.
 - c. Water conservation mandates.

- Flow restrictions on water devices.
- Landscape irrigation.
- Water rationing.

NONPROFIT ORGANIZATIONS AND LIABILITY

- Not immune from liability.
- Employment practices are the greatest liability issue.
- Some states provide limited liability immunity for those providing emergency services.

Slide 3-19

H. NPOs and liability.

1. Not immune from liability. Doctrine of "charitable immunity" began eroding 30 years ago and is generally no longer applicable.
2. Employment practices are the greatest single liability issue facing nonprofit organizations today.
 - a. Average 75,000–80,000 claims annually since 1994 (EEOC).
 - b. Annual total settlement awards reached \$210 million in 1999.
 - Types of claims:
 - Race discrimination and/or harassment (37 percent).
 - Sexual harassment (31 percent).
 - Disability discrimination (22 percent).
 - Age discrimination (18 percent).
 - Retaliation also cited in 25 percent of claims.
 - c. Similar administrative, operational, fiscal workplace and environmental liabilities as paid organizations.

- d. Specific NPO liabilities:
 - Use of funds (public/donated).
 - IRS tax-exempt status.
 - e. NPO reputation management.
3. Some States provide limited liability immunity/exemption for nonprofit organizations providing emergency services.

RESPONDEAT SUPERIOR

- A common-law doctrine that holds an employer liable for the actions of an employee when the actions take place within the scope of employment.
- A fire chief, representing the employer (principal), may incur civil liability for the actions of an employee (agent).

Slide 3-20

I. Respondeat superior.

1. Respondeat superior is a common-law doctrine that holds an employer liable for the actions of an employee when the actions take place within the scope of employment.
 - a. The legal theory behind respondeat superior is that the employer (principal) controls the employee's (agent) behavior and must then assume some responsibility for the employee's actions.
 - b. When an employer-employee (principal-agent) relationship exists, the employer can be held responsible for the injuries caused by the employee in the course of employment.
 - An employee is not necessarily acting outside the scope of employment merely because he/she does something that he/she should not do.
 - In general, employee conduct that bears some relationship to the work will usually be considered within the scope of employment.

2. A fire chief representing the employer (principal) may incur civil liability for the actions of an employee (agent).

For example: In 2001, in Lairdsville, NY, a firefighter fatality occurred during a live-fire training exercise. The family of the deceased firefighter subsequently sued the fire department and the fire chief, even though the fire chief was not involved in the training event. (Case against the fire chief was dismissed under statutory immunity.)

ORGANIZATIONAL CULTURE

"Good luck reinforces bad behaviors."

Slide 3-21

- J. Organizational culture influences attitude toward liability.

"Good luck reinforces bad behaviors."

ACTIVITY 3.2 Identifying Liabilities 2

Slide 3-22

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ACTIVITY 3.2

Identifying Liabilities 2

Purpose

To enhance awareness of the breadth and complexity of liabilities you are exposed to as a fire chief, by identifying the liabilities associated with specific current or recent fire and emergency service-related news articles.

Directions

1. Each small group will be assigned one of seven news articles representing a recent adverse emergency services situation or event.
2. Within your assigned small group, review the news article and discuss (a) the potential liabilities faced by the organization and fire chief as a result of the situation or event, and (b) the factors that contributed to the outcome. Record the liabilities and contributing factors you identified on the easel pad.
3. You will have 20 minutes to complete this portion of the activity.
4. Each group will then present a summary of their news article to the class along with their list of identified potential liabilities.
5. At the conclusion of each small group presentation, the instructor will solicit additional comments and perspectives relative to the group's conclusions from the class.

ACTIVITY 3.2 NOTES

ACTIVITY 3.2 (cont'd)

Identifying Liabilities 2

News Article 1

PORT CLINTON—Just minutes after alerting Portage Fire District firefighters that a ladder truck was needed at a structure fire in Clay Center, Ottawa County Sheriff's dispatcher Heather Deibel took a 911 call regarding a traffic crash on State Rt. 19 south of Oak Harbor.

Timothy Johnson—a veteran Portage District firefighter responding to the call for a ladder truck—had smashed into the back of a car attempting to turn left from State Rt. 19 onto Portage River South Road. The victims were bleeding, the caller said, though he didn't know how badly they were hurt.

A jury seated Monday in Ottawa County Common Pleas Court listened to the recording of the dispatcher's instructions to the local fire department, and then they heard the call from a passer-by who came upon the deadly crash.

Mr. Johnson, 42, of Oak Harbor, is charged with aggravated vehicular homicide for the July 16, 2010 death of Ian Huffman, 24, of Elmore, a front-seat passenger in the car driven by his girlfriend, Olivia Duty, now 21, of Woodville.

Ken Egbert, a special prosecutor, told the jury during his opening statements that the crash was "an avoidable tragedy" brought about by Mr. Johnson's decision to drive at "a grossly excessive speed on a two-lane state highway at night, about 11 o'clock at night, in a no passing zone—a double-yellow no passing zone."

He said the airbag control module in Mr. Johnson's pickup—a device similar to a black box in an airplane—would show how Mr. Johnson had disregarded public safety while responding to the fire call. His own fire department's policy states that firefighters are permitted to drive 10 mph over the speed limit when responding to a call, Mr. Egbert said.

"The state is going to present evidence to show the defendant, Mr. Johnson, did not use due regard for safety at all but...was going 98 mph five seconds before this crash, 98 mph four seconds before the crash, 97 mph three seconds before the crash, 96 mph two seconds before the crash, and 83 mph a second before the crash—just within moments of when the impact took place," Mr. Egbert said.

Mr. Johnson's attorney, Dean Henry, advised the jury to be cautious about prosecutor's claims about excessive speed.

Was he going fast? Yes," Mr. Henry said. "Was he going 98 mph? That is a disputed matter. "When Mr. Johnson was asked to give a statement to the highway patrol—what do you think your speed was?—his estimate was approximately 70 mph."

Mr. Henry directed jurors' attention to the location of Ms. Duty's car just prior to the crash, suggesting that she had failed to stop and observe Mr. Johnson's pickup coming down the road—flashing light and siren activated—when she first turned onto Route 19 from County Road 17. Mr. Henry also said Ms. Duty crossed the center line and began making her turn from Route 19 onto Portage River South Road before she had actually reached the intersection.

"She did what is euphemistically called a curb cut," he said.

Mr. Johnson had swerved to the left to try to avoid hitting her, Mr. Henry said, and then Ms. Duty turned left in front of him, Mr. Henry said.

Neither Mr. Johnson nor Ms. Duty had alcohol or drugs present in their systems the night of the crash—a fact the defense and prosecution stipulated to in advance of the trial.

After the jury was selected Monday morning, jurors were taken to the scene of the crash—a location in Salem Township just south of Oak Harbor where County Road 17 intersects with State Rt. 19 from the east in a "T." To the west, Portage River South Road also forms a "T" at Route 19 a little farther down the road.

Testimony was to resume at 8:30 a.m. Tuesday.

(Feehan, 2011)

<http://www.toledoblade.com/Courts/2011/11/14/Trial-starts-for-firefighter-charged-in-fatality.html>

ACTIVITY 3.2 (cont'd)

Identifying Liabilities 2

News Article 2

HARVEY, La.—Out of town trips with family members, lavish dinners, and expensive bar tabs, all on the taxpayer dime.

A series of 4 Investigator reports revealed top officials in the Harvey Volunteer Fire Department #2 were making questionable purchases with public funds. Now one of those officials has been arrested.

Eyewitness News has confirmed President and Deputy Chief Mike Reason was booked Wednesday morning on two counts of filing false public records and one count of felony theft over \$1,500. He has been released on \$10,000 bond.

A spokesman for the Jefferson Parish Sheriff's Office said investigation continues into Harvey Volunteer Fire Company #2.

"This is taxpayer money. These people should be the stewards of that money, and somehow they crossed over to believing this money could be theirs," said Anthony Radosti, Vice President of the Metropolitan Crime Commission.

The MCC spent hours pouring over thousands of pages of financial records to help bring potential wrongdoing to light. It reported its findings to the JPSO, the legislative auditor, and the Jefferson Parish District Attorney's Office.

"Oh, it sends a message. As we've progressed, we're seeing law enforcement being more diligent going after public corruption. That's something we need here," said Radosti.

Harvey Volunteer Fire Company #2 receives nearly \$3 million each year. And since 4 Investigators first reported on the nonprofit contractor, the Jefferson Parish council limited travel for volunteer fire departments and banned the use of parish money for alcohol.

"What we're finding is the contracts we had with volunteer fire companies conflicted with parish law and state law, so we've worked to bring those in line," said Jefferson Parish Councilman At Large Chris Roberts. "The disappointment, unfortunately, is this has certainly cast a black cloud over our fire service. We've got a lot of dedicated men and women that do the right job every day."

Officials with the MCC said authorities are reviewing at least one other top official with the volunteer fire department. Radosti anticipates more arrests.

Parish President John Young said he would not comment on personnel issues or the investigation. But when the reports first came to light, Young asked the legislative auditor to

investigate. According to Roberts, the Jefferson Parish Auditor is now reviewing expenditures for all parish fire departments to make sure there aren't other questionable cases.

(Hernandez, 2012)

<http://www.wwltv.com/news/Volunteer-fire-companys-deputy-chief-arrested-as-investigation-continues-138526984.html>

ACTIVITY 3.2 (cont'd)

Identifying Liabilities 2

News Article 3

CLEVELAND, Ohio—Cleveland officials have yet to punish anyone nearly two weeks after internal auditors found widespread payroll abuses in the Fire Department, but Public Safety Director Martin Flask guarantees discipline is on the way.

"You can be assured that administrative action is appropriate and will be taken," Flask said in an interview Tuesday. "The exact number of employees has yet to be determined."

Flask also disclosed Tuesday that a police sergeant is investigating firefighters for possible criminal wrongdoing. The sergeant and an assistant law director are working with city auditors who are expected to produce a more in-depth follow-up report by the end of January.

Capt. Frank Szabo, Vice President of the firefighters' union, said he had no reaction to the criminal investigation. He said he would follow the lead of Mayor Frank Jackson who has indicated that he will not assume guilt.

Auditors reported Nov. 18 that some firefighters collected pay for hours they didn't work, including one man who collected two years of pay while working a total of 11 days. Auditors also found that some firefighters failed to record sick time and violated the city's bereavement policy.

City officials have been guarded in discussing what they think will come from digging deeper into the scandal. But Flask said Tuesday that auditors will look into whether firefighters conspired to pocket overtime. He would not rule out the possibility that abuses were more widespread than first reported.

He said auditors will explore the possibility that firefighters traded shifts to co-workers who then called off sick, allowing the firefighters who traded their shifts to come in on overtime. Auditors also will determine whether overtime was steered to senior firefighters, padding wages used to calculate pensions.

Jackson and Flask have absolved Fire Chief Paul Stubbs of blame, saying problems occurred below his command. The city recently announced that Stubbs will retire in the spring, but the chief said the preliminary audit findings did not influence his decision.

On Tuesday, Flask also announced steps the administration will take to end the abuses involving the trading of shifts.

The changes would limit firefighters to one trade every two weeks and cap the number of hours they can owe at 96 per year instead of allowing an unlimited total.

Trades will need approval from Assistant Chief Timothy O'Toole and must get his OK at least 72 hours in advance. Firefighters who fail to repay shifts will be subject to discipline.

As of last week, the city barred firefighters from destroying records that document trades that have been completed. The practice violates a citywide policy that requires retention for at least three years.

Flask said the city administration has authority to change the shift-trading rules without consent from the firefighters' union. But he said he has given the union time to register objections.

Union leaders have said shift-trading abuses are confined to a small group. Szabo said the changes violate the firefighters' labor agreement, but union officials are "willing to sit and listen to what they have to say."

Shift trading, which is common among firefighters across the country and in Cleveland dates to at least 1966, has received the most attention since the preliminary audit was released Nov. 18.

The audit disclosed that the practice allowed three firefighters to collect full pay while working less than half the hours they were assigned in the last three years. A fourth worked just over 50 percent of his scheduled hours. The time is supposed to be repaid within a year.

In other cases, firefighters took off for months at a time, then made up by working shifts in bunches. One firefighter spent his down time living in San Diego.

The city banned seven firefighters from trades, effective in July, because they owed their co-workers more than 1,000 hours—or more than 41 24-hour shifts.

Trading shifts is so prevalent among U.S. firefighters that a website exists for arranging swaps, and a smart-phone application is available to help firefighters keep track of their schedule changes.

But the practice has led to abuses. According to a news account earlier this year, scores of Boston firefighters got their shifts covered for months at a time with no record of payback. More recently, Buffalo firefighters were accused of selling shifts to older firefighters to pad their pensions.

Some Cleveland City Council members have expressed frustration with Jackson and Flask for not taking swifter action against firefighters who did not work scheduled hours, including prosecuting them or suing to recover money. The council's Public Safety Committee will raise questions at a hearing Wednesday.

(Ott, 2011)

http://blog.cleveland.com/metro/2011/11/cleveland_vows_discipline_in_f.html

ACTIVITY 3.2 (cont'd)

Identifying Liabilities 2

News Article 4

A Cottonwood firefighter died this morning, and a California Highway Patrol officer and another person were injured, after being hit by a pickup that slid off hail-covered Interstate 5.

The wreck closed southbound I-5 for several hours. One lane of southbound traffic was reopened by 10:45; all lanes were open by 2 p.m.

The coroner's office identified the firefighter as Capt. Mark Ratledge, 35, of Cottonwood.

The injured CHP officer was identified this afternoon as Jason Dotzenrod, 41, of Redding. Dotzenrod suffered minor knee and back injuries, a CHP spokesman said.

This is the first Cottonwood firefighter to be killed in the line of duty, California Department of Forestry and Fire Protection spokeswoman Linda Galvan said.

Ratledge was a nine-year veteran of the Cottonwood Fire Protection District who started as a volunteer in 2003 and was promoted to captain in 2008. He also served as the training officer for the department.

Ratledge lived in Cottonwood with his fiancé Jennifer Hobbs, 38; daughter Sophia, 1; stepdaughter Hannah Jasperse, 17; and stepson Conner Hobbs, 10. He also is survived by a sister, Susana Ratledge of Stockton; and parents Jack Ratledge and Maria Closa, both of Redding.

Before joining the Cottonwood Fire Protection District, Ratledge worked for the Redding Fire Department and U.S. Forest Service, Galvan said.

CHP spokesman Mel Hutsell said Ratledge and Dotzenrod were at the site of two earlier spinouts off an embankment south of Anderson. No one was injured in those accidents.

Hutsell said Jared Shumaker, 31, of Redding was heading south at 6:15 a.m. when his black Chevy S-10 pickup slid off the road between a parked CHP cruiser and Ratledge's truck.

Shumaker told investigators he was traveling 50 to 55 mph when a vehicle alongside him started to spin. In attempt to avoid the vehicle, Shumaker changed lanes but his truck started skidding.

The pickup spun down the embankment and hit officer Dotzenrod, Ratledge, and one of those involved in the earlier wrecks, identified as Luis Ramon Cordova, II, 32, of Redding, Hutsell said.

Ratledge died at Mercy Medical Center in Redding about 7:30 a.m., Hutsell said.

Ambulances took Dotzenrdod and Cordova, who suffered a minor laceration to the head, to Mercy. They were both treated and released.

Shumaker wasn't cited or arrested and was allowed to go home. But the investigation continues.

"Until we determine the extent of what happened, we can't know whether this rises to level of criminal negligence," Hutsell said.

Hutsell said the freeway was closed and being treated as a crime scene during the investigation.

"We haven't determined the details of the accident," Hutsell said. "We don't want to spoil any evidence that could be here."

A team of CHP accident investigators were at the wreck site re-creating the accident, Hutsell said.

Meanwhile, Calvin Ciapponi, chief of the Cottonwood Fire Protection District, referred questions to the California Department of Forestry and Fire Protection.

News of the death began to quickly resonate through Shasta County.

By mid-morning, flags at all fire stations in the county had been lowered to half-staff. About six Cal Fire engines gathered at the Cottonwood fire station on Brush Street just north of the intersection of Front and Brush streets.

Cal Fire's Galvin visited the station just after noon.

"It's still very, very fresh," Galvin said as she left a while later. "They're dealing with what they have to deal with right now. There are a lot of very upset people in there now."

Nanette Pate, who operates the Cottonwood Eatery next door to the station, delivered a platter of corned beef, turkey, and ham sandwiches to the firefighters.

"It's just awful," Pate said. "I've lost people before and it's just nice to do something. It's so sad. It brings tears to my eyes just to think about it."

Shasta County Supervisor Les Baugh, who represents the south county, said the tight-knit community was reeling at news of the death.

"It's a small community," Baugh said. "We're just devastated. ... The folks I've talked to say the family is simply heartbroken here. This is a small, rural volunteer fire department. These are the same folks who show up to help with fundraisers and wield the batter for the pancake breakfasts to raise money."

Anderson City Councilman John Day, a retired registered nurse, ambulance medic, and volunteer firefighter, offered his condolences as well.

"These are dedicated men and women who get up in the middle of a storm like that last night for four or five dollars a call," Day said. "I'm pretty sad today. I don't know who it was. I know I lost a brother."

Debbie Earhart, the owner of Sierra Printing in Cottonwood, said she has no doubt the town, even in its grief, would respond to help the department and Ratledge's family.

"I know Cottonwood," she said. "They are going to come together."

(Benda, 2012)

<http://www.redding.com/news/2012/feb/29/chp-officer-firefighter-involved-traffic-wreck-i/?partner=popular>

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ACTIVITY 3.2 (cont'd)

Identifying Liabilities 2

News Article 5

BLOXOM—A single-vehicle crash involving a Bloxom fire truck Monday morning fatally injured a volunteer firefighter.

David R. Chew Jr., 30, of Parksley, who worked as a medic with the Northampton County Department of Emergency Medical Services, died in the crash.

The accident occurred on Nelsonia Road about a half-mile west of Route 13. The firefighters were responding to an accident on Route 13 in Gargatha.

The accident was reported at about 11:31 a.m. An investigation revealed that Chew, a passenger in the fire truck, was ejected, said Virginia State Police spokeswoman Michelle Anaya.

"Mr. Chew was not wearing his safety belt at the time of the accident and died on impact," Anaya said in a statement.

The fire truck's driver, 44-year-old James Richard Lambirth of Mears, was taken to Peninsula Regional Medical Center with nonlife-threatening injuries.

Anaya said Lambirth lost control of the fire truck while making a turn, ran off Nelsonia Road, and struck several trees.

Charges could be filed pending a review of the case by the Accomack County commonwealth's attorney, Anaya said.

Chew, a United Methodist minister, served as chaplain of the Bloxom Volunteer Fire Company and was a rescue lieutenant and a member of the company's board of directors.

Chew had been involved in fire and EMS work since 2001, according to his profile on the Northampton County Department of EMS.

The married father of a 3-year-old son, Chew had recently become pastor of Hallwood United Methodist Church; his first Sunday there was July 1.

Westbound traffic on Nelsonia Road was diverted onto Fletcher Road at about noon Monday as a result of the crash.

Parksley Volunteer Fire Company, Oak Hall Rescue Company, Accomack County EMS, the Accomack County Sheriff's Office, the Virginia State Police, and the Virginia Department of Transportation had personnel respond to the crash scene.

Monday's fatality is believed to be the seventh line-of-duty death in memory among Eastern Shore of Virginia fire and rescue volunteers.

cvaughn@dmg.gannett.com

ACTIVITY 3.2 (cont'd)

Identifying Liabilities 2

News Article 6

Firefighters are unique among city employees—or just about any kind of employee, for that matter.

Not only is their work dangerous, but it requires them to literally live the job—eating and sleeping at their stations for days at a time.

That can lead to some interesting workers' compensation claims.

Weight-lifting injuries. A cooking accident. A heart attack while walking on a track. A bad back blamed on "dumping a mop bucket."

The Tulsa World studied cases in which a workers' compensation court order was issued between January 2010 and November 2011. Records are not precise, but about 20 of the 72 Fire Department-related files included in the study of the city's workers' compensation claims appear to be attributed to injuries suffered at fires or other emergencies to which the claimant had been dispatched. Those included falls on ice, ladder climbing, collapsing floors, and at least one heart attack.

By comparison, 13 cases were attributed to training activities of some kind, including running, swimming, tying knots, lifting weights, and "pulling hose."

The frequency of such injuries seems to make the Fire Department a candidate for what city physician Dr. Phillip Berry called "overtraining." Yet the general public might be surprised to learn the city has 300-pound firefighters.

"We do have some big guys," said TFD Administrative Chief Jeremy Moore. "Some 300-pound guys are solid as a rock, some are not."

Firefighters hired before 1995 are exempt from the department's annual fitness test, which in any event is "not very strenuous in my opinion," said Berry.

According to court files, one 300-pound firefighter was injured playing basketball with children after a left knee replacement and four surgeries on his right knee.

Another, listed at 326 pounds in medical records, slipped on ice getting out of a department vehicle.

Still another, listed as 5 feet 4 inches tall and 337 pounds, "slipped on a water spot at the station."

But it's not just the size of firefighters that can present problems.

Several injuries were attributed to lifting overweight people—including a 400-pounder—in emergencies.

Moore said first responders are seeing "quite a few" people over 350 pounds causing the department to develop policies on their handling.

Examination of the case files suggests many injuries directly attributed to nonemergency—and even nontraining—events may in fact stem from earlier work-related injuries or general wear and tear.

But workers' compensation, at least in theory, does not cover general wear and tear, and cumulative or repetitive-use cases are more difficult to win than single-event claims.

Firefighters—and police—are different from other city workers in that they receive what amounts to full wages, as opposed to three-quarters pay or less, while on temporary total disability.

Firefighters are unique in at least one other respect. Unlike other municipal workers, including police, their disability pensions—as opposed to regular pensions—are exempt from State income tax.

"Whether they want to admit it or not, there does seem to be a little uptick (of firefighters) who want to be evaluated just before they retire," said Berry.

"From the Fire Department's perspective," said Moore, "our employees' main causes of injuries are due to the nature of our business. That tends to compound as they get older."

Firefighters workers compensation by the numbers:

72: Number of cases involving firefighters in which a workers' compensation court order was issued between January 2010 and November 2011.

5: Number of multiple claimants.

28: Percent of cases against the City of Tulsa that were filed by firefighters.

\$1,535,289.09: Total value of firefighters' claims.

25: Percent of total claim value for city that came from firefighters' claims.

\$21,623.79: Average value of a firefighters' claim.

*Numbers taken from 251 cases in which a City of Tulsa workers compensation court order was issued between January 2010 and November 2011.

(Krehbiel, 2012)

http://www.tulsaworld.com/news/article.aspx?subjectid=11&articleid=20120212_16_A11_CU_TLIN135176

ACTIVITY 3.2 (cont'd)

Identifying Liabilities 2

News Article 7

McCutchanville firefighter killed in an accident on North St. Joseph Avenue.

EVANSVILLE—One firefighter with the McCutchanville Volunteer Fire Department was killed and another was injured Wednesday evening after a fire truck accident not far from their station.

McCutchanville Fire Department PIO Lt. Steve Gibson said 18-year-old Jeremy Tighe (pronounced "tie") died when the fire truck, in which he was a passenger, ran off St. Joseph Avenue north of Wimberg Road and partially overturned, striking a utility pole.

Lt. Brandon Cason, the driver, "was not injured seriously" in the accident, Gibson said, but the 24-year-old was taken to Deaconess Hospital. Gibson said he believed Cason has since been released from the hospital.

"They were returning from a run when, for some unknown reason, their truck went off the side of the pavement," said Gibson in a phone interview Wednesday night.

The single-vehicle wreck occurred about 8:25 p.m. as the fire truck was traveling north on St. Joseph Avenue.

It occurred only about a half-mile from the McCutchanville station on North St. Joseph Avenue.

The truck had responded to a request for a carbon monoxide check on Mount Ashley Road earlier in the evening, according to Central Dispatch, and the firefighters had called in available at 8:01 p.m.

The wreck knocked out electrical service to residents of some homes in the North Side area for a couple of hours.

"Our preliminary investigation indicates that the truck left the roadway and went onto the shoulder for unknown reasons," Vanderburgh County Sheriff Eric Williams said in a news release.

Williams said there's no indication that drugs or alcohol were a factor in the wreck, but a sample of Cason's blood was taken.

Gibson said the McCutchanville Fire Department is shut down until further notice.

"Everybody's too shook up," he said. He said the Evansville, German Township, Perry Township and Scott Township fire departments are going to cover its runs.

Gibson said officials will be discussing funeral arrangements with Tighe's father, who lives out of State, and his mother, who lives locally.

Tighe had been on the department for about 18 months, Gibson said. Today would have been his 19th birthday.

Tighe is the second McCutchanville Fire Department firefighter to die in the past 12 months. In April, 27-year-old Nathan Kuehne was found dead in a hot tub at a friend's house on Evansville's East Side.

Gibson, who had been with the Knight Township Fire Department for 19 years before it disbanded at the end of 2010, said: "I went 20 years with nobody (dying), and now I lost two guys in the past year."

(Council, 2012)

<http://www.courierpress.com/news/2012/feb/22/mccutchanville-fire-truck-overturms-north-st-joseph/>

II. IMMUNITIES/EXEMPTIONS

IMMUNITY, EXEMPTION, AND DUTY DEFINED

- Immunity is the exemption from a legal duty, penalty, or liability.
- An exemption is the freedom or excusal from an obligation, duty, or liability.
- A duty is an act or course of action required by law or custom; a legal or moral obligation.

Slide 3-23

A. Immunity, exemption, and duty defined.

1. Immunity is the exemption from a legal duty, penalty, or liability granted to a specific group.
2. An exemption is the freedom or excusal from an obligation, duty, or liability to which others are subjected.
3. A duty is an act or course of action required by law or custom; a legal or moral obligation.
 - a. Examples:
 - A person without specific first aid training who stops and renders aid to an injured person is generally immune from any criminal or civil liability under the "Good Samaritan" doctrine.
 - Firefighters driving an emergency vehicle "Code 3" are generally exempt from **some** provisions of the State/local vehicle code.
 - b. Most exemptions do not relieve the driver/operator of the duty to drive with due regard for the safety of other persons and property, including driving at a speed with no due regard for the weather, visibility, traffic and surface conditions, and road width.

STATUTORY IMMUNITY

Statutory immunity is a specific immunity afforded to an individual or group by law (generally State law).

Slide 3-24

B. Statutory immunity is a specific immunity afforded to an individual or group by law (generally State law).

1. California:

- a. Neither a public entity that has undertaken to provide fire protection service, nor an employee of such a public entity, is liable for any injury resulting from the failure to provide or maintain sufficient personnel, equipment, or other fire protection facilities (Government Code §850.2).
- b. A nonprofit organization included on the statewide registry that voluntarily and without expectation and receipt of compensation from victims of emergencies and disasters donates services, goods, labor, equipment, resources, or dispensaries or other facilities, in compliance with Section 8588.2, during a declared state of war, state of emergency, or state of local emergency shall not be civilly liable for a death, injury, illness, or other damage to a person or property caused by the nonprofit organization's donation of services, goods, labor, equipment, resources, or dispensaries or other facilities (Government Code §8657.5).
- c. Does not provide immunity from liability caused by its grossly negligent act or omission, or willful or wanton misconduct.

2. Oklahoma:

A municipal fire department responding to incidents outside of its corporate limits is considered an agent of the state and is not liable for damages incurred as a result of such response (Title XI, §29-108).

3. Florida:

A state agency or subdivision that donates a qualified vehicle or equipment to a volunteer fire department cannot be held liable for any civil damages caused by the use of the donated equipment (Title XLV, Chapter 768, §768.1315).

QUALIFIED IMMUNITY

- A legal defense to civil liability that protects government officials from lawsuits alleging that they violated a plaintiff's rights.
- Only allows suits where officials violated a "clearly established" statutory or constitutional right.

Slide 3-25

C. Qualified immunity.

1. Qualified immunity is a legal defense to civil liability that protects government officials from lawsuits alleging that they violated a plaintiff's rights.
 - a. Balances two important interests—the need to hold public officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably.
 - b. Qualified immunity is not immunity from having to pay monetary damages, but rather immunity from having to go through a trial at all.
 - Courts must resolve qualified immunity issues as early in a case as possible.
 - c. Qualified immunity only applies to lawsuits against government officials **as individuals**, not suits against the government for damages caused by the officials' actions. Although qualified immunity frequently appears in cases involving police officers, it also applies to most other executive branch officials.

2. The qualified immunity doctrine only allows suits where officials violated a "clearly established" statutory or constitutional right.

When determining whether or not a right was "clearly established," courts consider whether a hypothetical reasonable official would have known that the defendant's conduct violated the plaintiff's rights.

III. LEGAL CONSEQUENCES

CRIMINAL LIABILITY

- Negligence: Failure to use reasonable care; doing something that a reasonably prudent person would not do.
- Standard of proof required for a criminal conviction is "*beyond a reasonable doubt*."
- Fine and/or imprisonment.

Slide 3-26

A. Criminal liability.

1. Negligence: Failure to use reasonable care; doing something that a reasonably prudent person would not do; or the failure to do something that a reasonably prudent person would do under like circumstances.
2. Standard of proof required for a criminal conviction is "**beyond a reasonable doubt**" (presumption of innocence).
3. Fine and/or imprisonment.
4. Examples:
 - a. Thirtymile Fire (Wintrop, WA, July 2001)—Four U.S. Forest Service (USFS) firefighters die after being overrun by a wildland fire.

- USFS Crew Boss Elreese Daniels was charged with 11 felonies, including 4 counts of manslaughter. Ultimately reduced to 2 counts of making false statements for which he was sentenced to 3 years probation and 90 days of work release in 2007.

- b. Lairdsville, NY (2002)—Subsequent to a 2001 firefighter death at a live-fire training exercise, the Lairdsville Fire Department First Assistant Chief, acting as the lead instructor for the training, was indicted for second-degree manslaughter and two counts of aggravated assault for the serious injuries to two other firefighters. He was convicted of criminally negligent homicide.

CIVIL LIABILITY

- Misfeasance/Malfeasance/Nonfeasance.
- Negligence.
- Accountability for tactical actions.
- Plaintiff's legal burden of proof is "a preponderance of the evidence."

Slide 3-27

B. Civil liability.

1. Misfeasance/Malfeasance/Nonfeasance.
2. Negligence.
3. Accountability for tactical actions.
4. Plaintiff's legal burden of proof is "a preponderance of the evidence."
5. Examples:

- a. Farmers Insurance Company versus Jefferson Township Fire Department (2008).

- Insurance company sued a volunteer fire department for its loss following a 2003 house fire. Lawsuit alleges that the fire department and 12 individually named firefighters failed to take adequate steps to minimize damages by running out of water and failing to use close resources as an alternative water supply. The fire destroyed the garage where it started and heavily damaged the remainder of the residence. The fire department also had to return to the scene twice for rekindles.

- The County Court ruled that the fire department is immune from civil liability by Ohio Code, but they refused to dismiss the case against the fire chief, assistant fire chief, and 10 additional volunteer firefighters.

- See Firehouse.com of June 25, 2004.

b. The Kentucky Court of Appeals has overruled a trial court dismissal of a civil suit against a volunteer fire department alleging negligent operations at a 2003 motorcycle salvage yard fire.

- The suit alleges that the fire department was not adequately equipped to fight the fire and willfully and repeatedly failed to request assistance from a nearby paid professional fire department.

- The Kentucky Court of Appeals ruled that a state law extending sovereign immunity to volunteer fire departments is unconstitutional.

- Kentucky has more volunteer fire departments (767) than it has cities.

- This case, although still not completed, has now been appealed to the Kentucky Supreme Court. See NVFC.org of August 26, 2008.

FISCAL CONSEQUENCES

- Administrative penalty (fine):
 - Workplace safety violations.
 - Workplace access violations.
 - Employment practice violations.
- Civil litigation award.
- Nonprofit organizations.

Slide 3-28

C. Fiscal consequences.

1. Administrative penalty (fine).

a. OSHA—workplace safety violations.

- b. Americans with Disabilities Act (ADA)—workplace access violations.
 - c. EEOC—employment practice violations.
 2. Civil litigation award.
 - a. Monetary award to the Plaintiff in a civil action for damages; can exceed actual damages if judge/jury believe Respondent's action or inaction was willful or malicious.
 - b. Compensatory damages by judge/jury as penalty in addition to award for damages.
 - c. Examples: Pending civil cases in Ohio and Kentucky.
 3. Nonprofit organizations.
 - a. Reduction/Loss of contributions.
 - b. Intermediate sanctions (IRS).
 - c. Loss of tax-exempt status.

**ORGANIZATIONAL
CONSEQUENCES**

- Unfavorable media reports.
- Loss of community support (political equity and/or influence).

Slide 3-29

- D. Organizational consequences.
 1. Unfavorable media reports.
 2. Loss of community support (political equity and/or influence).

PERSONAL CONSEQUENCES

- Embarrassment.
- Loss of reputation/credibility.
- Administrative/Disciplinary action.
- Cost to defend civil litigation.
- Fine.
- Imprisonment.

Slide 3-30

E. Personal consequences.

1. Embarrassment.
2. Loss of reputation/credibility.
3. Administrative/Disciplinary action.
Including potential termination.
4. Cost to defend civil litigation.
5. Fine.
6. Imprisonment.

RISK MANAGEMENT

The identification, assessment, and prioritization of risks (liabilities) followed by a coordinated and economical application of resources to minimize, monitor, and control the probability and/or impact of actions, inaction, and events.

Slide 3-31

IV. RISK MANAGEMENT

A. Risk management defined.

Risk management is the identification, assessment, and prioritization of risks (liabilities) followed by a coordinated and economical application of resources to minimize, monitor, and control the probability and/or impact of actions, inaction, and events.

RISK MANAGEMENT STRATEGIES

- Transferring the risk to another party.
- Reducing the probability of occurrence and/or the negative impacts of the risk.
- Eliminating the risk.
- Accepting some or all of the potential or actual consequences of a particular risk.

Slide 3-32

B. Risk management strategies typically include:

1. Transferring the risk to another party.
2. Reducing the probability of occurrence and/or the negative impacts of the risk.
3. Eliminating the risk.
4. Accepting some or all of the potential or actual consequences of a particular risk.

**PUBLIC POLICY RISK
MANAGEMENT ELEMENTS**

- Identification, assessment, and prioritization of risks.
- Coordinated and economical application of resources to minimize, monitor, and control the probability and/or impact of actions, inaction, and events:
 - Transfer of risk.
 - Reduce the probability of occurrence and/or the negative impacts.

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C. Public policy risk management elements.

1. Identification, assessment, and prioritization of risks.

a. Critical element of an effective risk management program.

b. Risk identification.

- Analysis of past claims and near-misses.
- Near-misses are just as important to consider as actual outcomes.
- Examine high-risk/low frequency activities.
- Often conducted by organizational Risk Manager and/or Safety Committee.
- External assistance (expertise) can be very helpful.

c. Risk assessment.

- Analysis of root causal and contributory factors of past claims and near-misses.
- External expertise or facilitation may be necessary or helpful with this step.

d. Risk prioritization.

- Establish priorities to develop and apply appropriate risk management strategies.

- Many organizations look at the highest potential monetary risk exposures first.
- Alternate strategies.
 - Prioritize highest frequency risks first.
 - Prioritize easiest risks to mitigate first (early wins).
- 2. Coordinated and economical applications of resources to minimize, monitor, and control the probability and/or impact of actions, inaction, and events.
 - a. Transfer of risk to another party.
 - Insurance coverage.
 - General/Public official liability.
 - Insures against general liability, public/elected officials' errors, and omissions' claims.
 - Personal liability.
 - "Umbrella policy."
 - Medical legal liability.
 - Property.
 - Workers' compensation.

Covers employee injuries that occur within scope of employment.

Some illnesses are considered employment-related unless the employer can prove otherwise (presumptive cause).

Workers' Compensation laws generally prohibit litigation against an employer for a job-incurred injury.
 - Risk pools.
 - Similar size/types of organizations.
 - Shared governance/risk management.

b. Reduce the probability of occurrence and/or the negative impacts of the risk:

- Compliance with applicable laws, ordinances, and regulations.

- Conformance with recognized industry standards.

- NFPA.

- American National Standards Institute (ANSI).

- Conformance with recognized industry "best practices."

- Occupational Safety and Health Administration (OSHA).

- National Institute of Occupational Safety and Health (NIOSH).

- U.S. Fire Administration (USFA).

- International Association of Fire Chiefs (IAFC).

- National Volunteer Fire Council (NVFC).

- National Fallen Firefighters Foundation (NFFF).

Everyone Goes Home Campaign.

16 Firefighter Life Safety Initiatives.

Cumberland Valley Volunteer Firemen's Association (CVVFA) *National Firefighter Code of Ethics* (February 2012):

www.firefighterbehavior.com/news/fullstory/newsid/154298

Developed pursuant to CVVFA "Fire Department Reputation Management" White Paper.

**PUBLIC POLICY RISK
MANAGEMENT ELEMENTS (cont'd)**

- Written policies, procedures, and standard operating guidelines.
- Effective training.
- Effective supervision.
- Effective risk-reduction/prevention programs.
- Effective operational review/improvement process.
- Documentation.

Slide 3-34

c. Written policies, procedures, and SOGs.

- Policy is an absolute directive with some form of sanction for noncompliance.

- Good risk management principles include limiting the number of policies to the minimum absolutely necessary.

- Consultation with insurance provider/risk pool is often helpful in this arena.

- A procedure defines how a specific action or activity is to be conducted and may include specific sequential steps to be followed in order.

- Limiting procedural specificity wherever possible reduces/limits liability (risk) exposure.

- Sources for policies, procedures, and guidelines.

Other similar organizations.

Insurance provider/risk pool.

USFA, VFIS.

Private sector subscription services.

- A guideline is more flexible, provides general direction, and may include limitations (boundaries) to acceptable behaviors or actions.

- Generally easier to defend than a violation of policy.

- Policies, procedures, and guidelines should be reviewed/updated on a regular periodic basis.

- Risk pools and/or insurance carriers may review your organization's policies, procedures, and guidelines as an element of their own risk management program, and they may offer or require changes as a condition of continued coverage.

d. Effective training.

- Training program objectives clearly include a focus on risk reduction.

- Clear, consistent executive and management level direction and support for enhanced risk management focus within department training program.

- Training program elements continually examined for opportunities to enhance risk reduction/mitigation in all emergency response and nonresponse activities.

- Sound foundational basis (recognized standards, specific recognized expertise) for high-risk training and certification programs.

e. Effective supervision.

- Supervision is the direction or oversight of the activities or performance of an individual or group.

- Involves the authority to direct certain behaviors and to initiate corrective action for inappropriate behaviors or performance.

- Starts with clear written position/duty statements.

- Provides a clear description of performance expectations for both the employee and the supervisor.

- Supervisor(s) and managers held to same (or higher) performance/accountability standards.

- Modeling of appropriate behaviors and accountability.

- "Walk the Talk."

- Effective periodic employee performance review process.

- Clear written accountability and discipline process.
- Higher liability supervision situations:

- Training.
- Nonemergency activities.

Statistically higher claims than for emergency activities.

Station "down time" or "soft time."

- Response activities.

Incident management.

Operational safety and accountability.

- Community and organizational events.

Onduty versus offduty status.

Community and/or organizational policy and/or expectations.

- f. Effective risk-reduction/prevention program(s).
 - Influenza/Hepatitis B vaccination programs.
- g. Effective operational review/improvement process.
 - After-Action Reviews (AARs).
 - Investigation of unusual events/near-misses.
 - Corrective actions.
 - Nonpunitive approach is most effective.
- h. Documentation.
 - Training records.
 - Response records.
 - Facility/Equipment testing, maintenance, and repair records.

- Fiscal records.
- Written record retention policy.
- Appropriate documentation is often your best defense against liability claims.

**PUBLIC POLICY RISK
MANAGEMENT ELEMENTS (cont'd)**

- Legal assistance.
- Organizational attitudes and culture will influence the effectiveness of risk management efforts.
- Act reasonably and in good faith, and document critical actions and decisions.

Slide 3-35

i. Legal assistance.

- Retained versus ad hoc legal assistance.
 - Often a function of organizational size, complexity, and/or fiscal resources.
 - Quality of legal assistance/advice is important.
 - Public safety experience may be a worthwhile consideration.
- Obtain legal assistance/advice before taking action when you are uncertain of legal liability.
- Develop effective working relationship with your organization's legal counsel.

j. Organizational attitudes and culture will influence the effectiveness of risk management efforts.

k. Act reasonably and in good faith, and document critical actions and decisions.

**PUBLIC POLICY RISK
MANAGEMENT ELEMENTS (cont'd)**

- Eliminate the risk.
- Accept some consequences of a risk:
 - We cannot mitigate all of the risks associated with providing public fire protection and EMS.
 - We can mitigate many of the more serious risks.
 - Bad outcomes should never be an accepted "cost of doing business."
 - Ongoing/Regular periodic analysis.

Slide 3-36

3. Eliminate the risk. Limited opportunities in public safety to completely eliminate a risk.

Example: eliminating alcohol in the fire station.

4. Accept some or all of the potential or actual consequences of a particular risk.
 - a. We cannot mitigate **all** of the risks associated with providing public fire protection and EMS.
 - b. We can mitigate many of the more serious risks with good written policies, procedures, SOGs, effective training and supervision, conformance with applicable laws, regulations, industry standards and best practices, good written records, legal assistance, and an effective operational review/improvement process.
 - c. Bad outcomes should never be an accepted "cost of doing business."
 - d. Ongoing/Regular periodic analysis of risk management efforts and effectiveness and regular review/update of risk management strategies and procedures, including:
 - Rate and severity of occurrences by risk.
 - Analysis of causal and contributory factors.
 - Occurrence/Causal factor trends.
 - New risks.

ACTIVITY 3.3
Identifying Effective Risk
Management Measures

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ACTIVITY 3.3

Identifying Effective Risk Management Measures

Purpose

To identify effective risk management strategies and techniques for recent fire and emergency service-related events or situations in the news.

Directions

1. Each small group will be assigned a different recent news article than assigned for Activity 3.2.
2. Within your assigned small group, review the news article and discuss the potential risk management measures that could be employed to effectively mitigate the liabilities associated with this event or situation. Record the risk management measures you identify on the easel pad.
3. You will have 20 minutes to complete this portion of the activity.
4. Each group will then present a summary of their news article to the class along with their list of identified risk management measures.
5. At the conclusion of each small group presentation, the instructor will solicit additional comments and perspectives, relative to the group's solution, from the class.

ACTIVITY 3.3 NOTES

ACTIVITY 3.3 (cont'd)

Identifying Effective Risk Management Measures

News Article 1

PORT CLINTON—Just minutes after alerting Portage Fire District firefighters that a ladder truck was needed at a structure fire in Clay Center, Ottawa County Sheriff's dispatcher Heather Deibel took a 911 call regarding a traffic crash on State Rt. 19 south of Oak Harbor.

Timothy Johnson—a veteran Portage District firefighter responding to the call for a ladder truck—had smashed into the back of a car attempting to turn left from State Rt. 19 onto Portage River South Road. The victims were bleeding, the caller said, though he didn't know how badly they were hurt.

A jury seated Monday in Ottawa County Common Pleas Court listened to the recording of the dispatcher's instructions to the local fire department, and then they heard the call from a passer-by who came upon the deadly crash.

Mr. Johnson, 42, of Oak Harbor, is charged with aggravated vehicular homicide for the July 16, 2010 death of Ian Huffman, 24, of Elmore, a front-seat passenger in the car driven by his girlfriend, Olivia Duty, now 21, of Woodville.

Ken Egbert, a special prosecutor, told the jury during his opening statements that the crash was "an avoidable tragedy" brought about by Mr. Johnson's decision to drive at "a grossly excessive speed on a two-lane state highway at night, about 11 o'clock at night, in a no passing zone—a double-yellow no passing zone."

He said the airbag control module in Mr. Johnson's pickup—a device similar to a black box in an airplane—would show how Mr. Johnson had disregarded public safety while responding to the fire call. His own fire department's policy states that firefighters are permitted to drive 10 mph over the speed limit when responding to a call, Mr. Egbert said.

"The state is going to present evidence to show the defendant, Mr. Johnson, did not use due regard for safety at all but...was going 98 mph five seconds before this crash, 98 mph four seconds before the crash, 97 mph three seconds before the crash, 96 mph two seconds before the crash, and 83 mph a second before the crash—just within moments of when the impact took place," Mr. Egbert said.

Mr. Johnson's attorney, Dean Henry, advised the jury to be cautious about prosecutor's claims about excessive speed.

"Was he going fast? Yes," Mr. Henry said. "Was he going 98 mph? That is a disputed matter. When Mr. Johnson was asked to give a statement to the highway patrol—what do you think your speed was?—his estimate was approximately 70 mph."

Mr. Henry directed jurors' attention to the location of Ms. Duty's car just prior to the crash, suggesting that she had failed to stop and observe Mr. Johnson's pickup coming down the road—flashing light and siren activated—when she first turned onto Route 19 from County Road 17. Mr. Henry also said Ms. Duty crossed the center line and began making her turn from Route 19 onto Portage River South Road before she had actually reached the intersection.

"She did what is euphemistically called a curb cut," he said.

Mr. Johnson had swerved to the left to try to avoid hitting her, Mr. Henry said, and then Ms. Duty turned left in front of him, Mr. Henry said.

Neither Mr. Johnson nor Ms. Duty had alcohol or drugs present in their systems the night of the crash—a fact the defense and prosecution stipulated to in advance of the trial.

After the jury was selected Monday morning, jurors were taken to the scene of the crash—a location in Salem Township just south of Oak Harbor where County Road 17 intersects with State Rt. 19 from the east in a "T." To the west, Portage River South Road also forms a "T" at Route 19 a little farther down the road.

Testimony was to resume at 8:30 a.m. Tuesday.

(Feehan, 2012)

<http://www.toledoblade.com/Courts/2011/11/14/Trial-starts-for-firefighter-charged-in-fatality.html>

ACTIVITY 3.3 (cont'd)

Identifying Effective Risk Management Measures

News Article 2

HARVEY, La.—Out of town trips with family members, lavish dinners, and expensive bar tabs, all on the taxpayer dime.

A series of 4 Investigator reports revealed top officials in the Harvey Volunteer Fire Department #2 were making questionable purchases with public funds. Now one of those officials has been arrested.

Eyewitness News has confirmed President and Deputy Chief Mike Reason was booked Wednesday morning on two counts of filing false public records and one count of felony theft over \$1,500. He has been released on \$10,000 bond.

A spokesman for the Jefferson Parish Sheriff's Office said investigation continues into Harvey Volunteer Fire Company #2.

"This is taxpayer money. These people should be the stewards of that money, and somehow they crossed over to believing this money could be theirs," said Anthony Radosti, Vice President of the Metropolitan Crime Commission.

The MCC spent hours pouring over thousands of pages of financial records to help bring potential wrongdoing to light. It reported its findings to the JPSO, the legislative auditor, and the Jefferson Parish District Attorney's Office.

"Oh, it sends a message. As we've progressed, we're seeing law enforcement being more diligent going after public corruption. That's something we need here," said Radosti.

Harvey Volunteer Fire Company #2 receives nearly \$3 million each year. And since 4 Investigators first reported on the nonprofit contractor, the Jefferson Parish council limited travel for volunteer fire departments and banned the use of parish money for alcohol.

"What we're finding is the contracts we had with volunteer fire companies conflicted with parish law and state law, so we've worked to bring those in line," said Jefferson Parish Councilman At Large Chris Roberts. "The disappointment, unfortunately, is this has certainly cast a black cloud over our fire service. We've got a lot of dedicated men and women that do the right job every day."

Officials with the MCC said authorities are reviewing at least one other top official with the volunteer fire department. Radosti anticipates more arrests.

Parish President John Young said he would not comment on personnel issues or the investigation. But when the reports first came to light, Young asked the legislative auditor to

investigate. According to Roberts, the Jefferson Parish Auditor is now reviewing expenditures for all parish fire departments to make sure there aren't other questionable cases.

(Hernandez, 2012)

<http://www.wwltv.com/news/Volunteer-fire-companys-deputy-chief-arrested-as-investigation-continues-138526984.html>

ACTIVITY 3.3 (cont'd)

Identifying Effective Risk Management Measures

News Article 3

CLEVELAND, Ohio—Cleveland officials have yet to punish anyone nearly two weeks after internal auditors found widespread payroll abuses in the Fire Department, but Public Safety Director Martin Flask guarantees discipline is on the way.

"You can be assured that administrative action is appropriate and will be taken," Flask said in an interview Tuesday. "The exact number of employees has yet to be determined."

Flask also disclosed Tuesday that a police sergeant is investigating firefighters for possible criminal wrongdoing. The sergeant and an assistant law director are working with city auditors who are expected to produce a more in-depth follow-up report by the end of January.

Capt. Frank Szabo, Vice President of the firefighters' union, said he had no reaction to the criminal investigation. He said he would follow the lead of Mayor Frank Jackson who has indicated that he will not assume guilt.

Auditors reported Nov. 18 that some firefighters collected pay for hours they didn't work, including one man who collected two years of pay while working a total of 11 days. Auditors also found that some firefighters failed to record sick time and violated the city's bereavement policy.

City officials have been guarded in discussing what they think will come from digging deeper into the scandal. But Flask said Tuesday that auditors will look into whether firefighters conspired to pocket overtime. He would not rule out the possibility that abuses were more widespread than first reported.

He said auditors will explore the possibility that firefighters traded shifts to co-workers who then called off sick, allowing the firefighters who traded their shifts to come in on overtime. Auditors also will determine whether overtime was steered to senior firefighters, padding wages used to calculate pensions.

Jackson and Flask have absolved Fire Chief Paul Stubbs of blame, saying problems occurred below his command. The city recently announced that Stubbs will retire in the spring, but the chief said the preliminary audit findings did not influence his decision.

On Tuesday, Flask also announced steps the administration will take to end the abuses involving the trading of shifts.

The changes would limit firefighters to one trade every two weeks and cap the number of hours they can owe at 96 per year instead of allowing an unlimited total.

Trades will need approval from Assistant Chief Timothy O'Toole and must get his OK at least 72 hours in advance. Firefighters who fail to repay shifts will be subject to discipline.

As of last week, the city barred firefighters from destroying records that document trades that have been completed. The practice violates a citywide policy that requires retention for at least three years.

Flask said the city administration has authority to change the shift-trading rules without consent from the firefighters' union. But he said he has given the union time to register objections.

Union leaders have said shift-trading abuses are confined to a small group. Szabo said the changes violate the firefighters' labor agreement, but union officials are "willing to sit and listen to what they have to say."

Shift trading, which is common among firefighters across the country and in Cleveland dates to at least 1966, has received the most attention since the preliminary audit was released Nov. 18.

The audit disclosed that the practice allowed three firefighters to collect full pay while working less than half the hours they were assigned in the last three years. A fourth worked just over 50 percent of his scheduled hours. The time is supposed to be repaid within a year.

In other cases, firefighters took off for months at a time, then made up by working shifts in bunches. One firefighter spent his down time living in San Diego.

The city banned seven firefighters from trades, effective in July, because they owed their co-workers more than 1,000 hours—or more than 41 24-hour shifts.

Trading shifts is so prevalent among U.S. firefighters that a website exists for arranging swaps, and a smart-phone application is available to help firefighters keep track of their schedule changes.

But the practice has led to abuses. According to a news account earlier this year, scores of Boston firefighters got their shifts covered for months at a time with no record of payback. More recently, Buffalo firefighters were accused of selling shifts to older firefighters to pad their pensions.

Some Cleveland City Council members have expressed frustration with Jackson and Flask for not taking swifter action against firefighters who did not work scheduled hours, including prosecuting them or suing to recover money. The council's Public Safety Committee will raise questions at a hearing Wednesday.

(Ott, 2011)

http://blog.cleveland.com/metro/2011/11/cleveland_vows_discipline_in_f.html

ACTIVITY 3.3 (cont'd)

Identifying Effective Risk Management Measures

News Article 4

A Cottonwood firefighter died this morning, and a California Highway Patrol officer and another person were injured, after being hit by a pickup that slid off hail-covered Interstate 5.

The wreck closed southbound I-5 for several hours. One lane of southbound traffic was reopened by 10:45; all lanes were open by 2 p.m.

The coroner's office identified the firefighter as Capt. Mark Ratledge, 35, of Cottonwood.

The injured CHP officer was identified this afternoon as Jason Dotzenrod, 41, of Redding. Dotzenrod suffered minor knee and back injuries, a CHP spokesman said.

This is the first Cottonwood firefighter to be killed in the line of duty, California Department of Forestry and Fire Protection spokeswoman Linda Galvan said.

Ratledge was a nine-year veteran of the Cottonwood Fire Protection District who started as a volunteer in 2003 and was promoted to captain in 2008. He also served as the training officer for the department.

Ratledge lived in Cottonwood with his fiancée Jennifer Hobbs, 38; daughter Sophia, 1; stepdaughter Hannah Jasperse, 17; and stepson Conner Hobbs, 10. He also is survived by a sister, Susana Ratledge of Stockton; and parents Jack Ratledge and Maria Closa, both of Redding.

Before joining the Cottonwood Fire Protection District, Ratledge worked for the Redding Fire Department and U.S. Forest Service, Galvan said.

CHP spokesman Mel Hutsell said Ratledge and Dotzenrod were at the site of two earlier spinouts off an embankment south of Anderson. No one was injured in those accidents.

Hutsell said Jared Shumaker, 31, of Redding was heading south at 6:15 a.m. when his black Chevy S-10 pickup slid off the road between a parked CHP cruiser and Ratledge's truck.

Shumaker told investigators he was traveling 50 to 55 mph when a vehicle alongside him started to spin. In attempt to avoid the vehicle, Shumaker changed lanes but his truck started skidding.

The pickup spun down the embankment and hit officer Dotzenrod, Ratledge, and one of those involved in the earlier wrecks, identified as Luis Ramon Cordova, II, 32, of Redding, Hutsell said.

Ratledge died at Mercy Medical Center in Redding about 7:30 a.m., Hutsell said.

Ambulances took Dotzenrdod and Cordova, who suffered a minor laceration to the head, to Mercy. They were both treated and released.

Shumaker wasn't cited or arrested and was allowed to go home. But the investigation continues.

"Until we determine the extent of what happened, we can't know whether this rises to level of criminal negligence," Hutsell said.

Hutsell said the freeway was closed and being treated as a crime scene during the investigation.

"We haven't determined the details of the accident," Hutsell said. "We don't want to spoil any evidence that could be here."

A team of CHP accident investigators were at the wreck site re-creating the accident, Hutsell said.

Meanwhile, Calvin Ciapponi, chief of the Cottonwood Fire Protection District, referred questions to the California Department of Forestry and Fire Protection.

News of the death began to quickly resonate through Shasta County.

By mid-morning, flags at all fire stations in the county had been lowered to half-staff. About six Cal Fire engines gathered at the Cottonwood fire station on Brush Street just north of the intersection of Front and Brush streets.

Cal Fire's Galvin visited the station just after noon.

"It's still very, very fresh," Galvin said as she left a while later. "They're dealing with what they have to deal with right now. There are a lot of very upset people in there now."

Nanette Pate, who operates the Cottonwood Eatery next door to the station, delivered a platter of corned beef, turkey, and ham sandwiches to the firefighters.

"It's just awful," Pate said. "I've lost people before and it's just nice to do something. It's so sad. It brings tears to my eyes just to think about it."

Shasta County Supervisor Les Baugh, who represents the south county, said the tight-knit community was reeling at news of the death.

"It's a small community," Baugh said. "We're just devastated. ... The folks I've talked to say the family is simply heartbroken here. This is a small, rural volunteer fire department. These are the same folks who show up to help with fundraisers and wield the batter for the pancake breakfasts to raise money."

Anderson City Councilman John Day, a retired registered nurse, ambulance medic, and volunteer firefighter, offered his condolences as well.

"These are dedicated men and women who get up in the middle of a storm like that last night for four or five dollars a call," Day said. "I'm pretty sad today. I don't know who it was. I know I lost a brother."

Debbie Earhart, the owner of Sierra Printing in Cottonwood, said she has no doubt the town, even in its grief, would respond to help the department and Ratledge's family.

"I know Cottonwood," she said. "They are going to come together."

(Benda, 2012)

<http://www.redding.com/news/2012/feb/29/chp-officer-firefighter-involved-traffic-wreck-i/?partner=popular>

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ACTIVITY 3.3 (cont'd)

Identifying Effective Risk Management Measures

News Article 5

BLOXOM—A single-vehicle crash involving a Bloxom fire truck Monday morning fatally injured a volunteer firefighter.

David R. Chew Jr., 30, of Parksley, who worked as a medic with the Northampton County Department of Emergency Medical Services, died in the crash.

The accident occurred on Nelsonia Road about a half-mile west of Route 13. The firefighters were responding to an accident on Route 13 in Gargatha.

The accident was reported at about 11:31 a.m. An investigation revealed that Chew, a passenger in the fire truck, was ejected, said Virginia State Police spokeswoman Michelle Anaya.

"Mr. Chew was not wearing his safety belt at the time of the accident and died on impact," Anaya said in a statement.

The fire truck's driver, 44-year-old James Richard Lambirth of Mears, was taken to Peninsula Regional Medical Center with nonlife-threatening injuries.

Anaya said Lambirth lost control of the fire truck while making a turn, ran off Nelsonia Road, and struck several trees.

Charges could be filed pending a review of the case by the Accomack County commonwealth's attorney, Anaya said.

Chew, a United Methodist minister, served as chaplain of the Bloxom Volunteer Fire Company and was a rescue lieutenant and a member of the company's board of directors.

Chew had been involved in fire and EMS work since 2001, according to his profile on the Northampton County Department of EMS.

The married father of a 3-year-old son, Chew had recently become pastor of Hallwood United Methodist Church; his first Sunday there was July 1.

Westbound traffic on Nelsonia Road was diverted onto Fletcher Road at about noon Monday as a result of the crash.

Parksley Volunteer Fire Company, Oak Hall Rescue Company, Accomack County EMS, the Accomack County Sheriff's Office, the Virginia State Police, and the Virginia Department of Transportation had personnel respond to the crash scene.

Monday's fatality is believed to be the seventh line-of-duty death in memory among Eastern Shore of Virginia fire and rescue volunteers.

cvaughn@dmg.gannett.com

ACTIVITY 3.3 (cont'd)

Identifying Effective Risk Management Measures

News Article 6

Firefighters are unique among city employees—or just about any kind of employee, for that matter.

Not only is their work dangerous, but it requires them to literally live the job—eating and sleeping at their stations for days at a time.

That can lead to some interesting workers' compensation claims.

Weight-lifting injuries. A cooking accident. A heart attack while walking on a track. A bad back blamed on "dumping a mop bucket."

The Tulsa World studied cases in which a workers' compensation court order was issued between January 2010 and November 2011. Records are not precise, but about 20 of the 72 Fire Department-related files included in the study of the city's workers' compensation claims appear to be attributed to injuries suffered at fires or other emergencies to which the claimant had been dispatched. Those included falls on ice, ladder climbing, collapsing floors, and at least one heart attack.

By comparison, 13 cases were attributed to training activities of some kind, including running, swimming, tying knots, lifting weights, and "pulling hose."

The frequency of such injuries seems to make the Fire Department a candidate for what city physician Dr. Phillip Berry called "overtraining." Yet the general public might be surprised to learn the city has 300-pound firefighters.

"We do have some big guys," said TFD Administrative Chief Jeremy Moore. "Some 300-pound guys are solid as a rock, some are not."

Firefighters hired before 1995 are exempt from the department's annual fitness test, which in any event is "not very strenuous in my opinion," said Berry.

According to court files, one 300-pound firefighter was injured playing basketball with children after a left knee replacement and four surgeries on his right knee.

Another, listed at 326 pounds in medical records, slipped on ice getting out of a department vehicle.

Still another, listed as 5 feet 4 inches tall and 337 pounds, "slipped on a water spot at the station."

But it's not just the size of firefighters that can present problems.

Several injuries were attributed to lifting overweight people—including a 400-pounder—in emergencies.

Moore said first responders are seeing "quite a few" people over 350 pounds causing the department to develop policies on their handling.

Examination of the case files suggests many injuries directly attributed to nonemergency—and even nontraining—events may in fact stem from earlier work-related injuries or general wear and tear.

But workers' compensation, at least in theory, does not cover general wear and tear, and cumulative or repetitive-use cases are more difficult to win than single-event claims.

Firefighters—and police—are different from other city workers in that they receive what amounts to full wages, as opposed to three-quarters pay or less, while on temporary total disability.

Firefighters are unique in at least one other respect. Unlike other municipal workers, including police, their disability pensions—as opposed to regular pensions—are exempt from State income tax.

"Whether they want to admit it or not, there does seem to be a little uptick (of firefighters) who want to be evaluated just before they retire," said Berry.

"From the Fire Department's perspective," said Moore, "our employees' main causes of injuries are due to the nature of our business. That tends to compound as they get older."

Firefighters workers compensation by the numbers:

72: Number of cases involving firefighters in which a workers' compensation court order was issued between January 2010 and November 2011.

5: Number of multiple claimants.

28: Percent of cases against the City of Tulsa that were filed by firefighters.

\$1,535,289.09: Total value of firefighters' claims.

25: Percent of total claim value for city that came from firefighters' claims.

\$21,623.79: Average value of a firefighters' claim.

*Numbers taken from 251 cases in which a City of Tulsa workers compensation court order was issued between January 2010 and November 2011.

(Krehbiel, 2012)

http://www.tulsaworld.com/news/article.aspx?subjectid=11&articleid=20120212_16_A11_CUTLIN135176

ACTIVITY 3.3 (cont'd)

Identifying Effective Risk Management Measures

News Article 7

McCutchanville firefighter killed in an accident on North St. Joseph Avenue.

EVANSVILLE—One firefighter with the McCutchanville Volunteer Fire Department was killed and another was injured Wednesday evening after a fire truck accident not far from their station.

McCutchanville Fire Department PIO Lt. Steve Gibson said 18-year-old Jeremy Tighe (pronounced "tie") died when the fire truck, in which he was a passenger, ran off St. Joseph Avenue north of Wimberg Road and partially overturned, striking a utility pole.

Lt. Brandon Cason, the driver, "was not injured seriously" in the accident, Gibson said, but the 24-year-old was taken to Deaconess Hospital. Gibson said he believed Cason has since been released from the hospital.

"They were returning from a run when, for some unknown reason, their truck went off the side of the pavement," said Gibson in a phone interview Wednesday night.

The single-vehicle wreck occurred about 8:25 p.m. as the fire truck was traveling north on St. Joseph Avenue.

It occurred only about a half-mile from the McCutchanville station on North St. Joseph Avenue.

The truck had responded to a request for a carbon monoxide check on Mount Ashley Road earlier in the evening, according to Central Dispatch, and the firefighters had called in available at 8:01 p.m.

The wreck knocked out electrical service to residents of some homes in the North Side area for a couple of hours.

"Our preliminary investigation indicates that the truck left the roadway and went onto the shoulder for unknown reasons," Vanderburgh County Sheriff Eric Williams said in a news release.

Williams said there's no indication that drugs or alcohol were a factor in the wreck, but a sample of Cason's blood was taken.

Gibson said the McCutchanville Fire Department is shut down until further notice.

"Everybody's too shook up," he said. He said the Evansville, German Township, Perry Township and Scott Township fire departments are going to cover its runs.

Gibson said officials will be discussing funeral arrangements with Tighe's father, who lives out of state, and his mother, who lives locally.

Tighe had been on the department for about 18 months, Gibson said. Today would have been his 19th birthday.

Tighe is the second McCutchanville Fire Department firefighter to die in the past 12 months. In April, 27-year-old Nathan Kuehne was found dead in a hot tub at a friend's house on Evansville's East Side.

Gibson, who had been with the Knight Township Fire Department for 19 years before it disbanded at the end of 2010, said: "I went 20 years with nobody (dying), and now I lost two guys in the past year."

(Council, 2012)

<http://www.courierpress.com/news/2012/feb/22/mccutchanville-fire-truck-overturms-north-st-joseph/>



SUMMARY

- Liability.
- Immunities/Exemptions.
- Legal consequences.
- Risk management.

Slide 3-38

V. SUMMARY

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UNIT 4: TOOLBOX/RESOURCES

TERMINAL OBJECTIVE



The students will be able to describe resources available to them in the performance of their official duties.

ENABLING OBJECTIVES

The students will be able to:

1. *Describe the types of resources commonly used by a fire chief.*
2. *Describe four U.S. Fire Administration (USFA) resources or other resources that pertain to operational issues.*
3. *Describe four USFA resources or other resources that pertain to administrative issues.*

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UNIT 4: TOOLBOX/RESOURCES

Slide 4-1

ENABLING OBJECTIVES

The students will be able to:

- Describe the types of resources commonly used by a fire chief.
- Describe four U.S. Fire Administration (USFA) resources or other resources that pertain to operational issues.
- Describe four USFA resources or other resources that pertain to administrative issues.

Slide 4-2

TYPES OF RESOURCES

- Procedural
- Educational
- Direct assistance
- Reference

Slide 4-3

I. RESOURCES AVAILABLE TO THE FIRE CHIEF

A. Types of resources.

1. Procedural. Provides information on policies and procedures used during the operation of the department. For example, standard operating procedures (SOPs), personnel policies, etc.
2. Educational. Designed to improve the knowledge and skills of the fire chief on a certain issue or task. For example, journal articles, reports, classes, etc.
3. Direct assistance. Provides direct assistance to the fire chief or department on an issue or problem. For example, a local extension agent may be able to provide help with writing a grant for the purchase of new protective equipment.
4. Reference. Provides information on codes, standards, past practices, etc. For example, the National Fire Protection Association (NFPA) 1500, *Standard on Fire Department Occupational Safety and Health Program* is commonly referenced for information on firefighter health and safety practices.

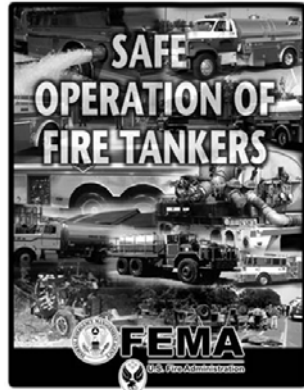
OPERATIONAL RESOURCES

Resources that address emergency operations including firefighter health and safety practices.

Slide 4-4

B. Operational resources.

1. Operational resources address emergency operations including firefighter health and safety practices.



apps.usfa.fema.gov/publications/display.cfm?it=9-0598

Slide 4-5

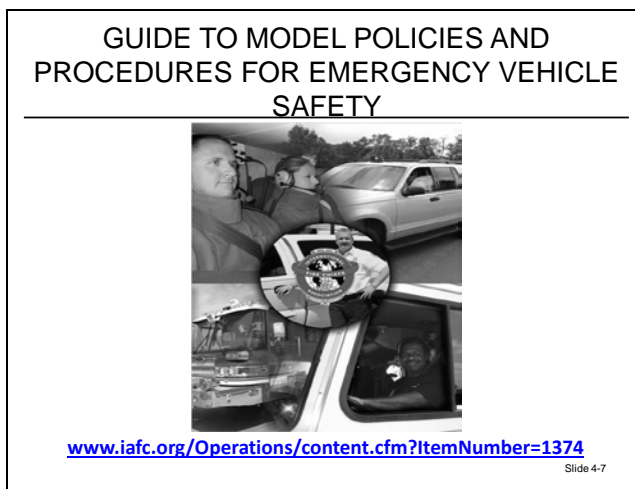
2. U.S. Fire Administration (USFA) report: "Safe Operation of Fire Tankers."
 - a. The report focuses on methods for safe operation of ground vehicles that are used to transport water for fire suppression.
 - b. The report documents fatal crashes, analyzes the causes and common factors associated with each crash, and provides information on how to reduce the frequency of the crashes and minimize the severity of the crash.
 - c. Ideal for supplementing to a driver training program or individual required reading for tanker operators.
 - d. apps.usfa.fema.gov/publications/display.cfm?it=9-0598



firehero.org/resources/departments/chiefs/


Slide 4-6


3. National Fallen Firefighters Foundation (NFFF): "Chief to Chief Network."
 - a. This program provides a peer support network for fire chiefs who have experienced a line-of-duty death (LODD) and are preparing for services and support of the family survivors.
 - b. Network members share information on how to support the family and coworkers, handle funeral arrangements, and deal with personal feelings of loss.
 - c. firehero.org/resources/departments/chiefs/



4. International Association of Fire Chiefs (IAFC): "Guide to Model Policies and Procedures for Emergency Vehicle Safety."
 - a. This resource provides the fire chief with model SOPs for operations of emergency vehicles. The materials were developed by the IAFC in cooperation with the USFA.
 - b. The procedures are designed to be customizable for the local department and directions are provided.
 - c. Background information and other materials are available for download.
 - d. www.iafc.org/Operations/content.cfm?ItemNumber=1374

Emergency Vehicle Safe Operations
for Volunteer & Small Combination Emergency Service Organizations





www.nvfc.org/files/documents/EVSO_2009.pdf

Slide 4-8

5. National Volunteer Fire Council (NVFC) and USFA: "Emergency Vehicle Safe Operations for Volunteer and Small Combination Emergency Service Organizations."
- a. Emergency Vehicle Safe Operations contains best practices, motivational strategies, and standard operating guidelines (SOGs) to help volunteer and small combination emergency service organizations mitigate the fatalities, injuries, costs, and reduced efficiency associated with vehicle crashes.
 - b. It includes specific implementation strategies for the volunteer emergency services based on the recommendations from the USFA Fire Service Emergency Vehicle Safety Initiative.
 - c. www.nvfc.org/files/documents/EVSO_2009.pdf

ADMINISTRATIVE RESOURCES

Resources that address tasks and issues which are frequently performed, to include developing policies and recruitment and retention.

Slide 4-9

C. Administrative resources.

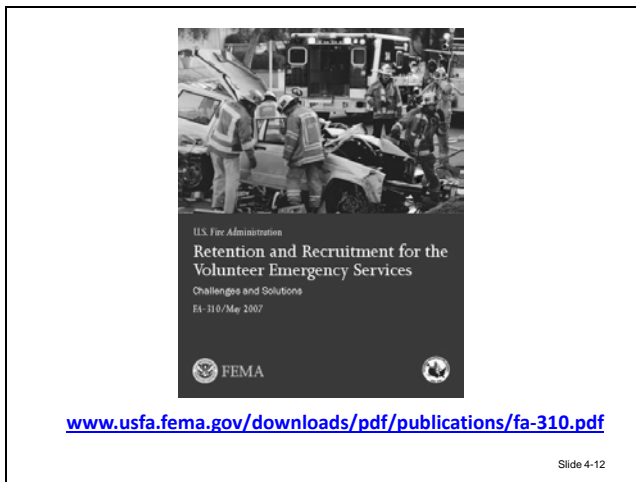
1. Administrative resources address tasks and issues which are frequently performed, to include developing policies and recruitment and retention.



2. National Fire Academy (NFA): online courses.
 - a. These online courses are available at no cost and address a variety of subjects.
 - b. One such course is called *Fire Service Supervision: Self-Study*. The course aims to give supervisors in the fire service some fundamental notions and attitudes on stress management, time management, and conflict resolution.
 - c. Continuing education units (CEUs) are available upon successful completion of most courses.
 - d. www.usfa.fema.gov/nfa/nfaonline/browse/index.shtm



3. NFA: TRADENET.
 - a. TRADENET provides for the exchange of training information between members of fire departments and fire organizations.
 - b. TRADENET is available at no cost. Subscribers receive a weekly newsletter with requests for information, procedures, curricula, etc. Subscribers are able to help each other.
 - c. A fire chief can subscribe to the TRADENET newsletter from the NFA Web site.
 - d. www.usfa.fema.gov/nfa/trade/index.shtm



4. USFA: "Retention and Recruitment for the Volunteer Emergency Services—Challenges and Solutions."

- a. Retention and recruitment are two of the greatest challenges facing volunteer fire chiefs. This report provides information from a field survey.
- b. The report presents the causes and effects of today's society and culture on recruitment and retention.
- c. The report also provides challenges and solutions with practical recommendations that have been proven to work in other departments.
- d. www.usfa.fema.gov/downloads/pdf/publications/fa-310.pdf



- 5. NFA: Volunteer Incentive Program (VIP).
 - a. VIP is an intense 6-day educational opportunity designed especially for volunteer and combination department personnel.
 - b. Courses are available in emergency operations, leadership, fire prevention, emergency medical services (EMS), etc.
 - c. The Federal government pays for all travel and training costs except the meal ticket while at NFA.
 - d. www.usfa.fema.gov/nfa/resident/vip/index.shtm

ACTIVITY 4.1

Using Resources

Slide 4-14

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ACTIVITY 4.1

Using Resources

Purpose

To identify how resources from the USFA and other sources can be used to increase the effectiveness of the fire chief.

Directions

1. Working in your assigned group, review the various resources provided by the instructor. Select two resources which you believe are most relevant to the common issue identified by your group in Activity 1.1. For the two resources selected, answer the following questions. Be specific based on your current needs. Record your answers on the easel pad for each resource.
 - a. What criteria were used to determine the value of the resources to your needs?



 - b. What were the advantages or benefits of each resource you selected?

 - c. What were the shortcomings, if any, of the resources you selected?

 - d. How do you plan on using each resource at your departments?

2. Select a spokesperson to report your answers to the class. You have 10 minutes to complete the activity.

ACTIVITY 4.1 NOTES



SUMMARY

Resources available to the fire chief

- Types of resources available
- Operational resources
- Administrative resources

Slide 4-15

II. SUMMARY

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APPENDIX

RESOURCES

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Resources

Governmental Agencies and Resources

1. United States Fire Administration www.usfa.fema.gov/

As an entity of the Department of Homeland Security's (DHS's) Federal Emergency Management Agency (FEMA), the mission of the U.S. Fire Administration (USFA) is to provide national leadership to foster a solid foundation for our fire and emergency services stakeholders in prevention, preparedness, and response. The USFA provides many services which are valuable for a fire chief including reports from research on fire service issues, fire safety education materials, reports on significant incidents, and data on fires taken from the National Fire Incident Reporting System (NFIRS) and other sources. Resources are constantly being added to the USFA Web site.

2. National Fire Academy www.usfa.fema.gov/nfa/

This mission of the National Fire Academy (NFA) is to promote the professional development of the fire and the emergency response community and its allied professionals. The NFA supports State and local training organizations to fulfill their obligation to the career and volunteer fire and emergency services. The NFA also develops, delivers, and manages educational and training programs having a national focus which is outside State and local training mission or exceeds State and local capabilities because of cost or audience. The programs are designed to support the DHS and FEMA goals to help State and local response agencies prevent, mitigate, prepare for, and respond to local, regional, and national emergencies.

There are several training programs that are specifically designed for fire chiefs. The best known is the Executive Fire Officer Program (EFOP). This 4-year program provides intensive training in several areas which are critical for the success of every fire chief. There are numerous other resident and nonresident courses which are of value to fire chiefs and senior leaders. A description of the courses, the training calendar, and other training resources are available on the Web site.

3. Federal Emergency Management Agency www.fema.gov/

FEMA's mission is to reduce the loss of life and property and protect communities nationwide from all hazards, including natural disasters, acts of terrorism, and other manmade disasters. FEMA leads and supports the Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation. FEMA is not the team, but part of a team. That team includes Federal partners, State, tribal and local officials, the private sector, nonprofits and faith-based groups, and the general public.

Numerous training programs are available for local emergency responders through FEMA. Most programs are delivered by each State's emergency management agency. There are courses available through FEMA's Emergency Management Institute (EMI) in

Emmitsburg, MD. These courses are similar to those offered at the NFA, but with a focus on emergency management and leadership of that function at the local level. Independent study courses are also available through EMI.

4. National Institute for Occupational Safety and Health www.cdc.gov/niosh/fire/

The National Institute for Occupational Safety and Health (NIOSH) is the Federal agency responsible for conducting research and making recommendations for the prevention of work-related injury and illness. The mission of NIOSH is to generate new knowledge in the field of occupational safety and health and to transfer that knowledge into practice for the betterment of workers. To accomplish this mission, NIOSH conducts scientific research, develops guidance and authoritative recommendations, disseminates information, and responds to requests for workplace health-hazard evaluations.

Each year, an average of 100 firefighters die in the line of duty. To address this continuing national occupational fatality problem, NIOSH conducts independent investigations of firefighter line-of-duty deaths (LODDs). This Web page provides access to NIOSH investigation reports and other firefighter safety resources.

5. National Institute for Standards and Technology www.nist.gov/building-and-fire-research-portal.cfm

The mission of the building and fire research programs at the National Institute for Standards and Technology (NIST) is to anticipate and meet the measurement science, standards, and technology needs of the U.S. building and fire safety industries in areas of critical national need. NIST's fire-related research has resulted in advances in fire protection technology and a greater understanding of fire dynamics and methods for protecting firefighters. Numerous research reports and digital video discs (DVDs) are available through NIST, all of which can be used to supplement firefighter training.

6. State Fire Service Training Agencies www.usfa.fema.gov/pocs/

Every State has an agency that is responsible for providing or facilitating the training of firefighters. The specific agency varies and may include the State fire marshal's office, State university, or an independent training agency. The NFA works through these agencies to deliver nonresident courses. A list of the State training agencies is available on this Web site.

7. TRADENET www.usfa.fema.gov/nfa/trade/index.shtm

This email list provides for the exchange of training information between members of fire service organizations and is part of the Training Resources and Data Exchange (TRADE) program at the NFA. The TRADE program is a regionally based network designed to foster the exchange of fire-related training information and resources among Federal, State, and local levels of government. The TRADE network consists of the directors of the 50 State Fire Service Training Systems and senior executive training officers from the

Nation's largest fire departments. Metropolitan fire department TRADE representatives are from the largest fire departments in each State or those fire departments which protect populations greater than 200,000 and/or have more than 400 uniformed personnel.

A fire chief who has a question or comment for inclusion in TRADENET should send it and their contact information to TRADE. The comment/question will be posted to TRADENET. USFA reserves the right to edit content submitted.

8. National Fire Incident Reporting System www.nfirs.fema.gov/

The National Fire Data Center (NFDC) in the USFA gathers and analyzes information on the magnitude of the Nation's fire problem, as well as its detailed characteristics and trends. The USFA also develops uniform data reporting methods and encourages and assists State agencies in developing and reporting data. In order to carry out this mission, the NFDC has established the NFIRS.

Within the NFIRS, participating local fire departments fill out incident, casualty, and optional reports for fires and other incident types as they occur. They forward the completed incidents via paper forms or computer files to their State office where the data are validated and consolidated into a single computerized database. Feedback reports are generated and forwarded to the participating fire departments. Periodically, the aggregated statewide data is sent to the NFDC at the USFA to be released and included in the National Database. This database is used to answer questions about the nature and causes of injuries, deaths, and property loss resulting from fires. The information is disseminated through a variety of means to States and other organizations. The NFIRS is a model of successful Federal, State, and local partnership. The database constitutes the world's largest national annual collection of incident information.

9. National Fire Department Census Database apps.usfa.fema.gov/census/

The USFA's National Fire Department Census provides an online address listing of over 26,500 U.S. fire departments as well as some basic information about each fire department. The purpose of this census, which is ongoing, is to create and maintain a national database for use by USFA to conduct special studies that will guide program decisionmaking and to improve direct communication with individual fire departments. Our colleagues in the fire protection and prevention communities, allied professions, and the general public will be able to use the database for similar purposes. Please take a few moments to ensure your department's information is up to date by visiting the National Fire Department Census Web page (apps.usfa.fema.gov/census/) and providing updates by selecting the "Change Listing" page.

Nongovernmental Organizations

1. National Fallen Firefighters Foundation www.firehero.org/

Congress created the National Fallen Firefighters Foundation (NFFF) to lead a nationwide effort to honor America's fallen firefighters. Since 1992, the nonprofit foundation has developed and expanded programs that fulfill that mandate. Their mission is to honor and remember America's fallen fire heroes and to provide resources to assist their survivors in rebuilding their lives.

Each October, the Foundation sponsors the official national tribute to all firefighters who died in the line of duty during the previous year. Thousands attend the weekend activities held at the NFA in Emmitsburg, MD. The weekend features special programs for survivors and coworkers along with moving, public ceremonies.

When a firefighter dies in the line of duty, the Foundation provides survivors with a place to turn. Families receive emotional assistance through a Fire Service Survivors Network which matches survivors with similar experiences and circumstances. Families receive a quarterly newsletter and specialized grief publications. The Web site provides extensive information on survivor benefits, Foundation programs, and other resources. Spouses, children, and stepchildren of fallen firefighters are eligible for scholarship assistance for education and job training costs.

Under a Department of Justice (USDJ) grant, the Foundation offers training to help fire departments handle a line-of-duty firefighter death. Departments receive extensive preincident planning support. Immediately after a death, a Chief-to-Chief Network provides technical assistance and personal support to help the department and the family.

With the support of fire and life safety organizations, the Foundation has launched a major initiative to reduce firefighter deaths. The goal is to reduce line-of-duty firefighter deaths by 25 percent in 5 years.

2. National Volunteer Fire Council www.nvfc.org/

The National Volunteer Fire Council (NVFC) is the leading nonprofit membership association representing the interests of the volunteer fire, emergency medical services (EMS), and rescue services. The NVFC serves as the voice of the volunteer in the national arena and provides invaluable tools, resources, programs, and advocacy for first responders across the Nation.

The mission of the NVFC is to provide a unified voice for volunteer fire/EMS organizations. This mission is accomplished by representing the interests of the volunteer fire/EMS organizations at the U.S. Congress and Federal agencies; promoting the interests of the State and local organizations at the national level; promoting and providing education and training for the volunteer fire/EMS organizations; providing representation on national standards setting committees and projects; and gathering information from and disseminating information to the volunteer fire/EMS organizations.

3. International Association of Fire Chiefs www.iafc.org/

The International Association of Fire Chiefs (IAFC) represents the leadership of firefighters and emergency responders worldwide; its members are the world's leading experts in firefighting, EMS, terrorism response, hazardous materials spills, natural disasters, search and rescue, and public safety policy. Since 1873, the IAFC has provided a forum for fire and emergency service leaders to exchange ideas, develop professionally, and uncover the latest products and services available to first responders.

The mission of the IAFC is to provide leadership to current and future career, volunteer, fire-rescue and EMS chiefs, chief fire officers, company officers, and managers of emergency service organizations throughout the international community through vision, information, education, services, and representation to enhance their professionalism and capabilities.

IAFC provides numerous training and leadership resources including regional and national conferences on fire service leadership topics, reports on issues, and model policies and programs that can be adopted by local fire departments.

4. Volunteer & Combination Officers Section, International Association of Fire Chiefs www.vcos.org/

The Volunteer & Combination Officers Section (VCOS) was formed in 1994 as the "Volunteer Chief Officers Section." The name was later changed to the Volunteer & Combination Officers Section to further accentuate the significant trend of the growth of combination fire departments. The mission of the VCOS is to provide chief officers who manage volunteers within a volunteer or combination Fire, Rescue, or EMS delivery system with information, education, services, and representation to enhance their professionalism. Numerous educational programs and national conferences are available through VCOS.

5. National Fire Protection Association www.nfpa.org

The mission of the international nonprofit National Fire Protection Association (NFPA), established in 1896, is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes and standards, research, training, and education. The world's leading advocate of fire prevention and an authoritative source on public safety, NFPA develops, publishes, and disseminates more than 300 consensus codes and standards intended to minimize the possibility and effects of fire and other risks.

Sponsoring a variety of life-saving campaigns and training programs, the NFPA devotes much of its efforts to protecting lives and property through education. The organization provides many resources for fire, electrical, and life-safety instructions. NFPA is the premier resource for fire data analysis, research, and analysis. This data helps guide

educational outreach, support the work of NFPA technical committees, and frames the fire-loss picture for organizations, the media, and the general public.

Led by NFPA staff and other nationally recognized experts, NFPA seminars provide insight into the meaning, intent, and proper application of fire and electrical safety codes. NFPA administers professional certification programs including Certified Fire Protection Specialist, Certified Fire Inspector, and Certified Fire Plans Examiner. Each June, the NFPA Conference & Expo fosters the exchange of ideas among Association members. New and revised NFPA codes and standards are also discussed and voted upon at these meetings. NFPA develops dozens of texts, guides, and other materials that target firefighter and other first responder safety and health.

6. International Society of Fire Service Instructors www.isfsi.org/

The International Society of Fire Service Instructors (ISFSI) leads fire and EMS instructors in their efforts to reduce firefighter fatalities and injuries, increase firefighter safety, and improve the profession through education and training. ISFSI supports instructors through educational opportunities, networking, mentoring programs, leadership opportunities, instructional resources, and legislative representation.

The ISFSI is a member organization that draws on the talents and skills of its membership, and there are a variety of ways to become involved in the organizational mission. ISFSI committees focus on the administration of the organization, instructor professional development, improved firefighter safety, and research into the future fire suppression techniques. ISFSI also focuses on representing its members in the political arena on the State and national level.

7. Center for Public Safety Excellence publicsafetyexcellence.org/

The Center for Public Safety Excellence (CPSE) promotes the continuous quality improvement of fire and emergency service agencies that serve communities worldwide by providing training and career resource information. As a nonprofit corporation, CPSE supports and encourages agencies and personnel to meet international performance standards through various programs and the work of two commissions: the Commission on Fire Accreditation International (CFAI) and the Commission on Professional Credentialing (CPC).

CPSE serves as the governing body for the organizations that offer accreditation, education, and credentialing services to first responder and fire service industry professionals and agencies.

CPC offers several designation programs, including Chief Fire Officer, Chief Medical Officer, Fire Marshal, and Fire Officer. CPC developed these designations using a model that looks at the "whole" officer. Achieving the designation requires a strong educational background; diverse participation in emergency services at the local, State, and national level; and demonstrated involvement in the broader community, all validated by emergency services peers.

8. National Association of State Fire Marshals www.firemarshals.org/

The mission of the National Association of State Fire Marshals (NASFM) is to protect human life, property, and the environment from fire and to improve the efficiency and effectiveness of State Fire Marshals' operations. NASFM provides assistance to local fire departments on fire prevention issues and projects through the respective State fire marshal's office.

9. International City/County Management Association icma.org

The International City/County Management Association's (ICMA) mission is to create excellence in local governance by developing and fostering professional local government management worldwide. ICMA develops and advances professional local government management to create sustainable communities that improve lives worldwide. ICMA provides member support; publications; data and information; peer- and results-oriented assistance; and training and professional development to nearly 9,000 city, town, and county experts and other individuals and organizations throughout the world.

ICMA offers a wide range of services to its members and the local government community. The Association is an internationally recognized publisher of information resources ranging from textbooks and survey data to topic-specific newsletters and e-publications. ICMA provides technical assistance to local governments in emerging democracies, helping them to develop professional practices and ethical, transparent governments. ICMA assists local governments in the United States through programs such as the Center for Performance Measurement, the Smart Growth Network, and other programs that focus on specific areas of need.

10. Volunteer Firemen's Insurance Services www.vfis.com

Volunteer Firemen's Insurance Services (VFIS) provides quality programs to keep up with new equipment and techniques. VFIS customers benefit from the programs, which are available at little or no cost. VFIS offers a wide range of valuable educational material, including manuals, CD-ROMs, posters, PowerPoint presentations, and videos. Each program is accompanied by appropriate print and/or video materials. VFIS' seminars and workshops are conducted on a regional basis throughout the year with many offered at instructor as well as participant levels. There are additional training resources available on the Web site including a section called "Tailboard Training" which has lesson plans for short classes on timely fire service topics.

Web Sites

1. www.firechief.com

This Web site is created by the publishers of *Fire Chief* magazine. There are numerous valuable resources available to the fire chief including a section on leadership that includes management and administration information. There is a section with the latest

fire service news as well as selected articles from current and past editions of *Fire Chief* magazine also available.

2. www.firehouse.com

This Web site is created by the publishers of *Firehouse* magazine and contains several sections helpful to fire chiefs. The latest fire service news is provided along with blogs by well-known fire service authors and leaders. Frequent Web casts and podcasts on a variety of topics are available. Also, under the Training Drills section are easy-to-use lesson plans available for weekly and monthly training sessions.

3. www.fireengineering.com

This Web site is created by the publishers of *Fire Engineering* magazine. The site provides the latest fire service news. Sections are provided on a variety of topics including leadership. Within the leadership section is a section on volunteer issues. There are numerous training resources provided along with blogs of current fire service leaders. The latest articles in *Fire Engineering* are also available.

4. www.jems.com

This Web site is by the publishers of the *Journal of Emergency Medical Services* (JEMS). It provides the latest news from the EMS field. There are numerous training resources available, and there is a section on leadership and administration. Articles from JEMS are available.

5. www.firefighterclosecalls.com

This Web site provides the latest in health and safety news for the fire service. It is well known for two sections: *Close Calls* and *The Secret List*. There are also training resources available and a section with videos from fires.

The Secret List is an independent newsletter produced since 1998 by Chief Billy Goldfeder in an effort to bring forward the issues involving injury and death to the fire service (issues that are often ignored, quickly forgotten, or just not talked about).

The Secret List is emailed at no charge and produced as time allows. With the attitude that in order to survive the dangers of the job, firefighters must learn how they have had "Close Calls" and even been injured or killed, *The Secret List* brings forward issues in an effort to enforce that philosophy and get firefighters to refocus on "what's important."

6. www.respondersafety.com

This Web site provides information from the Emergency Responder Safety Institute (ERSI). Created as a Committee of the Cumberland Valley Volunteer Firemen's Association (CVVFA), ERSI serves as an advisory group of public safety leaders and

transportation experts committed to reducing deaths and injuries to America's emergency responders. ERSI is dedicated to the safety of these men and women by engaging in and promoting activities that include developing educational material to support responder safety training; promoting the National Unified Goal (NUG) for Traffic Incident Management (TIM) including responder safety; safe, quick clearance and interoperable communications; encouraging the development of TIM Teams; promoting collaboration, communication, and cooperation among the Nation's emergency responders; and keeping emergency responders up to date on national rules, regulations, and trends related to safe roadway incident operations.

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GLOSSARY

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GLOSSARY

Administrative Resource	Resources that cover tasks and issues which are frequently performed by the fire chief in the administration of his/her role and responsibilities.
Collaboration	Working together to create a joint effort.
Credibility	The quality of being believed or trusted.
Direct Assistance	Resources which provide personal assistance to the fire chief or fire department on an issue or problem.
Duty	An act or course of action required by law or custom; a legal or moral obligation.
Educational Resource	Resources designed to improve the knowledge and skills of the fire chief on a certain issue or task.
Exemption	The freedom or excusal from an obligation, duty, or liability to which others are subjected.
Fire Chief Role	Lead and administer the human and physical resources of the department so that the mission of the organization is accomplished.
Formal Political Power Structure	The elected and appointed officials who are tasked with establishing and managing public policy.
Guideline	More flexible than policy, it provides general direction and may include limitations (boundaries) to acceptable behaviors or actions.
Immunity	The exemption from a legal duty, penalty, or liability granted to a specific group.
Influence	The ability to affect someone or something without direct or apparent effort.
Informal Political Power Structure	Specific members of a community or organization who have sufficient influence to significantly affect public policy decisions.
Leadership	Defines what the future will look like, aligns people with that vision, and inspires them to make the future a reality in spite of the obstacles (influence).
Liability	An obligation, responsibility, or debt, or the potential for loss or harm.

Malfeasance	An intentional act that is either legally or morally wrong, which one had no right to do.
Management	Planning and directing resources to achieve organizational goals effectively and efficiently (power).
Misfeasance	An act performed legally but improperly.
Negligence	Failure to use reasonable care; doing something that a reasonably prudent person would not do, or the failure to do something that a reasonably prudent person would do under like circumstances.
Negotiation	The attempt to reach a mutually agreeable or desired result.
Nonfeasance	An intentional failure to perform a required duty or obligation that results in harm to a person or property.
Operational Resource	Resources that address emergency operations including firefighter health and safety practices.
Policy	An absolute directive with some form of sanction for nonconformance.
Political Equity	An individual's or organization's net value (credibility) with a particular interest group.
Political Power	The ability to influence public policy.
Politically Astute	Understanding the political process and environment, and working effectively within that environment to influence policy issues regardless of the group, values, political correctness, etc.
Politically Correct	Taking and/or maintaining a political position acceptable to a majority of the formal/informal power structure.
Politics	The art of building and using influence to achieve an individual or group public policy goal.
Power	The ability to influence people's behavior and get them to act in a certain manner.
Procedural Resource	Resources that provide information on policies and procedures used during the operation of the department.
Procedure	Defines how a specific action or activity is to be conducted and may include specific sequential steps to be followed in order.

Public Policy	The set of laws, standards, policies, and procedures that direct the actions of public officials and employees.
Qualified Immunity	A legal defense to civil liability that protects government officials from lawsuits alleging that they violated a plaintiff's rights.
Reference	Resource that provides information on codes, standards, past practices, etc.
Respondeat Superior	A common-law doctrine that holds an employer liable for the actions of an employee when the actions take place within the scope of employment.
Risk	The potential that an action, activity, or inaction will result in an undesirable outcome (harm or loss).
Risk Management	The identification, assessment, and prioritization of risks (liabilities) followed by a coordinated and economical application of resources to minimize, monitor, and control the probability and/or impact of actions, inaction, and events.
Special Interest Group	A group with common interest(s) or goals.
Statutory Immunity	A specific immunity afforded an individual or group by law.
Supervision	The direction or oversight of the activities or performance of an individual or group.

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