



THE CAPITAL BULLETIN

FIRE DISTRICT NEWS

OCTOBER 8TH, 2022

EDITOR - TOM RINALDI

tom@rinaldi1.com

*The future of the fire service doesn't depend on us. It depends on the legacy that we leave behind.
If nothing else read the articles preceded by ***

CAPITAL CALENDAR:

WWW.AFDCA.ORG

Meetings will take place on Thursday evenings 7pm, Food will be provided at the Clifton Park Fire Station, dining will begin at 6:15PM to be finished prior to meeting.

HYBRID ZOOM MEETINGS

At the October Meeting we will be conducting a TEST of the zoom meetings and hope to have it fully functional by the November meeting. We still have to work out some sound problems and make sure the meeting moves along smoothly and on time.

- October 13th** **General Membership Meeting**
- November 10th** **General Membership Meeting/2023 Elections**
- November 12th** **Capital Area Annual Workshop at Westmere Fire District**

We want to thank the Clifton Park – Halfmoon Fire District for allowing us to use their facility for the Capital Area meetings.

CAPITAL AREA ASSOCIATION NEWS:

WWW.AFDCA.ORG

Welcome to the Fall 2022 Training Workshop - November 12, 2022

Don't Put it Off Register Now

Westmere Fire District, 1741 Western Avenue, Albany, NY 12203

- 7:00-8:00** **Registration & Continental Breakfast**
- 8:00-8:10** **Pledge to the Flag & Welcome: Capital Area Association Officers**
- 8:10-9:15** **Presentation Topic: Human Resources for the Volunteer Fire Service**

Description: For any employer, the human resources department plays a vital role in maintaining a healthy and positive work environment. This is true for the volunteer fire service as well! This training will focus on the importance of HR within the volunteer fire department, and what types of challenges you may face, strategies to handle them, and best practices to implement in your department.

- 9:15-9:30** **Networking Break**
- 9:30-10:15** **Presentation Topic: Fire District Purchasing**

Description: A representative from the Office of General Services will give an overview of fire district purchasing. This training will cover a wide range of topics and equip commissioners on how to spend taxpayer dollars wisely.

- 10:15-10:30** **Networking Break**
- 10:30-12:00** **Ask the Experts Panel – NEW AND REFRESHED! We've assembled a panel comprised of attorneys, a CPA, a VFBL expert and a general insurance specialist to answer your questions. This is an excellent opportunity to have all your questions answered about a broad range of important topics.**
- 12:00-1:00** **Lunch and Networking**

Everyone is Invited to Attend

Food Sponsors to date: Gentile, Brengel & Lin LLP and NYS Public Entities Safety Group 497

Not limited to Commissioners

Please Reserve your Seat Now – AFDCA Members \$15, Non-Members, \$25

Price includes all seminars, training materials, meals

To save a seat email Tony Hill at caaofd@gmail.com. Provide names, district and contact information.

Meals sponsored by GBL CPA's & Fleury Risk Management VFBL Insurance

REGISTRATION AND AGENDA DOWNLOAD:



**ASSOCIATION OF FIRE DISTRICTS
OF THE
CAPITAL AREA, INC.**

ALBANY, FULTON, MONTGOMERY, RENSSELAER, SARATOGA, SCHENECTADY, WARREN, WASHINGTON
WWW.AFDCA.ORG

INVITATION & REGISTRATION

Fall 2022 Training Workshop on November 12, 2022

Westmere Fire District, 1741 Western Ave, Albany, NY 12203

See attached Schedule of Events for more details!

Per-Attendee Cost is \$15 for Member Districts, \$25 for non-Members

ADVANCE REGISTRATION IS VERY HELPFUL, BUT NOT REQUIRED

Fire District: _____

Membership Status (select one): ___ Member of AFDCA or ___ non-Member of AFDCA

Attendees (include full name and at least one email so we can confirm your registration):

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Total Number Attending: _____ at \$15 each (member) or \$25 each (non-member)

Payment Option:

- 1) Check enclosed payable to Association of Fire Districts – CA for: \$ _____
- 2) Pay at the Door (check box):

HELP US PLAN - Please Respond by Friday, November 4, 2022

Return to:
Association of Fire Districts - CA
PO Box 242
East Schodack, NY 12063

Or by email to caaofd@gmail.com

The Capital Area Association has voted to amend its By-laws to allow both individual and regional or county Fire District Associations to join. The updated By-laws are posted to the AFDCA.org website. Applications are being updated and will be available shortly. Individual membership fee will be \$50 annually, fire district association fees will be \$300 annually. Download THE APPLICATION HERE: <https://afdca.org/wp-content/uploads/2022/08/2022-Application.doc>

The Capital Area has logo ware for sale, long and short sleeve polo shirts. Contact Secretary/Treasurer Tony Hill to purchase shirts.

Please advise your secretaries that all correspondence go to the Capital Area Association Mailing Address at:
AFDCA PO Box 242 East Schodack, NY 12063
EMAIL: CAAOFD@GMAIL.COM
[518-407-5020](tel:518-407-5020)

NOTE: I WORKED THROUGH THE MOST RECENT MEMBER EMAIL LISTING, NON-MEMBER EMAIL ADDRESSES HAVE BEEN PURGED FROM THE CONTACT LIST FOR THE WEEKLY BULLETIN.

If you see ** it indicates a must-read article with educational value or leadership qualities.

CAPITAL SHORTS:

- **NO BULLETIN ON OCTOBER 15TH, RECOVERING FROM KNEE REPLACEMENT SURGERY, BUSY WEEK THAT I DO BUT DON'T LOOK FORWARD TO.**
 - **Welcome to new Business Partner Bank of Greene County.**
 - **PLEASE TAKE THE TIME TO REGISTER FOR THE NOVEMBER 12TH WORKSHOP, RIGHT NOW!**
 - **Your Budget Hearing should be scheduled and must be held on the 3rd week of October!**
 - I guess he had to, but the man accused of killing FDNY EMS Capt. Russo plead not guilty. He was captured on video stabbing Capt. Russo.
 - Congratulations to old friend and co-worker Chief Nelson Delameter on receiving the 2022 Fire Service Community Achievement Award from FASNY. Nelson is the Chief of the Margaretville Fire Department.
 - Congratulations to Region 6 Director and Commissioner Jim Havernick who has been nominated to be inscribed on the Wall of Honor by the Erie County Legislature as a memorial to those members of the Erie County Fire service who have demonstrated through their dedication, talents and sacrifice, values that promote fire service value. Very nice honor!
- **If you no longer wish to receive the Capital Bulletin you have the option to "unsubscribe" at the bottom of the introductory email.**

TRAINING APPROPRIATE FOR YOUR ENTIRE BOARD/SECRETARY/TREASURER



COFFEE WITH COMMISSIONERS 2022

[2022 Schedule click to register](#)

Nov 5 LOSAP and Cancer Reporting/ Insurance Requirements

Dec 3 Topics for Annual Organizational Meeting

[Click Here for Previously Recorded Webinars](#)

Duties & Deadlines Secretary Webinar

Duties & Deadlines Secretary Webinar Schedules

Start time 6:00pm

October 25, 2022 - It's Election Time - what to do the day of

November 22, 2022 - What will we need for the Org. Meeting

December 20, 2022 - Organizing for the New Year

***If you have already registered you DO NOT have to register again, you will automatically received all zoom links.**

REGISTER AT THIS LINK: https://mms.afdsny.org/members/evr/reg_event.php?orgcode=FDNY&evid=32091843

THE LATEST FROM THE NYS LEGISLATURE

The 2022 Legislative Session and Fire Service Bill Status

Bills that didn't gain any traction and were stuck in committee were amendments to the heart and lung bill making them permanent, rather than renewing them every five years or so. Hopefully this effort will be renewed next year.

Several other bills that affect fire service business operations are the following, many have not been signed by the Governor yet, she is probably too busy running for re-election:

- (S7623A) EXTENDS PROVISIONS OF LAW AUTHORIZING POLITICAL SUBDIVISIONS TO PERMIT ANY PUBLIC BODY TO HOLD MEETINGS REMOTELY AND WITHOUT IN-PERSON ACCESS DURING THE COVID-19 STATE DISASTER EMERGENCY, UNTIL THE EMERGENCY IS DECLARED TO BE OVER. **SIGNED BY THE GOVERNOR 1/14/22**
- (S7718) AN ACT TO AMEND A CHAPTER OF THE LAWS OF 2021 ESTABLISHING THE NEW YORK STATE RURAL AMBULANCE SERVICES TASK FORCE IN RELATION TO MODIFYING THE MEMBERSHIP OF THE TASK FORCE. **SIGNED BY THE GOVERNOR 2/24/22**
- (S7144) PROVIDES CRISIS INTERVENTION TEAM TRAINING, MENTAL HEALTH FIRST AID, IMPLICIT BIAS TRAINING AND NALOXONE TRAINING TO FIREFIGHTERS AND EMERGENCY MEDICAL SERVICES PERSONNEL BY THE COMMISSIONER OF MENTAL HEALTH. **SIGNED BY THE GOVERNOR 5/6/22**
- (S9405) THE NYS ENERGY CODE PRODUCT AND APPLIANCE STANDARDS WILL DELIVER A PROJECTED \$15 BILLION OF TOTAL UTILITY BILL SAVINGS (SUPPOSEDLY) BY 2035 FOR NEW YORK CONSUMERS, INCLUDING AN ESTIMATED \$6 BILLION IN TOTAL UTILITY BILL SAVINGS FOR LOW-TO MODERATE-INCOME HOUSEHOLDS. THIS LEGISLATION ALSO PROVIDES DOS WITH ENFORCEMENT AUTHORITY OVER ANY STATE STANDARDS. **SIGNED BY THE GOVERNOR**
- (S3532) AUTHORIZES STATE AND MUNICIPALLY OWNED VEHICLES TO AFFIX GREEN OR ALTERNATING GREEN AND AMBER LIGHTS TO MOTOR VEHICLES ENGAGED IN SNOW AND ICE REMOVAL FOR THE PURPOSE OF INCREASING VISIBILITY DURING WINTER WEATHER EVENTS. **SIGNED BY THE GOVERNOR**
- (S7399A) AN AMENDMENT TO THE GENERAL MUNICIPAL LAW, IN RELATION TO AUTHORIZING A MUNICIPALITY TO INCREASE THE NUMBER OF YEARS OF SERVICE THAT **A VOLUNTEER AMBULANCE SERVICE** PARTICIPANT IN A DEFINED CONTRIBUTION PLAN SERVICE AWARD PROGRAM OR A DEFINED BENEFIT PLAN SERVICE AWARD PROGRAM MAY RECEIVE A CONTRIBUTION. **NOT YET SIGNED [PERTAINS TO AMBULANCE VOLUNTEERS ENROLLED IN A LOSAP PROGRAM NOT FIREFIGHTERS]**
- (S926B) REQUIRES ELECTRIC CORPORATIONS TO PRIORITIZE RESTORING SERVICES TO POLICE DEPARTMENTS, FIRE DEPARTMENTS, AND AMBULANCE SERVICES, WHEN SUCH SERVICES ARE INTERRUPTED. **NOT YET SIGNED**
- (S9131) A BILL TO ALLOW ANY COUNTY TO ADOPT A LOCAL LAW THAT WILL PROVIDE AN EXEMPTION ON REAL PROPERTY OWNED BY AN ENROLLED MEMBER OF AN INCORPORATED VOLUNTEER FIRE COMPANY, DEPARTMENT, OR VOLUNTARY AMBULANCE SERVICE. THE BILL WOULD EXEMPT UP TO 10% OF THE ASSESSED VALUE FOR MEMBERS WHO SERVED A MINIMUM OF TWO YEARS. THE BILL WOULD REQUIRE LOCALITIES THAT CURRENTLY PROVIDE THE EXEMPTION ADOPT A LOCAL LAW TO CONFORM TO THIS PROVISION. **NOT YET SIGNED**
- (S6093A) THIS BILL IS INTENDED TO CLARIFY THE INTENT OF THE LEGISLATURE REGARDING EXISTING STATUTORY PRESUMPTIONS PERTAINING TO HEART-RELATED DISABILITIES SUFFERED BY MEMBERS OF THE NEW YORK STATE LOCAL POLICE, FIRE RETIREMENT SYSTEM AND THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM. CLARIFICATION IS NECESSARY BECAUSE A SERIES OF NARROW JUDICIAL INTERPRETATIONS HAS PREVENTED THE STATUTORY PRESUMPTIONS FROM ACHIEVING THEIR INTENDED PURPOSES. **NOT YET SIGNED**
- (S953A) REQUIRES BUSINESSES THAT MAKE PAYMENTS IN LIEU OF TAXES TO PROVIDE LOCAL GOVERNMENTS AND SCHOOL DISTRICTS WITH NOTICE OF THEIR INTENTION TO CHANGE ASSESSMENT. **NOT YET SIGNED**
- (S8524B) ALLOWS FOR THE USE OF GREEN LIGHTS ON THE VEHICLES OF MOBILE MENTAL HEALTH CRISIS RESPONDERS. **NOT YET SIGNED**
- (S7863A) THE GENERAL BUSINESS LAW IS AMENDED TO PROVIDE THAT NO ELECTRIC SPACE HEATERS MAY BE SOLD IN NEW YORK STATE BY A PERSON, FIRM, PARTNERSHIP ASSOCIATION OR CORPORATION REGULARLY ENGAGED IN THE BUSINESS OF ASSEMBLING, MANUFACTURING, DISTRIBUTING, OR RETAIL SALE OF SPACE HEATERS UNLESS THEY: CONTAIN A THERMOSTAT; HAVE AN AUTOMATIC SHUTOFF; AND HAVE BEEN CERTIFIED BY AN APPROVED BODY. **NOT YET SIGNED** My Question is, who is going to enforce this. Suspect only action will be on complaints or as a result of lawsuits.

- (S7582A) TO REQUIRE THAT THE BUILDING CODE COUNCIL COMPOSITION INCLUDE PERSONS WITH KNOWLEDGE OF FLOODING HAZARDS AND THAT THE BUILDING CODE BE REVISED TO INCORPORATE MEASURES FOR FLOOD MITIGATION AND FLOOD SAFETY. **NOT YET SIGNED**

It's recommended that the fire service start to think about legislation it would like to present for 2023, bills will begin to be introduced on the first week of the legislative session starting January 2nd. If you have legislation you would like to suggest, contact your local representatives or a member of the legislative committee of one of the fire service organizations in the State.

NEWS FROM THE NYS VOL. FF R&R TASK FORCE

Updated Link for the Recruitment and Retention Task Force:

<https://www.dhSES.ny.gov/volunteer-firefighter-recruitment-and-retention-task-force>

The task force in their most recent meeting has broken into sub committees.

Open Meetings and Webcasts are located at: <https://www.dhSES.ny.gov/open-meetings-and-webcasts>

LET YOUR MEMBERS KNOW ABOUT THIS OPPORTUNITY!

The Vol. Fire Police Association Of Saratoga County Presents

Situational Awareness on the Fire Ground

When - October 22, 2022

Where – DeCrescente Distributing

Office/Training Facility

211 North Main St. Mechanicville

Doors Open 07:30 / Seminar ends at 13:00

Saratoga County Sherriff Dept.

Communicating Situational Awareness from Initial Call to End-of-Call

NYS DOT

Signage, Communicating Situational Awareness to the Motorist

NYS Encon

Updating Situational Awareness thru Drones

Attendees are invited to display their Fire Police Vehicles! We will be Flying Drones in Real Time!

Tickets can be purchased thru EventBrite.com at the webpage below.

<https://www.eventbrite.com/e/situational-awareness-for-the-fire-police-officer-tickets-413117474487>

NYS AFC 2022 Seminar Series, "The Five Points of Command"

Presented by Chief/Commissioner

MICHAEL LOMBARDO

Buffalo Fire Department

Registration (per person):

\$35 – NYS AFC Individual and Department Members

\$50 – non-members

[Pre-registration](#) is encouraged. On-site registration will be accepted if space permits. Convenient online registration is available for individual registrants.

Fall 2022 Schedule (Lecture begins at 7:00 p.m.):

- **Albany County – October 24**
- **Schenectady County – November 15**

REGISTER HERE: <https://www.nysfirechiefs.com/2022seminarseries>

[New Course! Leadership for the Fire & Emergency Services](#)

The NVFC has released a new course in the Virtual Classroom on “Leadership in the Fire & Emergency Services.” This on-demand course provides an overview of leadership roles, how anyone can be a leader regardless of rank, and tips to help in succeeding as an emergency service leader. Virtual Classroom courses are always free to **NVFC members**, but this course is free for a limited time to all members of the fire and emergency services. **Register now:** <https://virtualclassroom.nvfc.org/products/leadership-for-the-fire-emergency-services>

[Innovative Recruitment Ideas for Volunteer Fire, EMS, and Rescue Departments](#)

Recruitment is a challenge for many volunteer and combination emergency service departments. The NVFC has released a new one-pager featuring 10 ideas to help jump-start your recruitment initiatives. Download it [here](#). You can find more tools and resources to help with recruitment – including customizable outreach materials and PSAs – from the NVFC’s [Make Me A Firefighter campaign](#).

OUR CHANGING FIRE SERVICE –CHALLENGES & OPPORTUNITIES!

OPPORTUNITIES:

Not many positive stories from the pages of the fire service this week.

CHALLENGES:

[New Challenge To Firefighters During Hurricanes: Electric Vehicle Fires](#)

Florida officials said firefighters working in Hurricane Ian damage zones are encountering a new problem that is proving challenging - **electric vehicle fires from corroded batteries**. Florida's Chief Financial Officer & State Fire Marshal Jimmy Patronis took to social media Thursday to show the response by North Collier Fire Rescue to an EV that caught fire in the middle of a busy roadway. "There's a ton of EVs disabled from Ian. As those batteries corrode, fires start. That's a new challenge that our firefighters haven't faced before. At least on this kind of scale," Patronis said. First responders did not report any injuries associated with the incident but said these fires can be difficult to extinguish. An official on scene can be heard saying in a video, "So, we've already put on 1,500 gallons of water on this, and it is still going. This shows how dangerous these fires are."

An analysis of vehicle fires published by AutoInsuranceEZ over the summer found that **hybrid vehicle fires are most common when compared to sales figures of gas and electric vehicles**. Gas vehicles came in second for fires per 100K in sales, and electric vehicles came in a distant third. Despite seeing fewer fires than either gas or hybrid vehicles, auto experts said electric car fires are significantly harder to extinguish because of lithium-ion batteries.

According to data from the U.S. Department of Energy, Florida has the second-highest number of registered electric vehicles in the country. As of June, the Sunshine State was home to nearly 100,000 electric vehicles.

Patronis did not say how many electric vehicles caught fire as a result of Ian’s impacts but did say crews have special training and understanding of the vehicles to quickly and safely put out the flames.

HEALTH– SAFETY & LODDS – TAKING CARE OF YOUR MEMBERS!

IN 2022 WE HAVE SADLY EXPERIENCED 82 FIRE FIGHTER LODD’S

According to FirefighterCloseCalls.com

In 2021 we experienced 136 LODDs reported nationally.!

Those who died in the line of duty in NYS were, Peyton Morse, Jared Lloyd, Judy Spencer and Vincent Malveaux.

YOU JUST NEVER KNOW!!

- Keyport Fire Chief Tim Pflieger, 32, reportedly died after he was hurt in an accident while traveling from an area fire academy in July.
- The Memphis Fire Department confirms that two of its firefighter/medics were injured at the scene of a car crash when another vehicle plowed into them, breaking the leg of one of the firefighters. The 48-year-old driver was driving on the shoulder when he struck the responders, he was charged with DUI.
- The Purdum Nebraska, Volunteer Fire Department's Mike Moody suffered a medical emergency early at the Bovee Fire, he was 59 years old.
- 33-Year-old Flower Mound Texas firefighter/paramedic G. Wade Cannon died of colon cancer after being diagnosed with stage 4 cancer in September of 2020.
- One person is dead, and several others have been injured after a single vehicle wreck involving a Pilcher's Ambulance in Pike County. It happened near Brundidge in southern Pike County, Alabama. The ambulance left the roadway, hit a tree, and then burst into flames. Paramedic Don Parrish, a retired Dothan firefighter, was pronounced dead at the scene.
- Dalhart Texas volunteer fire chief Curtis Brown and Firefighter Brendan Torres were returning from a call in a department vehicle when they were involved in a head-on with a semi which was trying to pass another vehicle.
- More Close Calls at: <https://www.firefighterclosecalls.com/>

Fre/EMS Behavioral Health: The Price We Pay" FREE WORKSHOPS

With Past Chief Mike Healy (Central Nyack F.D.) & Past Chief Jared Meeker (Lake Shore F.D.)

- In partnership with PERMA, NYSAFC is hosting an additional series of **FREE** emergency services behavioral health and wellness workshops. Participants will review the behavioral health problems that first responders face, then learn how to recognize and help members who are struggling with these issues. This important discussion is open to all first responders, including fire, EMS, and 911 personnel, and their families. [Pre-registration](#) is preferred. Convenient online registration is now available!

Coming this fall to the following counties:

- **Albany – October 19**

REGISTRATION: <https://www.nysfirechiefs.com/behavioralhealthworkshop>

Reference Material for Use in a Line of Duty Death

- [VFBL Firefighters Guide to Benefits](http://www.vfbl.org/content/main/vf-vaw/injured-in-lin-of-duty.pdf), [wcb.ny.gov/content/main/vf-vaw/injured-in-lin-of-duty.pdf](http://www.vfbl.org/content/main/vf-vaw/injured-in-lin-of-duty.pdf)
- [Survivors Benefit Guide](http://www.firehero.org), www.firehero.org
- [National Fallen Firefighters Foundation](http://www.firehero.org) <https://www.firehero.org>

BUILDING & FIRE CODE ISSUES – WHY ARE THEY IMPORTANT TO YOU?

Home builders and relators already “drive” legislation with a history of disregard for life safety and a disgusting misinformation campaign about the cost of residential fire sprinklers, deaths are an awfully expensive price to pay to save money. Stop the carnage, install residential sprinklers.

WEEKLY FIRE FATALITY DATA AS REPORTED BY THE MEDIA

Fire Deaths in 1&2 Family Dwellings in NYS	60+0=60
Latest fire death, Village of Endicott, Broome Co. Female unk age	
Fire Deaths in any type of Dwelling in NYS	105+1=106
Fire Deaths in 1&2 Family Dwellings Nationally	1008 + 17=1025
Top Three State with the most 1&2 Family Deaths	1 PA - -89
	2 OH - -72
	3 TX - -65
There has been a total of 1670 civilian home fire fatalities in 2022	
There were a total of 2248 residential fire fatalities reported in 2021 in the US media.	

In 2021 in New York State 68 residents perished in fires in 1 & 2 family occupancies.

FIRE DISTRICT FINANCES

2022 Governmental Accounting Class Schedule

Register for Accounting Schools Now Here!

<https://www.osc.state.ny.us/local-government/academy/osc-government-accounting-schools>

Cost: \$85 for local officials and government employees; \$170 for all others.

Introduction to Governmental Accounting (Basic Accounting School) - This multi-day school is designed to familiarize participants with the basic concepts of governmental accounting and give them a working knowledge of basic bookkeeping procedures such as understanding debits and credits, a discussion of the modified accrual system of accounting, the practice of maintaining the books and records, developing and accounting for the annual budget, as well as the year-end closing process. This school is for those individuals who possess some accounting experience, but are newcomers to governmental accounting in New York. It will benefit Chief Executive Officers, Chief Fiscal Officers, Comptrollers, Treasurers, Clerks, and Accounting Personnel.

Available Dates:

October 25-27, 2022 Online

Accounting Principles and Procedures (Advanced Accounting School) - This multi-day school is designed to familiarize participants with accounting and financial reporting requirements for local governments in New York. The course provides guidance on certain operational issues, such as cash management, purchasing, processing claims for payment, accounting for capital projects and utilizing reserve funds. This school is a good follow-up to our Introduction course, although attending the Introduction is not a prerequisite. It will benefit Chief Executive Officers, Chief Fiscal Officers, Comptrollers, Treasurers, Clerks, Accounting Personnel, Board Members and Department Heads.

Available Dates:

October 12-13, 2022 Online

November 15-16, 2022 Online

RETAINING AND RECRUITING

****Your Volunteer Recruitment Playbook: How To Develop The Plan And Execute**

Dan Rogers

Staffing deficiencies are plaguing the fire service. The first step to finding a solution is the same as so many other challenges – acknowledging the problem. We can't let pride deter us from doing what is right for the community and our brother and sister firefighters. Increasing personnel brings significant increases in firefighter safety metrics and fireground effectiveness.

What makes this first step so difficult is the number of stubborn, salty veteran firefighters who deplore change. But we must move past the "this is how we've always done it" mindset if we're going to be successful in solving our staffing challenges. It won't be easy, but it is absolutely necessary if you want to boast a full roster of committed firefighters. ***With the total number of volunteer firefighters declining more than 12% in the last decade, it's past time that we consider new recruitment tactics that will bring fresh blood inside the station doors.***

THE PERCEPTION PROBLEM

For years we have seen a sharp decline in the membership numbers of volunteer fire departments. Too often we recruit members, outfit them and train them, only to see their attendance slowly taper off until we send them a termination letter. Why does this happen? Why have people quit coming around?

Here are some reasons I commonly hear:

- The younger generation is constantly glued to their phones, have never had to do any manual labor; therefore, volunteering on a fire department is probably too much work.
- We used to have people show up to the station all the time and ask to join. No one stops now because there's no sense of community.

- Recruiting members cost too much. Once you get them in the door, you have to train them and outfit them with gear, pagers and clothing. It's too expensive.
- New members are too much drama.

Are these fair characterizations of our staffing situation?

Sorry to burst your bubble, but none of these are actual proven reasons for lack of recruitment and retention among volunteer departments.

The National Volunteer Fire Council published a Volunteer Retention Report in August 2020. They polled volunteers who had recently left the fire service, current volunteers, and current leadership on why members joined, and why members left. The key takeaway: The reasons that we, as officers, think people join the department are simply inaccurate. I was astonished, being a contributor to this survey myself.

Leadership was a top issue that emerged in the study results, followed closely juggling busy lives with volunteering, and lack of clear expectations from the beginning on the commitment of volunteer.

IMAGINE THE POSSIBILITIES

Another NVFC study surveyed 1,224 random people between the age of 18 and 65 about their beliefs around volunteering for the fire department. The findings:

- 29% had high or moderate interest in joining a volunteer department.
- 40% indicated they would be open to helping in a non-operational way.
- 77% reported they had a desire to be involved in their community but weren't sure how.
- 80% responded *they did not know their department needed volunteers.*

Wow! Nearly 30% (335 people) said they had high interest in volunteering on their local fire department. Those numbers are great – simply unbelievable. Think about it, most of our district's populations are at or above that 1,224 mark. And what if in our district we could garner interest by even just 10% of those who showed high interest? That's 33 people right there. And if you add 10% of the folks who showed interest in the non-operational side, that's another 49 volunteers.

Here is the question: What have you done to reach these potential members in your district? Have you reached out to every household? Have you expressed your need for help? Have you explicitly asked them to join? If you can answer yes to all of these questions, for every person in your district between the ages 18-65, then bravo, you have done everything. But for the rest of us, we need to sharpen our pencils and get to work – and it all starts with a recruitment plan.

DEVELOP A RECRUITMENT PLAN

Tackling this issue within your department requires some real time and effort from you and your officers. I am a huge proponent of creating committees, and this is the perfect place to start. By establishing a recruitment committee, you can spread out the responsibility and give members some stake in the department. You'll want to assign a recruitment coordinator to head the committee and report back to you as needed.

Task this committee with developing a complete recruitment plan. This plan should include how many members you need to meet NFPA 1720, what methods you plan to employ to recruit them, and how you will train them once recruited. Take the time, discuss it with your officers, and take the leap to ensure your department continues to operate with a full roster for years to come.

YOUR RECRUITMENT PLAYBOOK

There are multiple ways to recruit within your district, many of which requires little budgetary support.

Word of mouth: This is by far the most relied upon method in today's volunteer fire service. When people join a department, it's usually because they have a buddy who is an active member that invited them. This method works very well in small towns, at least every couple of months. Current members should be reminded that the need for volunteers remains paramount and to please spread the word.

Mailed brochures: 1,500 recruitment brochures can be purchased for as little as \$200. Mailing a brochure to households within your district will allow you to reach every single person in your district for \$200 plus postage. Some websites offer free printable recruitment flyers, reducing costs to postage only.

Social media: If you have a need for volunteers but don't express that need *all the time* on your department page, you have no one to blame but yourself. It takes 10 seconds to copy and paste a message, and you never know when the right

person will see that post. Take the 10 seconds. Social media is the #1 recruitment tool at our disposal. For a few extra bucks, you can boost the post to target a specific audience within your service area.

Recruitment events: Do you hold an annual fundraiser? Do you have a table dedicated to recruitment? Why not? If you don't want to host an event dedicated primarily to recruitment efforts, then piggyback off your own fundraiser or grab a truck and set up a table at a community event. People are already there to support the community. Strike up a conversation about the need for volunteers.

Event crashing: Same as the previous but at someone else's event – all you need is a simple request to set up a table, and it only costs a few hours of the day. Consider having your apparatus close by to garner attention. Again, strike up some conversation, work in the need for volunteers. People, especially kids, are attracted to big red trucks. When they wander over, talk to their parents about their interest in volunteering.

Outdoor signage: If you have an outdoor sign with a message board, post your need for volunteers. This is a 100% proven method at my department. Six members to date have seen our sign and stopped in to talk. *Note:* Four of the six members remain active firefighters who are considered assets to the department and community. Two moved out of district.

Recruitment videos: Recruitment videos can be homemade or professionally done and posted on a website or social media. A video on social media is likely to get three times as many views as a text-heavy post.

Explorer program: By allowing teenagers (ages 14-18) to join the department as an Explorer, you can begin teaching them the fundamentals of the fire service. You can also use this time to weed out those who cannot commit to the life of a volunteer firefighter. Having members who know and understand department protocols and expectations join at a young age are more likely to remain long-term members of the department. Explorer Programs can produce a steady flow of one to three new members each year. Programs like the Boy Scouts of American can aid in assisting with this program.

Radio/newspaper messages: Many rural community members still get their news from the local newspaper and radio station each day. It's a great way to reach them – and it's easy. Most of us have been contacted by the local newspaper reporter requesting information on a recent incident response. Newspapers around the country are hurting for quality media to fill their pages. Work out a deal with them, provide them with the details of the recent call-in exchange for the opportunity to share your need for volunteers in print or a 20-second radio spot that could be heard by hundreds within your district several times per day.

Door hangers: This one requires a little funding and some work; however, 1,200 door hangers can be purchased for as little as \$200. Break into groups and walk the town, hang these slips on doors or hand them to folks you see out and about. Use fire trucks to hold the spares so you'll have them on handy when you talk with people out in the community. This is also a good place to get members' families involved. Placing your department, positively, in the eye of the public is one of the best unwritten recruitment tools out there. A bright smile and friendly conversation can result in an informal and subtle invitation to join without even asking the question.

Website: Find the most tech-savvy person on your department and have them create a website. You can learn anything on YouTube, including how to create, design and update a quality department webpage. High school and college students in computer classes are always looking for projects and typically jump at the opportunity to use fire department help for a class project. Make sure your membership application is available on the website.

FIRE DEPARTMENT CULTURE

The next phase in the quest for quality recruits is to ensure that your agency requirements are hospitable enough for new recruits to have a fighting chance of getting accepted to join the department. What I mean is this: Are your requirements so tight that only CrossFit champions, the town's financially elite or active/retired career firefighters would be invited to join?

Remember, there are likely multiple people in your district who are willing to volunteer with your department, but likely only a small number will be *ideal* candidates. Take a quick look around your current membership and consider how many members could perform 50 pushups, 50 jumping jacks, and run a mile, all within the next hour? Probably not many (and that's an article for another day).

It's important that we be realistic about our expectations while not compromising the ability to serve our community. Some of the best members on my department aren't necessarily the most fit or drive the top-of-the-line vehicles. I recognize though these members don't have any less of a drive than the member who can rip out 75 pushups in a 5-minute span. We must judge these folks on what they can do for our community, not how they look or whether they

hang out at the local country club. Consider their value only in the number of lives and property that could be saved with them as a member. Otherwise, why are we here?

Once they are inside the door, ensure that your culture is one of listening to understand, not listening to respond. Hear what they are saying with the intent to understand where they are coming from and what they need from you. Give them the time of day and your attention and they will return the favor by giving commitment and *respect* in return. ***Different perspectives are the drivers that steer the “this is how we’ve always done it” bus away from your agency.*** Remember, our duty as chief officers doesn’t end when we retire; it’s our duty to set up our departments so that it can continue to provide quality services well after our departure. If you want to change the future, you must change what you’re doing in the present. Be the change.

EQUIPMENT THAT MAY INTEREST YOUR DISTRICT

Battery-Powered Hydraulic Rescue Tools Are Popular Choice

Alan M. Petrillo

Battery-powered hydraulic rescue tools have taken the rescue world by storm, giving traditional hosed hydraulic rescue tools a run for their money. The attraction of battery-powered tools, say many departments, is in their maneuverability, ease of use and storage, and ability to be taken to locations that a hosed tool couldn’t reach.

Michael Canon, director of rescue sales for IDEX Fire and Safety’s HURST™ Jaws of Life®, believes smart battery technology has changed so much that it allows firefighters greater abilities in battery life and cycling limits but also in the versatility offered in use of the tools.

Some rescue specialists believe the days of hosed hydraulic rescue tools are numbered because of the rise in popularity of battery-powered hydraulic rescue tools. Although that might be overstating the case, there is no denying the utility, versatility, and attraction of battery-powered tools—from spreaders and combi tools to cutters and rams.

HURST JAWS OF LIFE®

HURST Jaws of Life® has added nine models to its battery-powered eDRAULIC® Watertight Extrication Tool (EWXT) lineup, which allow firefighters the ability to operate the tools completely underwater. Mike Canon, HURST vice president of sales, says, “We filled out the line with two spreaders, three cutters, three combi tools, and one ram that joined the series that originally consisted of a cutter, spreader, and ram.” The nine new tools include the SP 333 EWXT Spreader and SP 777 EWXT Spreader; S 789 EWXT Cutter, S 799 EWXT Cutter, and S 378 EWXT Cutter; SC 258 EWXT Combi Tool, SC 358 EWXT Combi Tool, and SC 758 EWXT Combi Tool; and R 522 EWXT Ram. The tools complement the previously launched S 788 EWXT Cutter, SP 555 EWXT Spreader, and R 521 EWXT Ram. Canon points out that the new tools are more than three inches shorter than their eDRAULIC 2.0 counterparts, “providing the tools additional maneuverability in confined spaces. Additionally, the use of a brushless DC (BLDC) electrical motor in HURST Jaws of Life EWXT products offers longer battery runtime.” He notes that in testing, HURST “got up to 54 cuts with the second largest cutter we offer, and with our SP 555 Spreader, we got 75 spreads on one battery during testing.”

HOLMATRO

Holmatro has just introduced the PENTHEON series of battery-powered hydraulic rescue tools, says Dan Crowbridge, Holmatro’s rescue and training consultant. “We designed and patented a mechatronic step less hydraulic pump that acts like a car’s automatic transmission compared to a manual transmission.” He notes that previous pumps have switchover valves to change from volume to pressure flow. “This new pump switches to the demand for flow and pressure based on what the tool tells it that it needs,” Crowbridge says. “As the tool meets resistance, or resistance goes away, the pump automatically regulates the flow with no hesitation.”

Crowbridge points out that the new tools have a two-speed control handle for slow speed and fast speed modes and can be charged on the vehicle. “There’s a magnetic connector on the truck that can charge two batteries,” he says. “The charger can take a lithium-ion battery from no charge to full charge in 45 minutes. We also designed a curved battery to reduce the overall shape of the back of the tool. The battery wraps around half the tool like a bracelet and snaps in and has larger battery cells that don’t heat up as quickly as smaller cells, allowing you to draw more energy from the cells and create more use.” The PENTHEON series tools include the Cutter PCU50, which has an inclined head; the Spreader PSP40; the Combi Tool PCT50; and the Telescopic Ram PTR50.

AMKUS RESCUE SYSTEMS

Amkus Rescue Systems has introduced an additional line of *iON tools that use the DeWALT FLEXVOLT™ battery platform*, including a 32-inch spreader that can expand to 40 inches using Amkus extended-reach tips, a seven-inch opening cutter, and a combi tool that has removable tips for straight blade cutting and spreading. “These tools are built at Amkus, which the original tools were not, although many of the components were,” says Chuck Sheaffer, Amkus sales manager. Now the Amkus line includes the iTR230 Ram; the iS320 spreader, the iS280 spreader, and the iS240 spreader; the iON iC550 cutter and the iON iC750 cutter; and the iCT516 combi tool and the iCT716 combi tool.

“The 60-volt battery operates iON 2.0 tools and will also power both 60-volt and 20-volt DeWALT tools,” Sheaffer observes. “It is the only battery that automatically changes voltages when you change tools, so you can share batteries between iON 2.0 tools and other tools like saws and drills. And, our cutters and combi tools have lighted, rotating handles that keep the user from having to change hand position on what is usually a standard D handle.”

GENESIS RESCUE SYSTEMS

Genesis Rescue Systems makes the E-force 2.0 series of battery-powered hydraulic rescue tools, says Gary Klaus, Genesis president of North American sales. Klaus says the series includes the S44 E-force 2.0 spreader, the S53 E-force 2.0 spreader, the C195-SL2 NSTGEN E-force 2.0 cutter, the C236-SL2 E-force 2.0 NXTGEN cutter, the 17C Brute Force 2.0 combi tool, the 11C-SL2 E-force 2.0 combi tool, and the E-force 2.0 ram.

“On our C236 and C195 cutters, we have replaceable blade inserts,” Klaus points out. “If the cutter comes up against a super hard material, the insert on the blade chips off, as it is designed to do, to allow the blade to continue to slide smoothly. Our 11C and 17C combi tools have removable tips that allow the combi a straight blade cutter as well as tips for forcible entry and confined space operations.” He notes that the E-force 2.0 ram has four options: Two are push only, with one of them offering telescopic ability, and two are push-pull versions, of 31 inches and 41 inches. “All our battery-operated tools can use Milwaukee Tools 28-volt batteries,” Klaus adds, “as well as our own private label 28-volt lithium-ion batteries.”

WELCOME TO THE ATTORNEY'S OFFICE:

Annual Budget Hearing

This year fire districts will be required to hold their Annual Budget Hearing on any day in the 3rd week of October. If your Board selects Tuesday it will be held on October 18th. The purpose of the budget hearing is for the Board of Fire Commissioners to review the proposed budget for fiscal year 2023 and estimate fund balances which it has prepared with the assistance of the Fire District Treasurer and to take public comment on those documents. After the Board of Fire Commissioners has approved the proposed fire district budget for 2023 and the estimate of fund balance document it must also notify the public of the fact that these documents have been approved, are available for inspection and that the budget hearing will be held on the aforesaid date. **The notice of budget hearing must be published as a legal notice in the official district newspaper and publicly posted at least five (5) days before the date of the hearing.** Note that a legal notice is not required to be published in a newspaper for a simple meeting notice, but it is required to be published as a legal notice in the official district newspaper and publicly posted at least five (5) days before the date of the hearing.

It is important to remember that the notice of budget hearing must be sent to the Town Clerk of each town in which the fire district is situated at least fifteen (15) days before the date of the budget hearing. The proposed budget for 2023 and the estimate of fund balances should also be sent to the Town Clerk(s). The Town Clerk is responsible to place these documents on the town website and town bulletin board. **The Fire District Secretary is also responsible to place the notice of hearing on the fire district website and signboard if the fire district maintains same.** Any budget meeting or workshop notice should also be posted on a district website or signboard.

Discrimination, Diversity, and Harassment: A Legal Primer for Fire Department Leadership

Chief, John K. Murphy JD

Harassment

This three-part article will discuss diversity, discrimination, and harassment, and what the fire department's responsibilities are to their firefighters and the community

Today's fire service is an eclectic workplace consisting of many different races, genders, religious beliefs, and cultures, yet it remains a predominately white and male-dominated occupation. National Fire Protection Association (NFPA) statistics note in their annual report that their demographic studies indicate that the fire department is predominately male, 6.4% women (career) and 7% (all including volunteer). In terms of race, 82% are Caucasian, 9.5% Hispanic or Latino, 7.7% Black or African American, and fewer than one percent (<1%) are Asian. Our fire department support staff, consisting of non-uniformed personnel, are predominantly female with no specificity of age, race, religion, or sexual orientation or other protected factors.

Harassment and discrimination coupled with the lack of inclusion remain the most litigated issues in fire and EMS services —with the most costly payout.

So answer these three questions: How do you define discrimination? How do you define harassment? Are they defined separately or together? And finally, how do you define diversity and inclusion? These are questions must be answered to establish the root cause of potential harassment, discrimination claims, and lack of diversity in your fire department, large or small.

Protected classes consist of the following: Race, religious belief, national origin, age (40 years and up, the Age Discrimination in Employment Act or ADEA), gender identity, pregnancy (PDA), citizenship, familial (family) status, disability status (ADA), veteran status, uniformed services employment and reemployment rights Act (USERRA), genetic information (Genetic Information Nondiscrimination Act, GINA). (3)

Constitution and Statutes

There are several constitutional protections that much of the law all organizations must follow, either public or private, protecting the rights of your employees such as: Title VII of the Civil Rights Act of 1964, which indicates (42 U.S.C. subsection 2000(e)) that sexual harassment by employers against employees is actionable and a recognized cause of action.

The Civil Rights Act of 1991 (42 U.S.C. § 1981a) included several amendments and provide for damages in employment discrimination cases, and to clarify provisions of the 1964 act relating to "disparate impact" actions. All employers must be aware of these protections and create a set of policies to address the protections of their employees under the Constitution.

All states have statutes or codified laws also protecting their employees. In my state of Washington, there are a number or employee protections such as RCW 9A.36.080 (Malicious Harassment – Definition and Criminal Penalty), RCW 18.130.180 (Unprofessional Conduct), RCW 28A.300.285 (defines bullying and harassment), RCW 28A.640 (Sexual Equality) and last but not least Chapter 49.60 RCW (Human Rights Commission – Anti-discrimination Statutes). These along with a robust state agency helps to protect employee rights.

One of the biggest sources of litigation affecting employers and employees is unrestrained and uncorrected harassment of the employee either by supervisors or officers or between the firefighters and staff themselves.

Harassment Defined

Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA). Harassment is described as severe or pervasive verbal or physical conduct that denigrates, shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, disability, or reprisal for participating in the Equal Employment Opportunity (EEO) process. [4]

The potential for harassment, including sexual harassment, exists in every workplace and there are increasing claims as employees are becoming increasingly vocal about harassment in the workplace. Harassment is a costly proposition for employers and can result in low morale, absenteeism, reduced productivity, employee turnover, and damages and litigation costs.

The harasser as well as the target can be a man or woman. The claimant does not have to be the person at whom the offensive conduct is directed but can be anyone directly affected by conduct by being in the area when the conduct occurs. I call this collateral damaging a witness or fellow employee who observes the conduct between two other employees and is adversely affected by that conduct.

Harassment becomes unlawful where enduring the offensive conduct becomes a condition of continued employment; the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive or comments; or the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating or offensive working environment.

The key issues here are frequency and severity and the "reasonable person" or "reasonable woman" standard governs. Some examples of harassment are: pressure for dates originating from leadership or fellow employees; making offensive remarks about your looks, clothing, or your body parts; touching in a way that may make an individual feel uncomfortable; telling sexual jokes; hanging sexual posters, or having such books or magazines in public places and crew quarters; using racially derogatory words, phrases, epithets, demonstrations of a racial or ethnic nature such as the use of gestures, pictures or drawing which would offend a particular racial or ethnic group.

Included are comments about an individual's skin color or other racial/ethnic characteristics or negative comments about an employee's religious beliefs, negative stereotypes regarding an employee's birthplace or ancestry, negative comments an employee's age when referring to employees 40 and over, and, last but not least, derogatory or intimidating references to an employee's mental or physical impairment.

Harassment in a Nutshell

- Verbal: derogatory comments, racial or sexual epithets, requests for sexual favors, sexual innuendoes, offensive jokes or stories, repeated propositioning.
- Non-Verbal: Staring, derogatory or suggestive gestures, winking, throwing kisses, shunning, and ostracizing.
- Visual: offensive pictures, photos, cartoons, posters calendars, magazines, or objects.
- Physical: unwelcome touching, hugging, kissing, patting, stroking, standing too close.
- Written: unwelcome personal letters, notes, or emails.

Harassment in Many Other Forms

Harassment is also found in bullying, which is physical and psychological harassing behavior perpetrated against an individual by one or more persons. Another form is psychological harassment, which is defined as humiliating or abusive behavior that lowers a person's self-esteem or causes them torment. This can take the form of verbal comments, actions, or gestures. Included is racial harassment, which is the targeting of an individual because of their race or ethnicity. The harassment may include words, deeds, and actions that are specifically designed to make the target feel degraded due to their race or ethnicity.

Religious harassment includes verbal, psychological or physical harassment used against targets because they choose to practice a specific religion. Religious harassment can also include forced and involuntary conversions failure to accommodate their religion is dress and hair, observances of religious holidays, or denying the right to pray while on duty.

Another form of harassment that takes place off-the-job is called stalking, and is defined as the unauthorized following and surveillance of an individual, to the extent that the person's privacy is unacceptably intruded upon and the victim fears for his or her safety. Included here is cyberstalking or electronic harassment through the use of electronic tools such as email or instant messaging to harass or abuse a person or persons.

Many states have laws protecting your school-aged children from this form of stalking due to the number of suicides resulting from this electronic form and bullying and harassment. Even in our own fire services, members have committed suicide due to unrelenting bullying both on- and off-duty using electronic communications such as e-mail, Facebook, and the hundreds of electronic sites that are used to harass and bully.

Hazing, which in many departments is a "rite of passage" for probationary employees, has been found to be another form of harassment. It is defined as a persecution, harassment, or torture in a deliberate, calculated, planned, manner. Typically the targeted individual is a subordinate, for example, in a military unit, a fraternity pledge, or a first-year firefighter on probation. Hazing is illegal in many instances.

Non Employees: Many fire departments have outside vendors conducting business in your fire stations. The same standard should apply to all non-employees. The liability standard for non-employees is the same as for employees, except consideration is given to the extent of the agency's control over the non-employee. For example, an agency may not be able to control the actions of a one-time visitor to its workplace other than to stop the behavior and escort the visitor out of the workplace. In another instance a department would be able to correct harassment by an independent contractor with whom it has a regular relationship.

Harassment Test: Severe and Pervasive

- The standard level of offensiveness of the unwelcome act or word
- Frequency or pervasiveness of the offensive encounters
- Total length of time over which the encounters occurred
- Context in which the harassing conduct occurred

Sexual Harassment

The U.S. Equal Employment Opportunity Commission (EEOC) defines sexual harassment as unwelcome verbal or physical conduct of a sexual nature; when submission to such conduct is made a term of condition of employment; when submission to or rejection of such conduct is used as a basis for employment decisions; and when such conduct unreasonably interferes with job performance or creates an intimidating, hostile, or offense work environment. (5)

In a case entitled *Ellison v. Brady*, (6) sexual harassment is considered sexual discrimination and a violation of the Civil Rights Act of 1967. This case is considered a landmark sexual harassment case heard in the 9th United States Circuit Court of Appeals in 1990. The employee, Kerry Ellison, was employed as a revenue agent with the Internal Revenue Service (IRS) in San Mateo, California. She alleged another employee had been sexually harassing her, thus creating a hostile work environment and claimed this harassment was in violation of Title VII of the Civil Rights Act of 1964. 42 U.S. Code § 2000e (1982). The case redefined sexual harassment in the workplace by examining the case more from the victim's perspective rather than stereotyped ideas.

Preventing Sexual Harassment: Employees

The employer can protect employees from other employees or supervisors by avoiding behavior that may be misconstrued as possible sexual harassment. Those behaviors must be included in your sexual harassment policy. It must provide direction to the employees as to what sexual harassment looks like to the target to include the provision to: avoid sexual jokes, comments, and e-mails; respect a person's indication that your conduct or attention is not welcome; not invade another individual's personal space nor touch anyone without that individual's permission.

The employer must clearly inform those engaging inappropriate sexual-orientated behavior that they find it objectionable and the employee who is the target seek assistance promptly if they are the target or observe severe or repeated instances of behavior that they believe qualify as sexual harassment.

The conduct must affect a term, condition, or privilege of employment; it must be unwelcomed; it can be based on race, color, religion, national origin, sex, sexual orientation, age or disability; and is severe or pervasive under a reasonable person standard.

The employer must monitor workplace behavior, enforce respect, treat all complaints seriously and confidentially, and not ignore any allegation. The employer must post and disseminate the department's anti-harassment and other EEO policies; respond to allegations immediately; investigate as appropriate; and your investigators must be sensitive but impartial.

During any investigation, either performed internally or using an outside investigator, you must interview parties and relevant witnesses, ask open questions, collect relevant documentation and evidence, and take appropriate corrective action and follow-up with all parties at the end of the investigation as is closes.

The employer must ensure no retaliation and it is *imperative* that the employer document their actions.

Standards: Reasonable Person

The standards used in any of these situations, and especially under court purview, is whether a "reasonable person," either a "reasonable woman" or "reasonable man," would find the environment to be hostile. The employer and certainly the courts will look at the perspective of the victim—a reasonable person of the same sex (See *Ellison v. Brady* (9th Circuit)). If the victim does not subjectively find the environment to be hostile, then there is no violation. (See a California Jury Instruction (7))

A victim of harassment should clearly communicate to the harasser—verbally, in writing, through a third party, or in some other way—that the conduct is unwelcome and STOP means STOP.

At times there is evidence that the victim participated in the conduct that she or he later challenged. This would generally defeat a harassment claim, since participation communicates it was welcomed. However, participation does not always necessarily mean the conduct is welcome. Fear is a powerful motivator and acquiescence or submission to sexual demands does not necessarily mean that the conduct was welcome.

Sexual assault is a crime and should be reported to the police and human resources immediately as the victim or person affected by the conduct should promptly report it or file a complaint if the conduct continues after the perpetrator becomes aware it is unwelcome. Your employees observing any harassing conduct must intervene to stop or prevent the behavior.

CHECKPOINT

- What have you seen or heard on the job?
- What have you seen or heard that you questioned but were really unsure?
- What are “accepted behaviors” in the fire service that make you uncomfortable?

Managing and running a fire department, regardless if it is career or volunteer, requires real people to accomplish the mission of the department. They bring a lot of experience, and sometime baggage, into the department. Your employees (or people) can cause personnel issues for you, your department, and others in the department or community. It can distract your department from its mission, create an unsafe workplace, and create turmoil among your firefighters. I term these ongoing personnel issues “employee fires.” They seem to never get extinguished.

Proper hiring practices, strong leadership along with a good set of policies, and well-trained staff members will go far in eliminating or mitigating many of these “employee fires,” which, unless adequately addressed, will never “go out.”

Any discrimination or harassment case, real or perceived, related to your employees needs to be recognized right away, investigated, and resolved.

The burden of proof remains with the accuser, which is a high bar to overcome and, in my experience, some departments place all types of barricades in the way of the accuser to prevent resolution of the issues in the best interest of both parties.

Departments cannot sweep these issues “under the rug” hoping they will go away. They do not and will come back to the department in another form with either an EEO complaint or a state complaint to the Human Relations Division protecting the rights of employees in your state.

I urge fire departments to treat all of their employees with respect, eliminate biases, and provide the proper setting to ensure the success of all firefighters and your employees.

Watch for Part 2 of this series dealing with Discrimination and Diversity.

For information only and not for the purpose of providing legal advice. The opinions expressed are the opinions of the individual author at the time the facts were presented and based on the law then applicable. The information contained in these opinions is not guaranteed to be up to date. The information provided is not legal advice. Since legal advice must be tailored to the specific circumstances of each case, and laws are constantly changing, nothing on this site should be used as a substitute for the advice of competent legal counsel. The authors assume no responsibility to any person who relies on information contained herein and disclaim all liability in respect to such information. You should not act upon information in this publication without seeking professional counsel from an attorney admitted to practice in your jurisdiction.

STEP INTO THE CHIEF’S OFFICE:

****Secondary Crashes: The Big Red Truck Is Simply NOT Enough To Keep You Safe**

Chief Marc Bashoor

Get there, get done, and get out – that’s been my mantra for years for first responders operating on roadways.

I fully recognize that it’s not always as simple as I implore in those seven words, but it is a lifesaving directive considering the extreme dangers responders face when working on roadways.

In a recent FireRescue1 poll, 61% of respondents reported having been on the scene of a roadway incident where a secondary crash occurred. One Facebook-poster quipped that the better question is “Who hasn’t?” Another noted, “Sadly, I can remember five right away without even trying.”

The survey response drives home the need to treat roadway incidents like our standard response to radiation or hazardous chemicals – think in terms of time, distance and shielding.

Additionally, the Emergency Responder Safety Institute has already tracked 34 first responder roadway-incident deaths in 2022 and an average of two struck-by incidents DAILY on roadways in the United States. And these numbers don’t include the “near-misses” regularly occurring on roadways – data now being collected through a self-reporting system that ERSI launched earlier this year.

HOW TO PROCEED: TEAMWORK, PRACTICE, ATTENTION

Safety doesn't happen simply because we have slow-down, move-over laws. There will always be "D-drivers" – distracted, drunk, drugged, drowsy, disrespectful, disgruntled, drag-racing and just plain dangerous – creating roadway wrecks. Furthermore, while moving over for stopped/shouldered emergency traffic is very important, many roadway wrecks occur in the travel lanes. We must learn more from these incidents and work to keep our teams safe.

It is imperative that we practice the principles of traffic incident management (TIM) and take roadway incidents seriously. But again, TIM doesn't just happen because these principles exist. *We must train on them and work with our law enforcement and roadway management counterparts to mitigate roadway incidents promptly and safely. From uniform lane identification nomenclature and blocking procedures to advance warning and emergency lighting, the symphony of safety equipment and procedures is our orchestra to conduct.*

Another critical part of this is complacency. Sometimes, these events happen despite us doing everything we can to prevent them, but we must admit that other times, we've let our guard down in the interest of speed or simplicity. It is easy to become overwhelmed with data, statistics and the next tech tool to keep you safe. But when the rubber meets the road, it will be incumbent upon you to do the right things for safety, and to keep your guard up – **realizing that your big red truck is NOT enough, in and of itself, to keep you safe.**

TRAINING TIME

Injuries and line-of-duty deaths are NOT inevitable. It is incumbent on us to do everything we can to prevent them. As easy as it is to become overwhelmed and desensitized, consider how overwhelmingly difficult it will be to knock on the door of a provider's next of kin to let them know their loved one didn't survive a routine roadway crash incident.

If you're looking for somewhere to start, check out the free online training opportunities from ERSI. These classes are a solid start that could very likely mean the difference between life and death on the roadway.

CLASSIFIEDS--

Vischer Ferry Fire District

FOR SALE: 2008 Ford F-350 4x4

V10 Engine w/ 13,042 miles meticulously maintained.

Sealed bids DUE to the District by 7pm 10/10/22

750 Grooms Road, Rexford, NY 12148

Minimum Bid \$35,000.00

Questions? Call (518)371-2167 x222, M-F 10am-2pm

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THE LIGHTER SIDE!

Sign in a non-smoking area:

"If we see smoke, we will assume you are on fire and take appropriate action."

OFFICERS OF THE CAPITAL AREA ASSOCIATION OF FIRE DISTRICTS

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The Capital Area Association represents fire district officials from the fire districts in Albany, Schenectady, Rensselaer, Warren, Washington, Saratoga, Fulton and Montgomery Counties

Fire District Officials include Commissioners, Treasurers, Secretaries and Chief

All are invited to participate in all of the Capital Area Activities

The Capital Area Association wants to take this opportunity to thank all the Fire Districts who continue to support the local Capital Area Association as members for 2022.

FIRE DISTRICT RESOURCES --THE BACK PAGE -- FOR YOU TO FOLLOW UP!

What are the duties and responsibilities of a Commissioner?

The Answer is posted on our web site at www.AFDCA.org

Vital Statistics on the State Association Regions – the break out is on our web site.

Links to the Budget and Election Schedule

Get a copy of the 2022 BUDGET SCHEDULE HERE: <https://afdca.org/wp-content/uploads/2022/07/2022-Budget-Schedule-1.pdf>

Get a copy of the 2022 ELECTION SCHEDULE HERE: <https://afdca.org/wp-content/uploads/2022/07/2022-Election-Schedule-1.pdf>

CAPITAL AREA BUSINESS PARTNER'S

PLEASE SUPPORT THOSE WHO SUPPORT US!!

Business Partner Applications Available At: WWW.AFDCA.ORG

[Welcome Back all of our Business Partners for 2022](#)

We invite our business partners to submit educational information to be included in this Bulletin for district commissioners and chief officers

Write me at tom@rinaldi1.com

Please Support Those Who Support Us!!

If you have information on new products you wish to showcase or is educational and informative for fire districts, please submit it and we will use it in this Bulletin under the appropriate heading.

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The Capital Bulletin is reaching well over 400+ fire district members and now other members of the fire service on a regular basis. Since the Capital Area Association covers an area the size of Connecticut it is difficult to meet in person to exchange information and ideas.

This is a service of the Capital Area Association through the effort of Tom Rinaldi who can be reached at tom@rinaldi1.com for comments or content contributions are always welcome.

MEMBERSHIP IN THE ASSOCIATION OF FIRE DISTRICTS OF THE CAPITAL AREA

Would you like to join the Association of Fire Districts of the Capital Area and join 75 members in 8 counties? Both fire protection districts and Village departments are eligible for membership.

The yearly membership dues (January 1st to December 31st) shall be as follows and shall be based on the annual budget of the Fire District/Organization;

To take effect January 2023:

\$0 to \$200,000: \$50

\$200,001 to \$400,000: \$100

\$400,001 to \$600,000: \$200

\$600,001 plus: \$300

Business Partners: \$100.00 annual member fee
