



VFIS[®] news

Bringing important information to emergency service organizations

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EMPLOYMENT PRACTICES UPDATE

Workplace romance and liability risks

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We welcome comments, suggestions and questions from our readers.

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The next generation of fire service risk management and training

By Chief Bill Jenaway, Executive Vice President, VFIS Education, Training, and Consulting

Periodically there is a need to step back, review what you do and how you do it. This was the objective in 2009 as VFIS Education and Training evaluated our work and attempted to determine its emphasis and operational aspects for the next five years. We made sure to investigate how effective our work was as well as how our recipients perceived our programs.

The initiative began with a review of what we do today, what successes we have had and an inquiry to our users on what they would like to see VFIS provide in the future.

The numbers are quite clear in their message ... firefighters and EMS personnel obtain our materials and training on a regular basis with more than 200,000 annual "contacts" confirmed each year. More than 30 states recognize our material as meeting their specific state criteria for emergency service training and our programs are conducted in more than 40 states each year. While our driver training programs are accessed the most, our other risk management courses and materials are used as well.

However, no training program or system should solely live on its history. During 2009, VFIS conducted a series of focus groups at major events and used questionnaires at training classes and conferences to capture fire officers' key perspectives regarding risk management, safety and related training needs.

We first asked, "From a risk management standpoint, what keeps you up at night?" While a few chiefs said, "Nothing, I sleep well at night," there are several trends that chiefs are concerned about, including:

- vehicle accidents, safe driving and related line-of-duty deaths
- the experience level and training of officers
- adequate staffing to meet the needs of incidents
- dealing with harassment, discrimination and reputational risk issues



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EDUCATION AND TRAINING



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“From a pure safety standpoint, what is your number one concern?” The responses from this question were basic, with a focus on:

- continued basic firefighter safety training
- advanced safety training
- ways to help people better understand what to expect in an emergency

With regard to safety, we asked, “Over the next five years, what topics for safety/risk management training, education and annual management review programs (e.g., bloodborne pathogens, sexual harassment) do you believe will be most valuable to you?”

The answers centered upon four areas:

- apparatus driving
- firefighting operational safety
- employee health and fitness
- sexual harassment



It was also important to find out what types of training methods were preferred. As suspected, chief officers still believe that traditional classroom is not only the most effective, but the preferred method for training. This is followed evenly by online and video-based training, with self-study being the least valued/used method. The majority of respondents indicated that two-hour training modules were optimum, but one-hour or four-hour sessions also met their needs.

The focus then shifted to leadership, “What is the greatest leadership issue of concern to your organization, other than developing future leaders?” The responses focused on:


- an inability to influence cultural change
- lack of desire for change
- an overall complacency, preventing positive change from occurring

“What type of online training would you have interest in over the next five years?” While there were a broad variety of responses, there was significant interest in:

- regulatory-required training
- annual refresher for low-risk topics
- sexual harassment
- lifting
- injury prevention
- drugs and alcohol

The responses were fundamental and consistent—basic safety training must be integrated into all programs to better develop knowledgeable firefighters who keep safety in mind on a daily basis. The primary focus of this training should center upon vehicle driving and routine job tasks.

As we closed out the inquiries, we asked everyone to comment on their VFIS training experience(s) to help us understand how effective (or ineffective) our programs may be. While we appreciated the recognition that our programs are of high quality as many indicated “no comments, everything is fine,” we realize that the comments offered on future needs are real and that we need to understand the perspective of the users of our materials and continue to work toward that end.

The information we received is of great value to VFIS and we commit to using this input to enhance our programs in the future to meet the needs of, and enhance the safety of, the fire service. Our new online programs are already addressing a number of the suggestions and needs identified by our clients. We encourage you to visit our online training site, <http://vfris.sju.edu> and our website, www.vfris.com, to learn even more about our programs. To those of you who participated in this project, thank you. For individuals who care to provide a comment, feel free to email me at wjenaway@vfris.com. 

Who's got your back?

By William F. Hauswirth, IntelliCorp Records, Inc.

Without a doubt, fighting fires is dangerous, complex and takes a tremendous amount of organization and teamwork. In order for a team to function optimally, each firefighter must be able to trust every member of their crew with their life. Firefighters often describe their job as a brotherhood. This bond, coupled with the trust and reliability that they bring to the job, is what allows them to go home safely. If even one person on the team lacks integrity, the results could be detrimental to the safety and cohesiveness of the department, and a possible risk to public safety as well.

Therefore, a fire department's primary recruitment concern should be to ensure it is hiring or approving new applicants with the utmost integrity. It is important that the members represent themselves, their department and their profession well, and most importantly they are people trusted to have your back.

A firefighter's misconduct of any kind not only hurts their department, but can affect all firefighters as it diminishes public trust. People don't remember the names of these individuals when the news portrays them in a negative manner ... people remember the occupation.

Background checks are growing increasingly important. Assessing your department's liability and potential losses from incompetence or negligent decisions by firefighters is practically impossible to predict. The last thing a department needs to uncover in questionable or criminal situations is a history of negligence such as a past criminal record that could have been easily obtained.

Why trust alone is not enough...

Anonymous firefighter admits – "Yes, I have a felony on my record. I had to lie on my application to get hired by my current employer (they must not have done a background check) and I also had to lie on my state application for my paramedic license (they too must not have completed the background check). I had no choice but to lie, otherwise we all know I would have never received my paramedic license nor would I have been hired."

Traditionally, background checks for police officer applicants were more thorough than those for firefighter applicants. More recently, background checks on potential firefighters have become equally thorough in most areas of the country. Part of the reason is because it has become much easier, and therefore cheaper (less man-hours), to conduct extensive background checks.

To avoid bad hiring decisions, employers have increasingly turned to pre-employment background screening as a risk management tool. Background checks are critical for anyone who wants to exercise due diligence and protect its workforce and the public.

We've found that fire departments are increasingly utilizing background check and employment verification services. Without a system of pre-employment screening, it's a statistical certainty that an employer will at some point hire someone with a serious issue that has the potential to create a legal and financial nightmare, or worse — involvement in criminal activity.

Performing a background check on applicants today is easily accessible and affordable. The most common screening services are:

Background checks:

- Social Security number verification
- Criminal records
- Motor vehicle reports
- Drug testing

Employment verification:

- Confirm applicant employment history
- Make sure credentials aren't falsified
- Hire honest and truthful employees

For employers to be able to defend themselves from allegations of negligent hiring, they must demonstrate due diligence in their hiring process. It is crucial that you evaluate your hiring and new applicant processes and incorporate risk mitigation tools to help keep your fire department, as well as the public, safe. 🌟

Approximately 2.5 percent of American adults have a criminal record. According to the U.S. Department of Justice, at the end of 2001 more than 5.6 million Americans – that's nearly one in 40 adults – were in prison or have served time there.

Leadership — summary

By Chief Bill Jenaway, PhD, CFOD, CFPS
Executive Vice President, VFIS Education, Training & Consulting

Over the past two years, we have provided an article in each issue of VFIS News that dealt with leadership from the emergency service perspective. Your comments during this time have been welcome and very appropriate. As we summarize this mini-series, we've recapped the key points.

We began discussing leadership by defining it as the ability to influence others to achieve a desired outcome. This was naturally extended to involve situational leadership based on the circumstances and of those involved. This indicates that leadership is defined by results and driven by the situation.

The research conducted by Dr. Warren Jones that was highlighted demonstrated that he defined leadership as:

- being driven by experiencing various scenarios
- being educated in the fundamentals of leadership skills, knowledge and techniques
- following a decision making process and negotiating when needed

This led to the perspective that leadership is in the eye of the beholder. As a result we must be cognizant of what our current and future staffs want in a leader, what they will respond to in a leader. Being aware of this will help drive performance in the future.

Successful leadership can be found in various types of individuals, such as Attila the Hun and Abraham Lincoln. In both cases, perception played as much a role in their success as did their actions. Their triumphs followed three rules:

- leadership is situational driven in many circumstances
- the definition of leadership is in the eye of the beholder
- the current, new and next generation firefighters will expect leadership qualities and actions not necessarily seen in today's leaders

Successful leaders have repeatedly stated that they have benefitted from a mentoring relationship. In most cases they felt that more than one mentor had an influence on them. This led us to the various relationships of leadership. Mission, personal qualities and interaction with situational leadership have formed the basis of all discussions on leadership as applied to the emergency service discipline.

Five critical characteristics of all good leaders were identified, including embracing responsibilities, eliciting co-operations, vision, planning and listening. It is also important to understand common mistakes of repeating the same slip-up over and over, trying to be someone or something you are not, not listening or suffering from the "me" syndrome. Mentoring individuals to develop leaders of the future may be the most important activity to achieve. Anytime an individual comes into contact with you, they have an opportunity to form an impression about your leadership potential. That impression is up to YOU!

Remember, as noted in a previous article:

**LEADERSHIP IS ABOUT FINDING A WAY
TO GET A SPECIFIC GROUP TO FOLLOW YOU TO
ACCOMPLISH A MISSION. 🌟**



What do you think? Send me an email at wjenaway@vfis.com. As we wrestle with the leadership performance of tomorrow's emergency service officers, you may agree, have a great idea or disagree entirely. Let's advance leadership by challenging each other to define it and make it a station-wide word.

Dr. William F. Jenaway, CSP, CFO, CFPS, is Executive Vice President of VFIS Education and Training Services and has over 30 years of experience in safety and risk management in the insurance industry. Bill is also an adjunct professor in Risk Analysis at the Graduate School of Saint Joseph's University in Philadelphia. He was named "Volunteer Fire Chief of the Year" as Chief of the King of Prussia (PA) Volunteer Fire Company, and is the author of the text, "Emergency Service Risk Management".

What's Happening in Canadian Fire Associations

By Laura King



The Canadian Fallen Fire Fighter Foundation

The Canadian Fallen Fire Fighter Foundation (CFFF) has announced the winning design for the Canadian Firefighters Memorial to be built in Ottawa and unveiled in September 2012.

Artist Douglas Coupland from Vancouver and Mary Tremain, partner at PLANT Architect Inc. in Toronto, won the Canada-wide design competition with their concept called "We Were There."

The design features a giant fire hall pole that acts as a lightning rod protecting a tree and monument underneath. A bronze statue of a firefighter points to the names on the monument.

"I wanted the monument to convey deep emotion and simple dignity," said Coupland, who is known chiefly as a novelist. "I want people to eat their lunch there, read, play with their kids — and each time they do so, a small part of themselves will reflect on firefighters and what they do every day when they go to work."

More than 1,000 Canadian firefighters have died serving their communities since the 1840s, said CFFF president Robert Kirkpatrick. Learn more at www.cfff.ca. ❄️

The Ontario Association of Fire Chiefs

The Ontario Association of Fire Chiefs (O AFC) is putting more pressure on the provincial liberal government to mandate sprinklers in senior's homes and new residential dwellings.

The O AFC has published two pamphlets — one on residential sprinklers and one on sprinklers for senior's homes, also known as care occupancies — that are being distributed across the province. The O AFC wants the government to require sprinklers in new homes and to legislate retrofits of care occupancies that were built before sprinklers were required.

According to O AFC president Tim Beckett, 44 seniors have died in care occupancies in Ontario since 1980.

The conventional wisdom is that Ontario Premier Dalton McGuinty wants to prevent any negative publicity surrounding the sprinkler issue and is likely to deal with it imminently. Ontario Fire Marshal Pat Burke, an employee of the provincial government, retires in November. It's expected his replacement will have considerable influence over the issue. ❄️

The Canadian Association of Fire Chiefs

The Canadian Association of Fire Chiefs (CAFC) met in September in Saint John, New Brunswick, with a jam-packed agenda and a mandate to draw more volunteer chiefs into its ranks.

The CAFC is pressing for a tax credit for volunteer firefighters and hopes more volunteer chiefs will become members of the association and support the initiative. There are 108,000 firefighters in Canada's 3,500 departments ... more than 85,000 of them are volunteers.

As part of its effort to attain tax credits for volunteers, the CAFC has launched a new website, <http://givefirefighterscredit.ca> urging viewers to tell the Canadian government that they support the CAFC's proposal to introduce a \$3,000 non-refundable tax credit for volunteer firefighters who perform more than 200 hours of service a year. The site offers three options to help the campaign: supporters can write to their Members of Parliament, sign the CAFC's petition or send an e-card to friends or colleagues urging them to support the cause. ❄️

Laura King is the editor of *Fire Fighting in Canada* (FFIC) and *Canadian Firefighter and EMS Quarterly* (CFF) magazines (www.firefightinginCanada.com). Contact Laura at lking@annexweb.com



Walking a fine line – rejecting job applicants with arrest and conviction records

Information found from "The Loss Prevention Journal" published on June 24, 2010.

Although background checks are becoming more common in hiring and recruiting individuals, careful consideration needs to be given to the outcome of the exploration. Recently, a class action was filed against the United States Census Bureau for hiring discrimination. The lawsuit alleges that the Census Bureau systematically discriminated against thousands of African Americans, Latinos and Native Americans when their names were located in an FBI database indicating a match with an arrest record.

The job applicants were then required to produce official records from any criminal case that showed up on their records. However, the Census Bureau did not provide applicants with copies of their FBI records so they could ensure they were responding to the correct cases. In addition, many official court documents were impossible to locate because they were sealed, expunged, lost or destroyed. Another contention was that the Census Bureau did not distinguish between recent, serious conviction and records of minor, often non-criminal violations, which had no correlation to the job.

Commentary and Checklist:

It is very beneficial for employers to use background checks to screen job applicants. However, employers should not automatically reject applicants because a record of a felony arrest or conviction exists. Unfortunately, many employers do not understand why rejecting for employment a felon or a person accused of a felony is not always considered best practice.

The Equal Employment Opportunity Commission (EEOC) warns that a blanket policy against hiring those with arrest or conviction records could leave an employer open to charges of

discrimination. Conviction rates of minorities are disproportionate to their representation in the population. Employers must show a legitimate business need when rejecting candidates with conviction records to combat a claim of discrimination from rejecting them.

Furthermore, having an arrest record is not necessarily an indication of guilt. Some employers routinely ask about arrest records and reject applicants on the basis of their replies. When an employer learns an applicant or employee has a felony conviction, the EEOC advises employers to consider the circumstances surrounding the conviction and how it will impact the job.

While the EEOC warns of a possible adverse impact on minorities from background checks, the EEOC does not suggest that employers abandon them. In fact, neglecting to perform background checks can lead to negligent hiring claims.

Points to consider:

- Remember that an arrest without conviction is not an indication of guilt. Consider dropping questions about arrests and only ask about convictions and pleas of guilty and no contest.
- Consider the seriousness of the crime, when it occurred and if there were later convictions before rejecting an applicant or terminating an employee.
- Consider the relationship between the crime and the job duties. For example, does a drug possession charge 10 years ago mean that a person cannot be trusted to clean apartments or answer the phone?
- The Fair Credit Reporting Act (FCRA) requires the employer to advise the applicant in writing what type of records will be sought, obtain the applicant's written authorization to obtain the records and notify the applicant that a poor credit history or conviction will not automatically result in disqualification from employment.
- Seek the advice of an employment attorney in formulating your policy regarding arrest and conviction records as state laws vary. ❄️

Emergency scene situational awareness — The key to safe operations

By Chief Bill Jenaway, Ph.D., CFO, CFPS

Thinking back through the years, at every emergency scene I have ever been to there is something that consistently required monitoring — the situation we were entering. Whether a vehicle fire, brush fire, elevator rescue, vehicle rescue, confined space rescue, structure fire or some other event, the situation we were about to enter posed threats to firefighter safety. The threats varied, but the requirement to analyze the situation was always present. It didn't matter if I was the incident commander or the division commander, I was always required to be conscious of my surrounding environment.

In today's world there are constant reminders of this need for situational awareness in each near-miss we read about, each firefighter fatality we have information about or each accident report we review.

Situational awareness is not a new concept. In the fire service, we accept a basic level of risk to do our job with appropriate controls to hopefully protect lives and property. A higher level of risk may only be acceptable if life is in danger. By evaluating the situation, you practice actions similar to that of military officers who make calculated decisions to enter

hostile situations. Evaluating every situation will help guide you in determining the level of asset you are willing to risk. This concept takes a risk-reward approach to help assure situational awareness. It also offers an understanding of what is at risk when taking action at emergencies.

The concept of situational awareness is not only applicable to emergency scenes, but to management tasks. When performing management tasks, you are expected to analyze a situation and determine the actions necessary with regard to employee management. When I think back to officers that exhibited this quality, I recall these individuals had become experts at situational leadership — recognizing what to do and to lead based on the circumstances being encountered.

Situational awareness can best be described as “knowing what is going on in the environment around you.” Others say it is “survival instinct.” While there may be a component of basic training devoted to situational awareness, most would say it is best learned through experience. In the public safety industry, however, this has proven quite difficult. If something is identified that is threatening you and your environment, you have an obligation to take action to protect yourself, your crew and your department.

Situational awareness involves an understanding of your own actions and what impact your actions will have on the situation at hand. The absence of any situational awareness or having inadequate situational awareness has been identified as one of the key reasons accidents occur ... human error. Therefore, situational awareness is particularly critical in work environments where the wrong decisions, or poor decisions, may lead to serious consequences (such as fighting fires or treating critically ill or injured patients). In addition, having thorough and up-to-the-minute situational awareness is essential where human, technological and situational complexity come together. Situational awareness is a critical and often elusive practice. Successful decision-making covering a range of complex and dynamic systems, including firefighting and emergency medical service provision, plays a significant role in the safety of personnel performing at the scene.

Understanding the conditions around us when entering a fire or rescue situation can mean the difference between life and death to our crew. It is up to the officers in charge of the incident, division, crew or apparatus to know the level of risk they are encountering and make critical decisions of when to advance or retreat in order to risk only what you are willing to lose versus what can be saved. Remember, no building is worth the life of a firefighter — be aware of your situation! 🌟



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Following us on Facebook and Twitter will allow you



access to our Tailboard Training, a bi-weekly loss prevention program that enables our readers an opportunity for quick, valuable, fact-based training in a five to 10 minute timeframe. We encourage you to follow us so you have these indispensable tools available to educate your fire and EMS personnel. 🌟



Keep your beneficiary cards current

In many industries, especially firefighting and EMS, keeping beneficiary cards up-to-date is a crucial factor. No one likes to think about being fatally injured on the job, but the possibility is there. It is important to ensure that your benefits will be paid to those whom you wish, upon the occurrence of an unfortunate event. If you have been with the department for several years, chances are you may have had a "life event" occur, such as a marriage, divorce or birth of a child. Take a moment to review your beneficiary card information and make sure it is current. 🌟

Logistics for the Handling of Bariatric Patients

VFIS offers a new communiqué on the Logistics for the Handling of Bariatric Patients. The National Institutes of Health defines morbidly obese patients as those with a body mass index (BMI) assessment of 40. Patients who have an index 50 and over are referred to as super-obese or bariatric. There are several aspects of handling morbidly obese and bariatric patients that are of serious concern to EMS personnel. Without special planning for the needed resources such as patient lifting and handling as well as transportation of these patients, emergency responders may put the patients, themselves and others at risk of injury. VFIS recommends considering best practices to reduce the risk of both patient and provider injury. 🌟

To download this new communiqué, please visit the VFIS website at <http://vfis.com/resources.htm>, locate the "Other Resources and Downloads" area at the bottom of the page, click on "Risk Control Communiqué," then select "General Liability" to find the "Logistics for the Handling of Bariatric Patients."