



VFIS[®] news

Bringing important information to emergency service organizations

VOLUME 08 • NUMBER 3

IN THIS ISSUE

- 3 Maintaining Professional Conduct News You Can Use
- 4 Insurance Insider: Understanding Civil Immunity – How VFIS Responds to Civil or Criminal Charges Part 2 of 2
- 6 Assigning an Agreed Value to Your Vehicles
- 7 Safety 101: Back to Safety Basics
- 8 Road to Recovery: Data Backup & Recovery Planning Part 1 of 2

Photocopying or transferring this document is a violation of federal copyright law and is prohibited without the express written consent of VFIS.

We welcome comments, suggestions and questions from our readers.

E-mail: vfisnews@vfis.com



Published by the Glatfelter Insurance Group
York, Pennsylvania

Cottkill Volunteer Fire Company (NY) is a client of VFIS, serviced by Linda Flanagan of Quilty Dwyer & Larkin Insurance Agency of Kingston, NY. This article, part of Cottkill's recruitment brochure, highlights some of the reasons people should consider joining volunteer fire companies.

With recruitment and retention being a hot news item lately, consider sharing this article in your efforts to recruit more community members for firefighting, administration, bookkeeping, and more. Until community members know your needs, they won't know their help is needed and they won't understand the benefits they can experience from volunteering.

Where Does My Fire Protection Come From?

Neighbors Helping Neighbors to Protect Life and Property

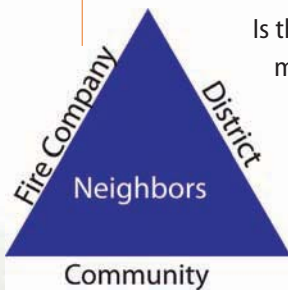
Chief Brad Fiore, Cottkill Volunteer Fire Company (www.CottkillFire.org)

You may have seen the movies *Backdraft* or *Ladder 49*. Maybe you've caught an episode of *Rescue Me* or *Third Watch*. Certainly some of you remember the 1970s television series *Emergency*.

Most images on television, in movies and in books are those of career or paid firefighters. They work, eat and sleep at the fire station. The bell rings, and off they go to the emergency.

Is that the image you have? Unfortunately, that's not the case throughout most of the country. Nearly 72 percent of the 30,000 fire departments in the U.S. are volunteer departments. Here's how your Fire Emergency Services works.

There are three parts to the fire protection equation. Think of it as a triangle with information and resources flowing in both directions. It is made up of:



The Fire District • The Fire Company • The Community

Let's take a look at the responsibilities of each one.

The **Fire District** is the political boundary where the community is located. Its governing body is the Board of Fire Commissioners, **volunteer** community residents who are elected. They help by utilizing tax dollars to provide needed equipment and training. They also manage the operating costs of the building, grounds and equipment.

The **Fire Company** is the human resource, responsible for answering the community's calls for help. Every week they perform checks of all equipment and train for emergency situations. They are **volunteers**. They leave their jobs and the dinner table, and they get up in the middle of the night—all to help a neighbor in need.

Continued on page 2

The same jobs normally done at an emergency scene by 15 to 30 firefighters still need to be done even if there are only five to eight firefighters.

Chief Brad Fiore,
Cottkill Volunteer Fire Company



Why not set up a few hours each week as a designated community night? Invite your community to stop by and see your newest fire truck, and have an officer provide recruitment brochures and answer any questions.

Most important, there is the **Community**, which also has responsibilities for fire protection. The first is practicing fire safety at home. The second is electing commissioners and paying a fire tax to help cover fire district costs. The third and largest responsibility of the community is to **volunteer**.

In the fire service, we learn about the fire triangle: fuel + heat + oxygen = FIRE. If you take one element out of the equation, the fire goes out. If you remove one of the components in our fire protection triangle, the fire gets bigger, people lose their property, and some may even lose their lives.

Currently, there is an imbalance in the fire protection triangle.

- ▲ The Fire District supplies equipment, and manages tax dollars and budgets.
- ▲ The Fire Company uses and maintains the equipment and answers the community's calls for help, although it is struggling to do so.

- ▲ The Community pays the taxes, but here is where the breakdown of the triangle begins. The **human resources** are not being provided to the fire company.

This is hard on the few who are volunteering, and leaves both the fire company and the community at risk. The same jobs normally done at an emergency scene by 15 to 30 firefighters still need to

be done even if there are only 5 to 8 firefighters.

This causes undue stress on the firefighters and threatens lives. This imbalance also creates property threats, since a few volunteers can only do so much.

Ask yourself, "What am I doing Wednesday nights that is more important than learning how to save lives?" or "Could I live with the fact that my neighbors' house burned or they lost their lives and all I could do was watch?"

You own the firehouse, the trucks and all the equipment. Be more than just an owner—be a member. 🌟

What are the Benefits?

- You could save a life.
- Need more? Remember,*
- That person could be a family member or friend.
- Not enough? Consider*
- Exemptions from county real property taxes or an income tax credit.*
- Sounding a little better? What about*
- Up to \$400/month at retirement after 20 years of active service**
- \$10,000 life insurance policy**
- A free annual physical
- Free uniforms
- Free training
- Recognition
- Being someone's hero
- But most important,*
- You could save a life.

*Editor's note: Consult your local jurisdiction for exact tax benefits.

** Editor's note: Consult your VFIS representative. Are you offering a Length of Service Awards Program and VFIS Group Term Life Policy as a benefit to your members?

Maintaining Professional Conduct

For many emergency service organizations (ESOs), the station is a gathering place for volunteers, members and off-duty personnel. This is usually a positive bonding experience, but there have been many occurrences where socialization has led to horseplay resulting in injury. This is a situation that no ESO wants or should tolerate.

Always maintain professional conduct. Professional conduct at the station should be required. No ESO wants to see its name in the paper following a foolish incident. Rules of station conduct—while on or off duty—should be posted and provided to all personnel. When rules are violated, the officers or board should take disciplinary action. Professionalism requires professional conduct even when members are off duty.

Handle live-ins properly. Sometimes organizations allow volunteers or students in need of housing to live at the station in exchange for responding to emergencies. The ESO should have a formal agreement in place to help maintain the professional atmosphere of the organization.

- The written agreement should be similar to a standard agreement between landlord and tenant. It should include what is expected from each party and what is to be provided by each party.
- A background check should be completed on the live-in prior to the agreement being signed.
- The written agreement should include a separate page with rules covering the following:
 - Responsibilities of the live-in.
 - Guests brought into the station.
 - Prohibition of alcohol and illegal drugs.
 - Use of departmental computer.
 - Interaction with ESO members/personnel.

All ESOs should strive to provide services in a professional manner. The professional conduct of their members, personnel and staff is a big part of providing those services. Make sure your behavior reflects that professionalism. 🌟

Rules of station conduct—while on or off duty—should be written, posted and provided to all personnel.



VFIS Introduces Disaster Planning Aid

VFIS' newest program, *Emergency Service Organization Disaster Planning & Business Continuity*, helps ESOs deal with the impact that natural disasters can have on their organization. Emergency responders spend an extensive amount of time preparing for disasters that affect the communities they serve. Unfortunately, the impact the disaster may have on the local ESO is typically not considered. These impacts, at a minimum, can include the loss of facilities, personnel, apparatus, communications, and data.

Along with these types of losses, a disaster can become a public relations nightmare. Unlike a private business, which may take 72 hours to a week to get back to normal, ESOs must be prepared to recover immediately.

This program has been designed complete with worksheets to help organizations plan for adversity and business continuity. The program is available as a CD with a manual, fill-in worksheets, and other resources. To order the program (Item: C10:291), call VFIS at (800) 233-1957, ext 7961. 🌟

NEWS YOU CAN USE

VFIS Clients Receive Distinguished Safety Awards

Two policyholders from VFIS of Mississippi/Louisiana were recently presented with a Louisiana Workers' Compensation Corporation (LWCC) Safest 70 Award. Prairieville Fire Protection District and St. George Fire Protection District were selected for the awards, which are presented to only 70 of LWCC's approximately 22,000 policyholders. The award acknowledges exemplary dedication and commitment to workplace safety. Organizations are recognized based on the effectiveness of their safety efforts in preventing injuries and controlling costs.

According to Lynda Vince, owner of Special Risk Insurance, Inc. (also known as VFIS of MS/LA), the awards "recognize the exceptional safety efforts of these two distinguished departments, which resulted in fewer accidents and lower losses. They are not only concerned with the well-being of the community, they are also incorporating best practices within their own departments."

The St. George Fire Protection District covers a suburban area of approximately 72 square miles in East Baton Rouge Parish, south of the city of Baton Rouge and employs approximately 145 full-time employees.

Prairieville Fire Protection District, located in the northwestern portion of Ascension Parish between Baton Rouge and New Orleans, has a coverage area of approximately 35 square miles. Full-time coverage is provided to the area through a staff of 13 paid, part-time personnel, which supplements the 40 volunteers who also work there. 🌟

Understanding Civil Immunity



How VFIS Responds to Civil or Criminal Charges PART 2 of 2

There is no insurance coverage for criminal acts.

In the last issue of *VFIS News*, I discussed civil immunity focusing generally on the Motor Vehicle Code. You may recall the following points:

- While many states have immunity statutes, the scope of immunity varies widely.
- Statutes have various provisions affecting immunity. Wording such as “gross negligence,” “willful and wanton acts,” “flagrant indifference to the rights or safety of an individual,” and “as long as the action does not endanger life or property” all limit the circumstances when immunity statutes apply.
- Immunity is a defense, thus a lawyer has to be hired to raise the defense and it can be challenged by the plaintiff’s attorney.
- There is no immunity from criminal prosecution.

There is no such provision as absolute civil immunity. Each driver should be well-versed on the rights and duties under your state and local vehicle statutes. Your department must ensure that all drivers are aware of your standard operating guidelines.

CIVIL IMMUNITY RESPONSE

When one of your drivers is in an accident, do nothing to jeopardize any defense. VFIS recommends that drivers take the following steps.

- Follow the instructions of the police officer, but *make no statements regarding fault*.
- When asked, clearly explain how the accident occurred, paying special attention to relevant details.
- Write down your observations. There can be a long lapse between the time of the accident and when a case is brought to court.
- Keep a digital camera in each vehicle. If the scene is safe, consider taking photos.

When released from the accident scene, the driver must report the accident to the appropriate officer of the Department who in turn should report it to the VFIS agent or representative. The driver must be straightforward and honest with the designated VFIS claims examiner, and provide any notes or photos from the accident scene. If at any point you are contacted by the other driver’s insurance carrier, contact VFIS claims *before* you respond.

The claims department is responsible for protecting you and your department’s interests. They will advise you as appropriate throughout the claims process.

CRIMINAL OFFENSES

Firefighter arrests make headlines whether on or off duty. The public expects exemplary behavior from the emergency service community, and the press is quick to point out any negative behavior.

The overwhelming majority of articles on first responder arrests appear to be non-duty-related. Much like pre-planning for emergency responses, your department should have a protocol in place and designated individuals to respond to inquiries from the press regarding alleged firefighter transgressions. Remember that, in many cases, no comment might be the most appropriate response.

ARRESTS ON DUTY

There have been an increasing number of articles about emergency service personnel being arrested while performing their duties. Many of these incidents seem to involve two typical scenarios. The first type involves conflicts between police and emergency service personnel at the scene of an accident where the fire department's priority is to protect personnel at an accident scene while the police priority is clearing the road.

A team approach embraced by all public safety departments can help minimize these types of incidents. The VFIS training video *Highway Safety* provides some good points on how to manage these incidents.

The second type of incident is attributable to vehicle operation. These include reckless driving, speeding, and drinking and driving. Some of the recent stories report that:

- A firefighter was charged with DUI after he crashed a fire truck into a utility pole. The firefighter faces criminal charges and disciplinary action as a result of the accident.
- A fire chief was arrested for DUI while driving a fire truck. The chief was reportedly racing through a residential area around midnight with the siren on and the lights flashing. The chief's blood alcohol content was found to be twice the legal limit for driving.

Other examples are not as cut and dried. For example:

- A young woman was charged in the deaths of five fellow firefighters after she lost control of the van she was driving to a wildfire.
- A volunteer in a civilian vehicle was stopped for reckless driving and avoiding traffic signals.
- A tanker, speeding and running red lights and sirens to a barn fire 30 miles away, was stopped by a police officer.

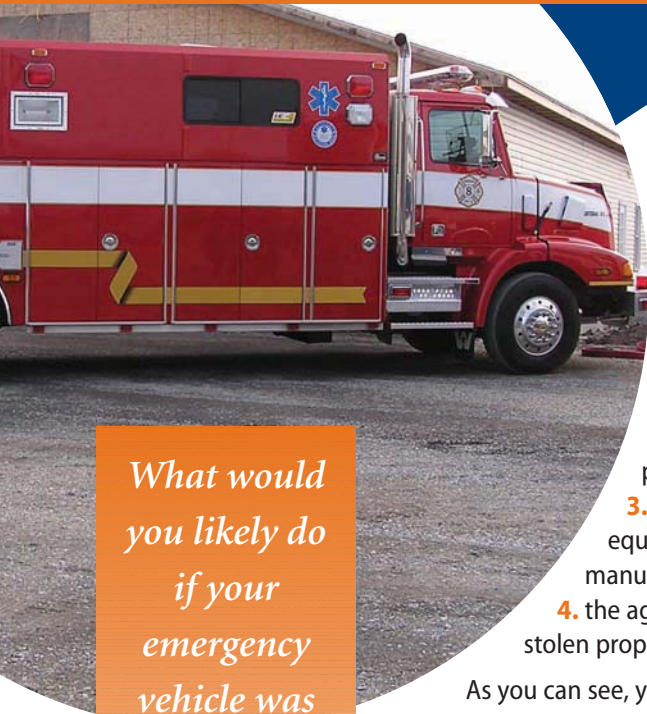
In the above examples, questions should be raised regarding the training of these drivers. Did the volunteer in the civilian vehicle know he had no special rights under the motor vehicle law? Was there an SOP or SOG in place for tankers traveling long distances to a fire?

The impact and consequences of a criminal arrest while performing the duties of an emergency responder are significant. The negative press received by the fire department or rescue squad is difficult to overcome. The individual and the department both suffer. Furthermore, **there is no insurance coverage for criminal acts**. In most cases, it is against public policy to provide coverage for criminal acts.

This means if an individual is cited for a criminal offense, *even while on duty*, that person is on their own. Legal bills can accumulate quickly and the time commitment for defense can create significant stress.

The Insurance Insider recommends that you minimize the possibility of a member being charged with an on-duty criminal offense by implementing a sound training program that has been reviewed by legal counsel. In addition to the VFIS EVOC course, the *Privately Owned Vehicle Operations* program and other vehicle safety courses can help minimize the risk of an arrest. 🌀

If an individual is cited for a criminal offense, even while on duty, that person is on their own.



What would you likely do if your emergency vehicle was damaged beyond repair?

Assigning an Agreed Value to Your Vehicles

Deciding on an appropriate agreed value for each of your emergency vehicles is not an easy task, but it is an important one. Below are some tips you may find useful. But first, let's briefly review the coverage provided by VFIS' agreed value endorsement (AU1002).

In the event of a loss to a covered vehicle, we'll pay the least of the following:

1. the cost to repair the damaged property;
2. the cost to replace a part or parts of the damaged property with a part or parts of like kind and quality, without deduction for depreciation;
3. the cost to replace the entire covered auto and its permanently attached equipment with a comparable new auto and permanently attached equipment manufactured to current standards; or
4. the agreed value stated in your policy declarations as applicable to the damaged or stolen property.

As you can see, you will never receive more than the agreed value you have chosen.

Your first step is to estimate, for each vehicle, both its actual cash value (market value) and what it would cost today to replace it with a new vehicle designed, as closely as possible, with the same specifications. (Keep in mind that you should include permanently attached equipment in these values.) The agreed value you eventually select should be somewhere within this range. Why?

If the agreed value is less than the actual cash value of the vehicle, our agreed value coverage could actually penalize you in the event of a loss. You may be better off with the actual cash value coverage that's common in the insurance industry. On the other hand, if the agreed value you select is more than the replacement value of the vehicle, you would be paying premium for an amount of coverage you would never be able to collect. As stated above, the policy will never pay more than the replacement cost or the agreed value, whichever is less.

So you've set the lower and upper boundaries. Within that range, what agreed value is right for your organization? The answer depends on what you would likely do if the vehicle was damaged beyond repair.

- *Would you replace it with a used vehicle of similar age in similar condition?*

If so, you should choose an agreed value close to the low end of the range.

- *Would you replace it with a used vehicle, but one that's newer or in better condition?*

If so, you should choose an agreed value at the estimated current cost of the vehicle you have in mind.

- *Would you replace it with a brand new vehicle?*

If so, you should set the agreed value at the high end of the range.

- *Would you not replace it at all?*

If that's the case, consider deleting physical damage coverage from the vehicle.

The discussion above involves payment of the agreed value limit when a vehicle is damaged beyond repair. Be aware of another consideration in choosing an agreed value limit—in the majority of accidents, the vehicle is repairable. When a high agreed value is chosen, damages from even a severe accident may not involve an agreed value limit payment. The policy provides that a vehicle is repairable if it can be repaired for up to 75% of the agreed value. High agreed value limits allow for extensive repairs, even on older vehicles with low market values.

Remember that your plans may change over time, as will the values of emergency vehicles. VFIS recommends that you and your agent go through the above thought process periodically so your agreed values will meet your needs in the event of a loss. 🌀

SAFETY 101 – Back to Safety Basics

Chief Bill Jenaway, Ph.D., CSP, CFO, CFPS
Executive Vice President, VFIS Education and Training Services

“Safety starts with the acceptance of personal responsibility to be safe.”

The issue of firefighter safety continues to be a primary concern. At VFIS, we know more can be done to better manage firefighter injuries, illnesses and fatalities. Cultural issues, leadership strategies and operational philosophies can each create barriers to improving safe performance. But what if we went back to the basics of industrial safety and made sure we were applying fundamental safety practices to our jobs—every day?

Accidents cause economic and social loss, impair the productivity of both individuals and groups, create inefficiency and lower the standard of living. In all cases, the elimination of accidents is vital to public interest.¹

The traditional definitions of safety are:

- a) Freedom from danger or hazard; exemption from injury or loss.
- b) Incapable of doing harm, no longer dangerous, in secure care or custody.²

Before the industrialization of the United States, there were minimal concerns for occupational safety. However, as factories expanded and humans interfaced more and more with machines and hazardous situations, the concern about being “safe” while working on the job became more significant. The need to work more safely achieved prominence with the passage of the first effective workmen’s compensation act in 1911.

In all cases—by intent, definition or interpretation—the term “safety” means to keep one safe from injury, illness, damage or theft. As we have worked through the last century, safety has become a vital part of general daily activities, growing, in fact, to become an integral part of emergency service operations.

The Occupational Safety and Health Act of 1970 was intended to “assure, so far as possible every working man and woman in the nation, safety and healthful working conditions and to preserve our human resource.” At the time of its adoption, the legislation was designed to consider both the safety issues of the day as well as working environments of the future.

By the late 1970s, the National Safety Council advanced six reasons for a continuing, concerted effort to prevent accidents.

1. Needless destruction of life and health is a moral evil.
2. Failure to take necessary precautions against predictable accidents involves moral responsibility.
3. Accidents severely limit efficiency and productivity.
4. Accidents produce far-reaching social harm.

5. The safety movement has already demonstrated that its techniques are effective in reducing accident rates and promoting efficiency.
6. Nothing in the available data suggests that safety professionals are near a limit in their ability to extend the moral and practical values of accident prevention.³

I believe three major issues have contributed to the priority of safety in the workplace:

1. The human factor of being safe and the adversity of financial loss, injury, illness, death and property damage.
2. The introduction of worker’s compensation insurance protection.
3. The Occupational Safety and Health Act of 1970.

These three factors have been the primary motivators in both the workplace and in general to maintain a safe working environment. Specific approaches to safety adopted by individual industry segments (e.g., secondary standards such as NFPA and NIOSH), insurance company loss control requirements, and changes due to litigation are secondary impacts upon the original idea of safety.

It is important to realize that **safety is not the same as risk management.**

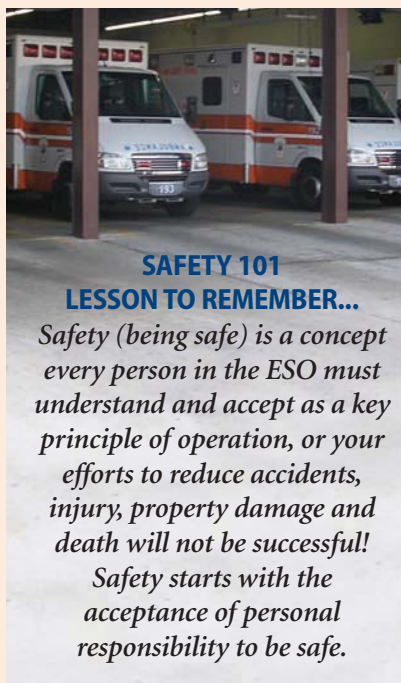
Despite the common inter-usage of the two terms, they are not the same. Risk management evolved from the insurance industry, which

combines risk control and risk financing to manage risk. The safety function is one component of risk control, which includes the practices of loss avoidance, loss prevention, loss reduction, transfer of risk by contract and the segregation/separation of exposures to reduce risk. Many times the application of the term “risk management” to fire department operations is either an unintentional or intentional misnomer for loss avoidance, loss prevention, loss reduction or separation/segregation techniques. Now that we understand the nuances of safety versus risk control versus risk management, we can move on to an important element in keeping firefighters and emergency medical personnel from being injured, becoming ill, being killed or causing property damage: **identify and analyze how incidents occur and prevent them from happening again.** 🚒

1 Excerpt from the National Safety Council Philosophy, Accident Prevention Manual for Industrial Operations, 7th Edition, National Safety Council, Chicago, IL.

2 Hyperdictionary, “Safety” reference Webster’s 1913 Dictionary, WebnoX Corp. 2002-2003.

3 Accident Prevention Manual for Industrial Operations, 7th Edition, National Safety Council, Chicago, IL, 1978, pages 2-3.



VFIS News
P.O. Box 2726
York, PA 17405
(800) 233-1957
Fax: (717) 747-7030
www.vfis.com

Please route to your
local emergency
service organization

Road to Recovery: Data Backup & Recovery Planning (PART 1 of 2)


David R. Pittman, CNE, Vice-President, Technical Services, Glatfelter Insurance Group

Increased dependence on technology has created a greater demand for more secure and reliable methods of data protection. Data protection strategies and disaster recovery plans were once the domain of only large enterprises. Today, businesses and organizations of all sizes are seeking the best way to protect and recover their data.

In the past, workers utilized floppy disks to back up data. This process was time-consuming, sometimes unreliable and often not economical. Many companies invested in small tape backup systems that increased the reliability of the data backup and recovery process. These systems were still time-consuming and uncertain, and limited the amount of data backed up.

Many PC companies now provide quick replacement of their systems that can be shipped out immediately upon notification of system failure. While this provides the end user with new equipment and the factory standard software, it still doesn't address data recovery, the largest component of the recovery process.

To effectively recover data in a timely and efficient manner, organizations must take proactive measures to ensure reliable data backup. This means that time must be dedicated to backing up the critical data on a daily basis. While the initial backup of the system is time-consuming, most organizations rely on a daily rate of change—that is, only data that has changed since the last backup.

Most providers can schedule the backup when it is most convenient for the end user. This same process is used in data centers to back up critical data. 

This article will be continued in the next issue of VFIS News, with focus given to the recovery of data.