Working with Fire Departments and Relief Associations

Troy T Walsh – Loss Control Consultant / Public Safety
Troy T. Walsh, Loss Control Consultant

- 9 Years with The League of Minnesota Cities as a Loss Control Consultant
- 15 Years as a Public Works Department Employee
- 25 Years (active) as a Firefighter
- The Fire Service is more than a Job it’s a Passion!
LMCIT Insurance

• Most cities have coverage through LMCIT
• A few large cities are self-insured
• Main types of coverage
  • Property/Casualty
    • Liability
    • Property damage
    • Automobile
  • Workers’ Compensation
Topics Overview

- Relief Associations
- Human Resources
- Policies
- Selection vs Election
- Purchasing Process
- Budgeting
- Workers Compensation
- Relationships
- Documentation

INFORMATION MEMO
Fire Department Management and Liability Issues

Outlines the structure of city volunteer or paid-on-call fire departments and their basic management challenges in personnel, finances, and facility safety. Discusses optional organization as a consolidated department, powers of volunteer fire relief association members contrasted with city fire department employees, the Insurance Services Office (ISO) fire protection rating system, and links to model documents for fire charges, management policies, and fire service contracts.

The League of Minnesota Cities Insurance Trust gratefully acknowledges the assistance of the Minnesota State Fire Department Association, the Minnesota State Fire Chiefs Association, and the Minnesota Professional Fire Fighters in the original development of materials for this memo.

RELEVANT LINKS:
For a general discussion of fire services see the League’s Handbook, Public Safety and Emergency Management.

I. Fire services
Residents in communities throughout Minnesota benefit from the services provided by fire departments. Sometimes services are provided to residents directly by the city. City departments may be staffed with volunteers, full-time paid firefighters, or a combination. Cities may also collaborate or contract with one another or another governmental entity (such as a township) for fire services. Each of these options presents a unique set of management and liability issues.
Special Considerations with Fire Departments

- Off-Site Workplace/Building
- Unusual Hours (Training/Mtg)
- Minimal City Hall Interactions including Elected Officials
- Social Club – Not a Job?
- Relief Association/Fire Department Confusion
- **We are Volunteers**
Three (3) Types of Fire Departments

- City/Municipal Fire Department
- Joint Powers
  - Districts or JPA
- Independent Fire-Fighting Corporation

- Career
- Paid-on-Call or Part-Time
- Volunteer
- There is also a Combination of Types (Mixture of Career and Paid-on-Call)
Why Does It Matter What Type of Fire Department We Have?

Who’s The Boss
Fire Departments vs. Relief Associations

Fire Departments

Relief Associations
Fire Departments vs. Relief Associations

Fire Departments

Fire Chief

Relief Associations

Relief Association President

Thank You - Waconia, MN Fire Department
Relief Associations – Board of Trustees

- Minnesota State Statute 424A.04 - (Subdivision. 1. Membership)

(a) A relief association that is directly associated with a municipal fire department must be managed by a board of trustees consisting of nine members. Six trustees must be elected from the membership of the relief association and three trustees must be drawn from the officials of the municipalities served by the fire department to which the relief association is directly associated. The bylaws of a relief association which provides a monthly benefit service pension may provide that one of the six trustees elected from the relief association membership may be a retired member receiving a monthly pension who is elected by the membership of the relief association. The three municipal trustees must be one elected municipal official and one elected or appointed municipal official who are designated as municipal representatives by the municipal governing board annually and the chief of the municipal fire department.

(b) A relief association that is a subsidiary of an independent nonprofit firefighting corporation (Etc.)
Who Oversees What?

• Who handles the FD Operating Budget?
  Fire Dept. or Relief

• Who Handles Fundraisers?
  Fire Dept. or Relief

• Who Deals with the Fire Scene?
  Fire Dept. or Relief

• Who Handles their own Checkbook?
  Fire Dept. or Relief
Who Manages the What Funds?

Which City Department Can Have Its Own Checking Account?

A) Park Department

B) Fire Department

C) Public Works Department

D) Relief Association
Municipal Funds and Fire Departments

- All Funds Accounted for by Clerk/Treasurer
- Checks Signed by Clerk/Treasurer + Mayor
- Purchases & Expenses Approved in Advance
- Controlled By City Council
Relief Associations - Funds

Special Fund (Pension)

General Fund (Donations, Fundraisers)

Gambling (Pull Tabs, Exc.)
Relief Associations and IRS Non-Profit Status

• Must Clarify Non-Profit status with IRS for 3 reasons:
  1. Status determines whether general fund and special (retirement) fund income is taxable or non-taxable
  2. Must have non-profit status for general fund fundraising
  3. Non-profit status determines insurability with LMCIT

• Contact LMC Research for help
  • 1-800-925-1122 or Research2@lmc.org

• Decide: Do we want to and are we able to administer our own retirement fund?
• Should we join a Statewide Volunteer Retirement Plan?
Relief Association Management: Pensions

• Shortfalls in pension and benefits accounts will be made up by City.
• Watch out for Relief Associations with “ambiguous IRS Tax status.
• Relief Associations maintain and operate pension fund
  • Relief Association may but is not required to maintain a “General Fund.”
Statewide Volunteer Firefighter Retirement Plan (SVFRP) – (PERA Plan)

- **Advantages**
  - No annual reporting or audit requirements
  - Professionally managed by PERA
  - Money **not** comingled with PERA
  - State Board of Investments *(6% assumed earnings vs current 5%)*
  - $30 per member per year administrative costs
  - Benefits are portable *(move with firefighter)*
Statewide Volunteer Firefighter Retirement Plan (SVFRP) – *(PERA Plan)*

- **Disadvantages**
  - May lose some control over benefit package design
  - Lump Sum benefits only
  - Pays for full year of service only
  - Fund investment decisions made by others
  - Easy to get in, but may be hard to get out
Statewide Volunteer Firefighter Retirement Plan (SVFRP) – (PERA Plan)

Considering Joining the Statewide Retirement Plan?

• City Council and Relief Association must agree and request cost analysis from PERA

• Questions about the Statewide Retirement Plan? Contact: Sharyn North
  • Sharyn.north@mnpera.org / www.mnpera.org
  • PERA Finance Dept. 1-800-652-9026
  • Lists of Current Participants and Amounts
Bylaws vs. Policy Manuals

- Personnel Policy
  - All Employees
    - Including Firefighters

- Department Operations Policy
  - Specific to Department Operations
  - Various Titles

- Bylaws
  - Relief Association
Legal Duties of a Fire Chief

• Human Resources
• Retirement Funds
• Certifying Service Credits
• Fire Codes
• State Aid
• Fireworks
• Etc.…

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• Fall 2022 Issue of the Minnesota Fire Chief Magazine

Human Resources

• Hiring Process
• Equal Opportunity Employment
  • Employment Laws
• American with Disabilities Act
• Discipline Procedures
Hiring Process

- Application
  - When was the last time they were updated?
  - LMCIT has a current Sample Application Template.

- Veterans Preference
  - Is that included in your Applications?

- Background Checks
Hiring Process – Background Checks

• Minnesota State Statute 299F.035 - Subd. 2. Plan for access to data.
  
  (a) A background check must be conducted on all applicants for employment and may be conducted on current employees at a fire department. The fire chief must conduct a Minnesota criminal history record check. For applicants for employment who have lived in Minnesota for less than five years, or on the request of the fire chief, a national criminal history record check must also be conducted.
I have a firefighter candidate with a DWI three years ago. Can I hire this candidate?
BREAK TIME

15 min
Equal Opportunity Employment

• Hiring Interview Process
  • Don’t Ask Illegal Question
    • *What is your racial identity?*
    • *What is your religious affiliation?*
    • *Do you have any children?*
    • *Have you ever been arrested?*
    • *Do you own or rent your home?*

• Use a Standardized Hiring Process

• Utilize Interview Checklists
ADA Compliance

• Reasonable Accommodations

• ADA Compliance
  • Buildings
  • Job Titles
  • Technology
Discipline Process

• Legal Liability
  • When was your process last reviewed?
  • Is it Legal or are your opening up for Liability?

• Avoiding Discrimination

• Have a Written Process in place

• Absolutely NO Voting on Discipline by Firefighters....
Policies – *When were they last updated?*

• By-Laws vs Polices
  • By-Laws are for the Relief Association
    • Fundraising
    • Retirement Funds
  • Operations Polices *(SOP/SOG)*
    • Department Operations
    • Apparatus Response Outlines
    • Training Requirements
• Personal Polices
  • Typically, City Wide for all Employees
    • Social Media
    • Hiring Process
Policies – Alcohol Response

Make Sure you Have One!
- Consider Zero Tolerance
- Set Time/Amount of consumption *(Ex. Two drinks in Four Hours)*
- Enforce The Policy

Alcohol at the Fire Station
- Decide if it will be Permitted
- If Permitted, Take these Precautions.
  - **NO** Sale of Alcohol
  - **NO** Access by underage persons
  - Follow your Response Policy
Policies – Alcohol/Drug Testing

• Again, the City Should Have a Policy

• Any Questions consult League of MN Cities Human Resources Team
  • HRBENEFITS@lmc.org
Relief Note – Fundraisers & Alcohol

South Plainfield Volunteer Fire Department

Presents

Wine & Local Food Tasting Fundraiser

Friday, September 20, 2013
South Plainfield Senior Center
90 Maple Avenue • South Plainfield, NJ 07080
7:00pm to 11:00pm • Tickets: $30/person

Wine & Beer Sponsor: Oaktree Discount Liquors
State of NJ Division A.B.C. Special Permit #14080483
No. 047

Happyland VFD Fundraiser

Help Support the Happyland Volunteer Fire Department
Hamburgers, Hot Dogs, and Soft Drinks!!!!!!

Donations Will Be Accepted and Appreciated

Location: Happyland Fire Department
5 miles East of Metra Vista on Route 1

'Saturday, October 20 at 6 p.m.'
Election vs. Selection

- Legal Liability Concerns
  - Discrimination
  - Veterans Preferences

- Job Descriptions/Qualifications
  - Minimum Standards for Positions

- Have a Promotional Process
  - Plan for the Future
Purchasing Process

All Finances Controlled By City

• Accounts used to Pay for Operations
  (Fuel, Maintenance, Training, Facilities, Etc.)

• Any Fees that come from Invoices of Service.

• City Tax ID Numbers

• Absolutely **NO CHECKBOOKS**
Budgeting

• Working with City Council and Administration on Annual Budgets
  • Operations
  • Personal Protective Equipment
  • Tools & Equipment
  • Training

• Developing a Capitol Improvement Plan for Large Purchases
  • Apparatus
  • SCBA’s
  • Personal Protective Equipment

• Emergency Purchases or Events Needs
  • Work with City Administration
Workers Compensation

- When are you Covered
  - Emergencies
  - Non-Emergency Events
- Injury Trends
- Reporting Injuries
  - First-Report-of-Injury
  - Supervisors Report of Accident

Scope of Coverage for a Firefighter

Fire Station
No - Workers Compensation

- Firefighters are NOT covered when they are driving to and from the Fire Station for:
  - Meetings
  - Drills
  - Training
  - Inspections
- Fundraisers
- Parties
- Picnics
- Athletic Recreation
Injury Trends – Firefighter Work Comp Stats

Overall WC Stats
• Loss Years 2010-2019
• 3,219 Claims with Incurred Costs
• $48,184,332 Net Incurred Costs
• All MN Data as of 12/31/2019
Top 10 Most Frequent Causes of Injury

- Fall or Slip: 546
- Injured in Training: 402
- Bodily fluid/infect. disease: 220
- Cut, Puncture, Scrape: 210
- Contact w/ hot object or subj.: 199
- Absorption, Ingestion, Inhalation: 106
- Foreign body in eye: 105
- Miscellaneous Cause: 86
- Contact with: 67
- Caught in/or Btwn: 49
Top 10 Most Frequent Costs of Injury

- Fall or Slip: $10,411,915
- Injured in Training: $5,357,406
- Contact w/ hot object or subj.: $4,242,970
- Miscellaneous Cause: $4,045,202
- Presumption: $1,664,676
- Absorption, Ingestion, Inhalation: $922,911
- Collision or Sides, MVA: $644,930
- Cut, Puncture, Scrap: $491,126
- Cumulative (AOC): $466,327
- Caught in/or Btwn: $310,511
Injury Reporting

- Report ASAP – Inform City Admin.
- Submit to LMCIT Claims

- Submit within 48Hrs
- Loss Time Injuries, OSHA must be notified within 14 days.
Relationships

• Working together with Cities, and Townships

• Fire Dept City/Township Contracts

• Mutual-Aid Agreements
  • LMCIT Risk Management Attorney, Chris Smith
Relationships - Townships

• LMC and Township Association have developed a model agreement
• Method to establishing fire service charges
• Insurance -- City shall have insurance and name town as an “additional insured”
• Indemnification -- City shall defend and indemnify the town for any claims
Documentation

Charging for Fire Calls
• Must have an Ordinance
• LMC has sample ordinances
• Avoid Insurance Fraud
• Fees should be reasonable and proportional to service
  • Utilize a Fee Schedule!

Data Practices & Records Retention
• Data Requests
  • How do you give our information when it’s requested?
  • City Data Requests Policy
• Records Retention
  • Mn State Statute 138.17 – Government Records
  • General Records Retention Schedule for MN Cities
<table>
<thead>
<tr>
<th>SECTION</th>
<th>CODE</th>
<th>TITLE &amp; DESCRIPTION</th>
<th>RETENTION PERIOD</th>
<th>CLASSIFICATION</th>
<th>STATUTE</th>
</tr>
</thead>
</table>
| FIRE    | FIR 0010 | AMBULANCE BILLING/HIPPA AUTHORIZATION FORM  
Patient signs acknowledging they are financially responsible for the provided services and that they have received a copy of the Notice of Privacy Practices. | 10               |                |                                                                         |
| FIRE    | FIR 0020 | AMBULANCE EMERGENCY ROOM RECORDS  
Admission date, patient name and address, insurance, emergency contact, doctor, birthdate. | 10               | Private        |                                                                         |
| FIRE    | FIR 0030 | AMBULANCE MASTER SCHEDULES  
Monthly Calendar of call time - reviewed by EMRSB representative upon relicense. | 6                | Public         |                                                                         |
| FIRE    | FIR 0040 | AMBULANCE PATIENT CARE REPORT - EMRSB/STATE FORM  
Includes mileage, patient name and address, type of injury, incident address, destination information, vital signs, and narrative. | 10               | Public/Private  |                                                                         |
| FIRE    | FIR 0050 | AMBULANCE PRE-HOSPITAL PROTOCOLS  
Includes variances for licensing. | Until superseded |                |                                                                         |
| FIRE    | FIR 0100 | APPARATUS/EQUIPMENT MAINTENANCE & INSPECTION RECORDS:  
Life of equipment | Public         |                |                                                                         |
| FIRE    | FIR 0200 | ARSON REPORTS/INVESTIGATIONS | Permanent       | Public/Confidential | MS 13.82, Subd. 7, MS 13.83                                           |
| FIRE    | FIR 0250 | FA-1 FORM, APPLICATION OF STATE AID FIRE EQUIPMENT CERTIFICATE | 6                | Public         |                                                                         |
| FIRE    | FIR 0400 | FIRE CODE | Permanent      | Public         |                                                                         |
| FIRE    | FIR 0600 | FIRE INVESTIGATION REPORT  
Used by investigators to document facts found regarding fires investigated by the FPD. | 6 unless arson, death, or hazardous materials then retain permanently | Public/Confidential until investigation is closed. | MS 13.82, MS 13.83 |
| FIRE    | FIR 0700 | FIRE PREVENTION WEEK TOURS & DEMONSTRATION DATA | 1                | Public         |                                                                         |
| FIRE    | FIR 0110 | FIRE TRUCK DAILY/WEEKLY INSPECTION SHEETS | 2                | Public         |                                                                         |
Fire Department & EMS Data

• Ambulance & EMS Run Reports require a HIPPA compliant release…
• Fire Department Data and Images are Government Data
• Ownership of the device is not the same thing as ownership of the data
• Model Digital Images / Social Medial Policy for Fire Departments / EMS
PTSD and Mental Health Toolkit

• LMCIT has developed a PTSD and Mental Health Toolkit

• Public Safety Program Coordinator
  • Lora Setter – 651-248-9551 or lsetter@lmc.org
LMCIT – Here to Help Limit Liability!

• Human Resources
• Policies
• Selection vs Election
• Purchasing Process
• Budgeting
• Workers Compensation
• Relationships
• Documentation

Public Safety / Risk Management Blog:
• www.lmcontheline.blogspot.com
LMCIT – Here to Help Limit Liability!

Public Safety Project Coordinator
• Tracy Stille – 651-215-4051 or tstille@lmc.org

Public Safety Program Coordinator – PTSD/Mental Health
• Lora Setter – 651-248-9551 or lsetter@lmc.org

Loss Control Consultant – Public Safety Specialist
• Troy T Walsh – 651-281-1231 or twalsh@lmc.org

LMC Human Resources – HRBENEFITS@lmc.org

LMC Research – Research2@lmc.org
Questions?

INFOGRAPHIC MEMO

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