

GAFC FIRESIDE

Volume 5 #6

August, 2010



RULES

Our First Priority



Pres. David Kimbrell

Our members are rightly concerned about the GFSTC Rules Committee proposals. The next few months will find careful attention to the proposals and the impact on fire departments when and if they become law. Fortunately, study continues thanks to the Council itself. After an initial examination, they sent up the latest draft for legal review. GAFC and GSFA were influential in that decision and we'll become more heavily involved in the weeks ahead. This newsletter and other information sources will be provided to our members and include our views on rules content, potential impact on both fire departments and firefighters. We'll report on the public hearing (not yet scheduled) and highlights of our testimony. Stay tuned. # 1 priority.

Apologies are in order. This August issue is normally devoted to an overview of the Joint Conference, information regarding GAFC election results, top priorities for programmatic work, promotion of Fire Academy offerings and other important news. President Kimbrell has ordered full and complete attention to the Georgia Firefighters Standards and Training Council proposed rule changes. This is serious business that, when all is said and done, will have a substantial impact on the relationship between a state agency and everyone of Georgia's fire departments and their firefighters. Every fire chief needs to follow the events leading up to a Council vote on these rules.

IN A NUTSHELL

There are 7 major issues involved in the new proposals:

- 1.) **Non-compliance** of certain GFSTC rules by fire departments would cause a fire department to be subjected to decertification ,
- 2.) **Loss of pension** contributions and benefits of firefighters serving decertified departments,
- 3.) **Insertion of GFSTC** controls over local authorities for a series of historically local personnel practices,
- 4.) **Changes in the present due process** system for firefighters with grievances,
- 5.) **Reduction in the authority** of local Fire Chiefs regarding various hiring and disciplinary practices,
- 6.) **A series of promised rule clarifications** or compliance guidelines allowing GFSTC to craft such documents without any guarantees that end-user input would be required and used,
- 7.) **Whether or not** the proposed rules and the authority being sought by the GFSTC are allowed under present law (Title 25) of the official state code.

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WHAT OUR MEMBERS ARE SAYING:

Statement: "I've seen a power point presentation put together by a rules committee member but it only covered about 30 or 40 percent of the rule proposals I read on web pages. Shouldn't we have a document that shows the old rules and a side-by-side comparison of what is being proposed?"

Statement: "It seems like the Council is taking on the job of local Fire Chiefs. (I am one) It gives me the idea that they don't believe we're doing our jobs, especially in screening and hiring. I hope GAFC has something to say about this."

Statement: "Did the GAFC Executive Committee review the section dealing with the possibility that a Fire Department with more than 25% of its records judged as inadequate by the GFSTC could lose its certification? That means all the firefighters in such a department could lose their pension rights? Am I correct?"

Statement: "I'm a Chief in a rural combination fire department and have the responsibility to screen applicants (volunteers) and select personnel. We use the county personal hiring rules to conduct background checks and other information needed to assure we have people with good moral character. Now it looks like GFSTC is going to be involved in this work. I have two questions; the first is: I thought the Council was to set minimum standards for all of us to follow, not become a state personnel department, so why are they doing this? And second, I understand there are more than 600 fire jurisdictions. I heard Mr. Pardue say that GFSTC was under-funded (office supplies, personnel furloughs, layoffs, etc.) Doesn't all the personnel work they would be taking on require a lot more people? Is that very cost-effective when the locals are presently doing all this?"

Statement: "I'm not sure what is required in the physical agility and medical examination section of the document. This could mean costs for us that we would have trouble funding. Is state funding for combination and volunteer departments to help offset administrative costs for some of these items also being proposed? We don't even have secretarial or other administrative support help."

Statement: "I don't go to the standards and training council meetings anymore. They wouldn't even allow the firefighter's President to speak when I was there. Dictatorial if you ask me. Went to the last one because of the rules. One council member did most of the talking and pushed everyone into being heavy-handed regarding rule compliance by career departments. I found out he had a big influence with some small volunteer dept! The other council members never were given much of an opportunity to speak."

Statement: "Earlier this week, one of our people went to the investigator's association meeting in Savannah and heard a GFSTC representative explain that rules changes to empower GFSTC to conduct background checks was critical. He said this was necessary because of a raft of fire department employees and volunteers with highly questionable backgrounds (misdemeanors, felonies, etc.) were serving in Georgia fire departments. He claimed he was the GFSTC resident investigator with an inbox full of examples of what he was talking about. I've been in this business for 22 years, know plenty of Fire Chiefs and based on all I've heard, they are not recruiting a bunch of criminals and don't want to. To do so could cost them their jobs, look bad for their communities and hurt the morale of their firefighters. They must think we all fell off a *Vidalia* Onion Truck last week. My report may not be entirely accurate, but it is fairly close to what was said. Is this one of the main reasons for the rule changes?"

Statement: "This may be a minor matter, but the rule change document is very difficult to read. There is no index of subjects, no cross references to existing law and one section alone is 5 pages long. For a state agency recommending sweeping changes in their authority and strong rule compliance efforts by local departments some of this came off like buying a pig in a poke."

Statement: "They're playing with fire on the inclusion of a minimum of six firefighters for each station. If we don't comply, we're out of business. Talk about being between a rock and a hard place. If we can't produce enough certified personnel, then we'd have to close a station or two making those being served in outlying areas mad as hell. Our county board won't like that. A goal or range is one thing, an absolute # is another."

WHAT WILL BE GAFC POLICY REGARDING THE RULE PROPOSALS?

The Association has studied the rule changes since the time they were first distributed. Since then, the rules have undergone editing by the GFSTC. Association leaders have been reluctant to pass judgment on rule content until they fully understand a document to be considered final recommendations from the rules committee. The rules committee is to meet on September 14th and will hold certain judgments from the Atty. Gen.'s office regarding the legality of some of the rules. GAFC representatives will be at that rules committee meeting and once final changes are released, the association will issue it's viewpoint.

CAN THE MEMBERSHIP EXPECT PRECISE STATEMENTS REGARDING THE RULES FROM THE GAFC IN THE NEAR FUTURE? At a minimum, the Association plans to issue statements on items within the rules that address the authority of the Council to regulate what has been local responsibilities, potential changes in benefits for firefighters, the financial impact of certain rules on local fire departments, rule compliance responsibilities of fire departments, future staffing of the GFSTC and legal issues raised by the new rules.

WILL GAFC VIEWS BE GIVEN TO ALL THE UNIFICATION PARTNERS AND OTHER REGIONAL CHIEFS ASSOCIATIONS? Yes.

IS GAFC PREPARING TESTIMONY FOR A TITLE 50 HEARING? Yes. A Title 50 hearing allows for public testimony on rule changes recommended by various state departments. Before the Standards and Training Council actually adopts the rules that are proposed, possible corrections can be made in light of the information offered by those who have legitimate complaints with the rules and rule implementation and/or have suggested revisions or deletions to those rules. Both GAFC and GSFA will be prepared to present testimony at the hearing. It is possible that regional organizations of Chiefs that wish to be heard will be allowed to testify.

WHAT IS THE RELATIONSHIP BETWEEN GAFC AND THE FIREFIGHTERS ASSOCIATION ON ALL THIS? In general, our day-to-day working relationships with the Georgia State Firefighters Association have never been better. We follow what their members are saying about these rules and they follow what our members are saying. By the time a Title 50 hearing is held, we believe that the testimony from both organizations will be in close parallel.

WILL GAFC COMMUNICATE WITH ACCG AND GMA REGARDING VIEWS AND CONCERNS REGARDING THE PROPOSED RULES FROM FIRE SERVICE MEMBERS? Yes.



To: county-managers-and-administrators@listserv.accg.org
Sent: Tue Aug 24 10:14:47 2010
Subj: Fire Service

Permission to reprint this letter was granted by GAFC member Byron Lombard, County Manager, Greene County, Georgia. With our thanks.

Please be aware that the Georgia Firefighters Standards & Training Council (GFSTC) is considering the adoption of changes to the Rules that apply to firefighters and fire departments. Any such changes will have the affect of Law and will be binding on all fire departments and firefighters in Georgia.

Of particular concern is the impact the proposed changes will have on volunteer firefighters and departments. If your jurisdiction relies upon volunteers for the delivery of fire protection services, it may be helpful for you to look into the proposed changes and communicate with the volunteers to evaluate the impact the proposed changes may have. From what I have learned, many of the volunteer departments are completely unaware of the pending vote on the proposed changes to the rules.

The proposed changes will:

- increase the initial training required to become a basic (volunteer) firefighter
- set deadlines for volunteers to obtain either support firefighter accreditation or basic firefighter accreditation (one-year from date of joining)
- require volunteers to pass a physical agility test
- require basic (volunteer) firefighters to successfully perform 21 life-safety skills
- require certain ongoing specific training requirements each year in order to maintain the ability to volunteer
- require additional minimum equipment beyond the current requirements

There are some administrative changes as well to include:

- the requirement that volunteer fire departments must notify GFSTC within ten days of someone joining their department
- departments must obtain and maintain proof of age on volunteers
- departments must get background checks on volunteers
- departments must have a baseline medical form completed by a certified medical person on volunteers
- departments must complete a registration form and submit the form with the criminal history check to GFSTC within one-year of a new member joining
- departments must report an arrests of any member (not conviction) to GFSTC within ten days of the arrests

The above changes are not all-inclusive, but capture most of the possible impact on volunteer departments. It is very difficult to recruit and maintain volunteers, and volunteers have an extremely long list of responsibilities in providing fire services as it is, so everyone will need to consider the pros and cons of placing additional burdens on the volunteer spirit. It is very possible that jurisdictions that rely upon volunteers could be faced with having to increase funding to offset the loss of volunteers that could result from the application of the proposed rules. In a case where there are not enough volunteers due to the increased burdens being placed upon them, it is possible that communities will either become unprotected (property insurance rates will soar), or local governments will be forced to utilize tax dollars to provide service through paid firefighters. GFSTC has historically worked well with fire departments that are deficient in compliance with the rules, but it has been made clear that deficient departments will lose their compliance certification and be unable to legally operate.