



The COMMUNIQUE

NOVEMBER - DECEMBER 2009

A Publication of the Oregon Fire District Directors Association

**Klamath Falls Welcomed its
Newest Fire Station Into its
Community With a Formal
Station Dedication**

**Legislative Summary
Part Two - Labor and
Urban Renewal**

The COMMUNIQUE

A publication of the Oregon Fire
District Directors Association.

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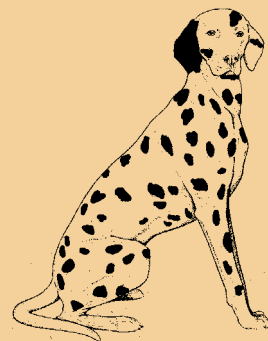
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Conference Reflections and a Look Ahead

By *Connie L. Barton*



OFDDA President Connie L. Barton

It was a great OFDDA/OFCA Joint Conference in Bend the first week of November. I would like to give my thanks and appreciation to all of you who are so supportive of me and our state Board. We always enjoy working with the fire chiefs to hold trainings where both your local fire chief and their Board members can learn together.

I was able to connect with many new Board members from the fire districts as well as old contacts and friends. It is important to work with our new members so they have the training needed to be efficient Board members. Please remember there are a lot of "partners" in the Fire Service that offer training opportunities for Board members, starting with the OFDDA, National Association of Elected Fire Officials, the Oregon Fire Service

Office Administrators, and SDAO to name a few.

Your Board is working on several Bylaw amendments which you will be asked to vote on during the 2010 OFDDA/OFCA Joint Conference. Watch for these changes on our web site and in the Communiqué. They are aimed at smoothing the transition through the Chairs and creating more stability in the succession of officers of the OFDDA.

Also, I hope you will take time to review the Association's Strategic Plan, which was included in your Conference materials and posted on the OFDDA web site. The Plan maps out the priorities and future path of the OFDDA. It is a working document and your comments and input are always welcome.

I look forward to another great year in 2010.

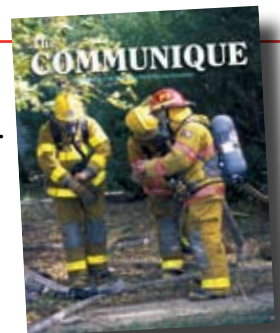
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The Oregon Fire District Directors Association (OFDDA) was organized in 1950 to serve elected directors of fire districts of all sizes throughout Oregon.

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If you would prefer to receive an electronic version of **The Communiqué** please call: 503-378-0896 or email us at Info@ofdda.com.



Klamath Falls Welcomed its Newest Fire Station Into its Community With a Formal Station Dedication

By Kim Probst

Klamath County Fire District No. 1

The day began with Klamath County Fire District No. 1's annual Fire Prevention Open House, during this 4 hour window Fire District personnel offered members of the public brochures and expert advice from the Fire Prevention Department, who also had lots of fun handouts for the kids (and kids at heart) which went over well! There were static displays of the renovated antique 1949 Fire Engine #5 and the district's current operating apparatuses. Also offered, was complementary address sign for members of the community to place in a highly visible location at their homes to aid the Fire District in locating their house numbers.

The ceremony was emceed by two local radio station personalities whom broadcasted the event live!

Directly following the Open House began the formal events. The ceremony was emceed by two local radio station personalities whom broadcaster the event live! The dedication began with our local Oregon State Fire Marshal, Greg Davis presenting the American flag and proceeded with the reciting of the Pledge of Allegiance. Klamath County Fire District No. 1's chaplain, Denny Roberts, then led prayer and blessed the newest fire station, its inhabitants and the people of the Fire District.



Oregon State Fire Marshal, Greg Davis presenting the American Flag.



The ceremonial cuppled hose.

Gloria Storey, Klamath County Fire District No. 1's Board of Director's President, spoke to the crowd about the process of planning, building and housing Fire Station 5 and the dedication of all those involved. Next, County Commissioner, Cheryl Hukill spoke about the benefits Station 5 provides members of the community as a whole, but also for those in its direct response area. John Barkee, Development Coordinator for the Running Y Ranch, spoke about the need and desire the residents of the Running Y Ranch and other suburban neighborhoods had for the fire station and the pride they have of its completion and the difference it has made to them in their peace of mind. He also touched on the cooperation of Public and private organizations working together for a common goal. Lastly, Chief Jim Wenzel spoke about dedicating the station to all the men and women in the fire service who lost their lives while on duty. He spoke about the commitment of all involved in the completion of the fire station and the continuing dedication of all of Klamath County Fire District No. 1's fire fighters. The four speakers then joined together to un-cupple the two already combined fire hoses displayed in front of the station's bay doors – the fire district's version of cutting the ceremonial ribbon.



John Barkee, Cheryl Hukill, Chief Jim Wenzel and President Gloria Storey un-cuppling the hose—the district's version of a ceremonial ribbon cutting.

The concluding convocation was led by Klamath County Fire District No. 1's Fire Chaplain, Dave Loser, who concluded the event with again blessing the men and women of the fire district. It was then asked by a member of the audience to have all fire district personnel come forward and introduce themselves, which

was followed by a hearty applause of the 60 plus members of the audience.

Following the formal ceremony all in attendance were invited to tour the fire station, enjoy pizza and other refreshments with the members of the fire service, as well as take part in the Fire Prevention conclusion of the Open House. ♦

A Fire Service Report Card

By: Dave Campbell, WHA Insurance – retired

The following statistics were extracted from the Winter 2009 NFPA Newsletter.

The fire service nationwide responded to about 1.5 million fires in 2008. The fires resulted in 3,320 civilian fire fatalities that translate to:

- 1 every 158 minutes
- 16,705 fire injuries (one every 31 minutes) and
- \$15.5 billion in direct property loss.

These numbers sound alarming, don't they! However, these statistics represent an overall decrease of about 6.8% from 2007 statistics.

Tragically, a fire occurs – in a structure every 61 seconds, in a residence every 78 seconds, a vehicle every 134 seconds and outside property every 45 seconds. So, who is going to do something about this?

We believe Chief Kelvin Cochran will make changes that will positively affect our national fire safety statistics. He is the new US Fire Administrator. Chief Cochran spoke at the 2009 Fire Rescue International convention in Dallas Tex. (If you wish to read more of his remarks you may refer to the Winter 2009 *NFPA Newsletter* or online at <http://www.fri.iafc.org/2009/07/cochran-speaks-about-becoming-fully-involved/>).

Without reciting the entire speech, there are some points he made which should reach all of us:

"Fully involved" means a structure that's fully involved in fire. I use that analogy as it relates to the fire service organization where members, the sections, the organizational units, shifts and divisions of labor represent the rooms and the contents of the structure.

The entire organization as a whole is the house, and to be successful navigating through tough times, the entire organization, its units and its members must be fully involved. It goes back to the concept that one person can make a difference.

There are members in every unit, in every station that have not become discouraged by the difficult times, because they realize that part of the history of this profession is being resilient during those times."

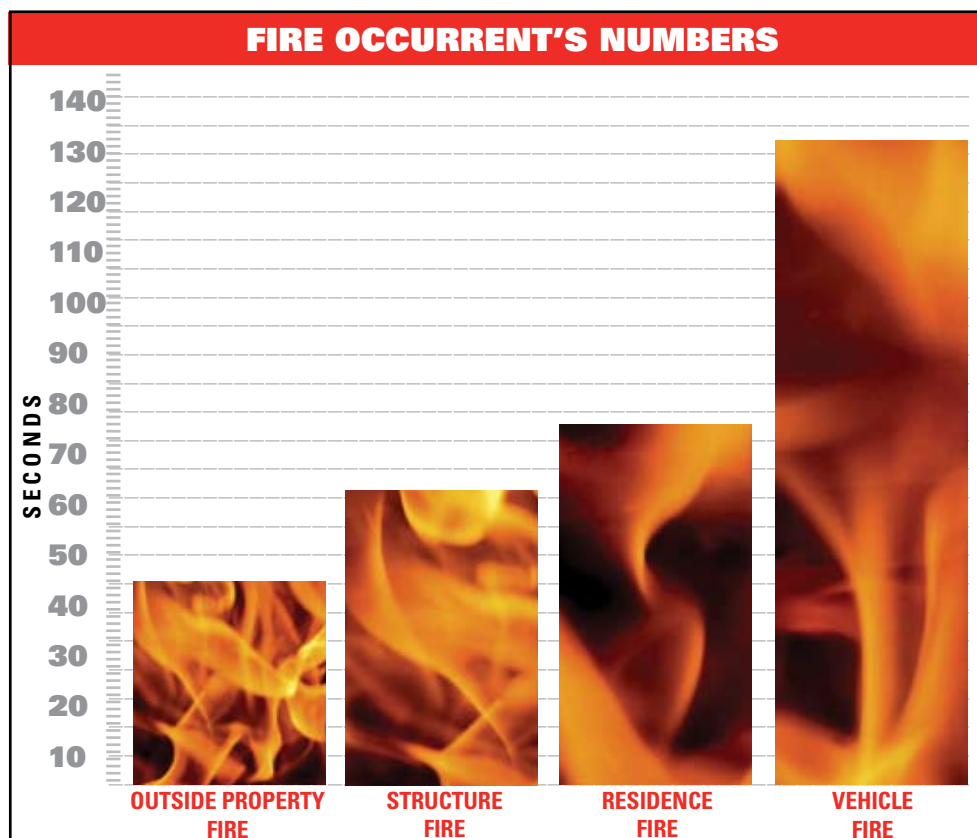
"Out of 'America Burning' USFA was formed to reduce fires, injuries and deaths. Therefore, it is part of our mission. Although strides in reducing the numbers have been made, we should not be satisfied and should continue to focus on high risk areas where loss of life and injuries occur.

I believe fire prevention is still a primary part of our mission and will be a high priority for USFA.

In an interview with *Firehouse Magazine*, Chief Cochran said:

"We need to evaluate the US Fire Administration's involvement and accomplishments (like a post incident critique.). We need to develop a report card to measure our performance against the (goals.) That is an assessment of our strengths and weaknesses and an excellent tool to develop good strategy. If we are serious about addressing the problems we can't afford to be complacent"

So, what does all of this have to do with you as a board member, fire chief or responder? Maybe it is time to do a report card on your district to measure your strengths and areas that need improvement. The statistics that the USFA will be analyzing start at the district or station level – that is you! ♦



Legislative Summary Part Two - Labor and Urban Renewal

By Genoa Ingram

OFDDA Executive Director

LABOR

SB 519 – MANDATORY WORKPLACE MEETINGS

Chapter 658 (2009 Laws)

Effective date: January 1, 2010

One of the more controversial labor issues of the 2009 session was embodied in SB 519, which prohibits employers from requiring employees to attend mandatory meetings for the purpose of discussing political or religious matters. The controversy stemmed from whether the bill could be used to prevent employers from requiring employees to attend meetings regarding unionization efforts. The bill creates employee civil cause of action for violations and requires employers to post notices of employee rights. The bill also includes language clarifying that it is not intended to prohibit mandatory meetings of the employer's executives or administrative personnel to discuss issues, including those subjects covered by the bill.

A second bill, HB 3507, also passed. That bill modifies the definitions of "political matters" to include activities related to political policy affiliation, campaigns for ballot measures, political candidates, and the decision of whether to join or support any lawful political or constituent group.

SB 786 – OREGON WORKPLACE RELIGIOUS FREEDOM ACT

Chapter 744 (2009 Laws)

Effective date, January 1, 2010

SB 786 requires employers to accommodate the scheduling of leave time for the observation of religious holy



Oregon State Capitol.

Photo by Gary Halvorson, Oregon State archives

days, or for the wearing of religious apparel in the workplace unless it poses an undue hardship, defined as a "significant difficulty or expense" to their business. The bill was a priority for House Speaker Hunt.

SB 928 – ACCOMMODATION OF VICTIMS OF DOMESTIC VIOLENCE

Chapter 478 (2009 Laws)

Effective date, January 1, 2010

SB 928 requires employers to make reasonable safety accommodations for victims of domestic violence, sexual assault or stalking under the Unlawful Employment Practices Act. Provides list of reasonable safety accommodations that may, but are not required to, be used, such as unpaid leave. The bill also prohibits an employer from refusing to hire or retaliating against an individual due to

the individual's "victim" status and allows employers to request documentation.

SB 966 – FAMILY LEAVE BENEFITS INSURANCE PROGRAM

In committee upon adjournment

SB 966 would have created the Family Leave Benefits Insurance program to provide benefits to employees taking family leave to care for an infant or newly adopted child, newly placed foster child under 18 years of age, adopted or foster child older than 18 years of age if the child is incapable of self-care because of a mental or physical disability, or a family member with a serious health condition.

Funding for the "Family Leave Benefits Insurance Account" would have been generated from employer with holdings from employees, not to exceed two cents per hour worked.

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Legislative Summary Part Two Labor and Urban Renewal

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HB 2298 – MILITARY LEAVE

Chapter 12 (2009 Laws)

Effective date, January 1, 2010

HB 2298 states that an employee must be granted a leave of absence for the purpose of performing active state duty as ordered by the Adjutant General. The bill increases the maximum amount of donated leave a qualified employee may receive from co-workers from an amount equal to the employee's base salary, to the amount of the employee's total compensation. State and local governments are required to do the following: Calculate "total compensation" by including overtime hours equal to the average overtime hours for the same employee class; determine the average overtime hours for an employee class based on a reasonable expectation of the average number of hours of overtime employees in that class would perform over the course of a calendar year; and maintain records of the average number of overtime hours for each employee class for each calendar year.

HB 2420 – CANCER PRESUMPTION

Chapter 24 (2009 Laws)

Effective date, January 1, 2010

During the 2008 interim, the Special Districts Association of Oregon (SDAO) and the Oregon State Firefighters' Council reached an agreement on the contentious issue of cancer presumption. That compromise took the form of HB 2420 which was passed by the legislature and signed by the Governor. Some key components of the bill are as follows:

- Includes twelve types of cancer: Brain, stomach, prostate, colon, testicular, multiple myeloma, non-Hodgkin's Lymphoma, chest, throat, rectal, breast and leukemia;
- No retroactivity. The presumption applies to claims diagnosed after July 1, 2009 by firefighters who have been on the job for at least five years;

- Shifts burden of proof so that employer no longer must prove by clear and convincing evidence that cancer is unrelated to fire fighting activities;
- Higher standard of proof for smokers;
- Applies seven years after termination of service;
- Applies to paid firefighters only;
- Applies to claims filed within seven years of termination of employment.

HB 2633 – DEFINITION OF "SUPERVISORY EMPLOYEE"

In committee upon adjournment

HB 2633 would have modified the definition of "supervisory employee" in public employee collective bargaining law by stipulating that in order to be considered a supervisor, a public safety officer must have the authority to impose economic discipline on an employee. With this change, Oregon's Public Employee Collective Bargaining Act would include individuals having independent authority to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees.

HB 2821 – USE OF ACCRUED SICK LEAVE

In committee upon adjournment

HB 2821 would have prohibited an employer from requiring an employee to use accrued vacation leave or any other paid leave offered by the employer in lieu of vacation leave, when taking family leave. The bill was amended to require employers to provide employees with the employer's policies regarding family leave procedures. A similar bill was defeated in 2007. In response, the business community has indicated that if such a bill were to pass in the future, businesses will likely convert to "personal leave" as opposed to "sick leave".

HB 3162 –WHISTLEBLOWER PROTECTION

Chapter 524 (2009 Laws)

Effective date, January 1, 2010

Establishes that discrimination against an employee who reports a violation of

state or federal laws, rules or regulations is an unlawful employment practice. Employees can file a complaint through BOLI or they may choose to file a civil action in circuit court, rather than going to federal court.

URBAN RENEWAL

HB 3056 – URBAN RENEWAL

Chapter 700 (2009 Laws)

Effective date, January 1, 2010

Urban renewal districts (URDs) have long been a cause for concern among fire districts since the URDs freeze taxes for overlapping taxing entities while continuing the expectation of deliverance of vital services. The program, originally intended to address "blighted areas" had become widespread and projects were often extended, further delaying the returns to local government bodies, including fire districts. With no restriction on maximum indebtedness, there has been no mechanism by which an urban renewal agency limits collection of taxes. And, while urban renewal agencies were required to "consult and confer" with overlapping taxing districts on matters relating to a plan adoption and amendments, there was no requirement to obtain concurrence.

**OFDDA was a major
player in resolving the
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form of HB 3056.**

OFDDA was a major player in resolving the issue which took the form of HB 3056. One of the key components of the bill is a cap on the amount of maximum indebtedness an urban renewal district can incur. Maximum indebtedness is the total amount that the urban renewal district would be allowed to bond for projects. Any increase in the cap will require approval

from overlapping taxing districts such as cities, counties, special districts or other governmental entities within the urban renewal district

OFDDA participated in a broad based coalition of interested parties who met over

Association of Oregon Counties (AOC)
Clackamas County
Multnomah County
League of Oregon Cities (LOC)
City of Portland

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The group included the following:

Clackamas Fire District #1
Tualatin Valley Fire and Rescue (TVFR)
Oregon Fire Chiefs Association (OFCA)
Oregon Fire District Directors Association (OFDDA)
Special Districts Association of Oregon (SDAO)
Oregon School Boards Association (OSBA)
Association of Oregon Redevelopment Agencies (AORA)
Portland Development Commission (PDC)

The group gained considerable traction with the participation of the Oregon School Boards Association, whose members were quick to recognize the impact of URDs on school funding. Adding to the momentum was the commitment by House Speaker Dave Hunt (D-Clackamas County) to reach a resolution acceptable to local governing bodies as well as the development community.

As passed, HB 3056 accomplishes the following:

- Sets initial maximum indebtedness for urban renewal plans and establishes indexing scheme for increasing the maximum indebtedness for urban renewal plans. (Note: limits are

- based on formulas established for small, medium and large areas);
- Establishes the number of plan amendments and requires concurrence of overlapping taxing districts for substantial plan amendments that increase the maximum indebtedness by more than 20 percent of the plan's initial maximum indebtedness;
- After 10 years and/or certain levels of performance, value will be returned to the property-tax rolls;
- Establishes a mechanism for an urban renewal agency to limit collection of taxes either for a single fiscal year or in the future;
- Allows an urban renewal agency to notify the assessor to collect maximum division of taxes for newly approved urban renewal plans and substantially amended plans;
- Excludes any gap bond levy for Portland school district from the consolidated billing rate in calculating division of tax.

Additionally, parties signed a Memorandum of Understanding and agreed not to introduce any additional legislation modifying the urban renewal statutes until 2017.

The bill becomes effective January 1, 2010. ♦

OFDDA Recognizes Fire District Achievements

By Paulette Oliver, WHA Insurance



In 1991, Oregon was ranked 26th in the nation from a Worker's Compensation standpoint.

In an effort to support the cultural changes that were necessary to create "safer" fire district operations, OFDDA worked with Special Districts Association to co-sponsor a safety program that would address emerging issues and claims trends. The safety program took the form of "free" regional workshops held each year.

At the conclusion of the first year of the safety program, OFDDA presented the first awards that recognized the achievements of its members. Four recipients were chosen that demonstrated their commitment to the safety of their organization as well as the community in 1991.

This tradition has continued with the newest recipients recognized at this year's Joint Conference. The Districts that were recognized this year were Scio Rural Fire District, Cannon Beach Rural Fire Protection district, Jackson County Fire District #3, and Columbia River Fire and Rescue.

Scio and Columbia River were recognized for their activities that support the safety and welfare of their communities and its residents. Cannon Beach and Jackson County #3 were recognized for their efforts to enhance the safety culture of their fire districts.

The success of the safety program is dependent upon fire districts "hosting" the workshops at their facilities. The OFDDA also recognized district's that have provided permanent workshop sites for the past five years.

Certificates of Appreciation were presented to the group that includes Lebanon RFPD, Columbia River, Halsey-Shedd, Jackson County #5 and The East Clackamas Group consisting of Boring Fire District #59, Estacada RFP, Hoodland Fire district #74 and Sandy RFP #72.

In contrast to 1991, Oregon has one of the best safety records in the country due to hard work and dedication to safety by our fire service. We look forward to next year's conference and the opportunity to recognize our peers.



Criminals in the Fire Service: A Public Policy Challenge



*By Eriks Gabliks, Deputy Director
Department of Public Safety Standards and Training*

In early 2002, the Shutter Creek Fire Department requested that its firefighters receive certification from the Department of Public Safety Standards and Training (DPSST). The Shutter Creek Fire Department was not your typical fire agency; its ranks were made-up of incarcerated felons who were serving as firefighters for the Department of Corrections at the Shutter Creek Correctional Facility in Coos County. DPSST did not have the ability in either administrative rule or statute to deny the certification to incarcerated felons. Members of the Fire Certification Section brought this issue forward to the Fire Policy Committee of the Board on Public Safety Standards and Training (BPSST).

Unfortunately, one does not have to look long before finding a number of articles printed in newspapers across the nation regarding the fire service. One common thread ties these specific articles together; the mention of a fire fighter and a violation of the law in the headline. What follows is a brief example of such articles: "Fire department outs 2 over crashes" was the headline above an article in the Chicago Times in which a fire engineer under the influence of cocaine in his body struck a school bus on July 1, 1998. "3 Rutherford firefighters face drug charges" appeared in the Bergen

Record when three volunteer firefighters in Rutherford, New Jersey were arrested for dealing narcotics out of a firehouse. "Fire department can suspend officials" appeared above an article which discussed how a Houston, Texas deputy fire chief and district chief tampered with official government documents (Associated Press, August 28, 2000). "Firefighter trainees charged in blaze" appeared above a story that explained how two 15-year old firefighter trainees set a blaze that killed an 85-year old woman in North Braddock, Pennsylvania (Associated Press, March 2, 2001). "Moody's former fire chief faces felony theft charges" appeared when a fire chief was arrested for stealing at least \$40,000 from a volunteer fire department in Moody, Alabama (The Birmingham News, August 8, 2000). From Delaware, "Ex-Firefighters gets 5 years in chief's beating" gave the torrid details on how a Belvedere Fire Department volunteer attacked the 44-year old fire chief (Associated Press, July 20, 2000). And finally, The Oregonian reported on a former fire chief who entered a guilty plea for aggravated theft and official misconduct after being apprehended for using fire department credit cards to fund an extramarital affair.

Granted, these are just a few incidents from various portions of the United

States and are in no way reflective of the brave acts and heroic service provided by firefighters across the nation. However one cannot overlook that each of these stories had a common theme; the proud name of the fire service was tarnished from within.

Over the years, the need for action has been identified in a number of fire service trade journals. The January/February 1999 edition of NFPA Journal featured an article written by Chief Robin Paulsgrove of the Arlington, Texas Fire Department. His article was titled, "Where Have All the Heroes Gone?" and focused on the role that fire fighters play in American communities. This article specifically identified that as cities across the United States survey their citizens, they find that the fire service has a favorable rating of more than 90%. Chief Paulsgrove further observes, "At a time when heroes are rare, we need to look no further than our own backyards to find firefighters who serve as role models to our children." Chief Alan Brunacini of the Phoenix, Arizona Fire Department sounds a similar message in his book, *Essentials of Fire Department Customer Service*. In this book he references that the fire service operates in a way that is based solely on relationships — "The essence and result of relationships is trust."

These articles strike at the core of the reason for the Oregon fire service to take action. Fire fighters by the nature of their work are required to enter homes and businesses during emergency situations such as fires and emergency medical incidents, and non-emergency situations such as inspections and school education programs. This is a special trust that the community gives these professionals and one that cannot be damaged under any circumstance

Over the years, there have been lengthy discussions at the Fire Policy Committee (FPC) regarding this issue. The fire service higher education representative on the FPC informed members that inmates could take on-line educational opportunities through colleges that could lead to fire service certification requests either a fire inspector or a public education officer. The FPC was unanimous in its direction to staff that inmates serving in state correctional facilities should not be eligible for fire certification issued by DPSST. The FPC also wanted staff to address the larger issue of criminals in the fire service requesting and receiving DPSST fire certification. The FPC directed staff to explore the issue and report back its results.

After more than five years of work and deliberation, at its May 2007 meeting the Fire Policy Committee recommended that minimum standards be adopted which address the certification of both volunteer and career fire service personnel with criminal convictions. BPSST upheld the Committee recommendation at its October 2007 meeting. On December 3, 2007 the proposed Oregon Administrative Rules that address this issue were opened for public comment through December 26, 2007. No public comments were received and as a result the Oregon Administrative Rules were adopted as permanent with the Oregon Secretary of State on December 31, 2007.

On January 1, 2008 DPSST staff began to check fire service applicants for certification through the Oregon State Police Law Enforcement Data System

(LEDS). This check would give DPSST information on any criminal convictions in Oregon. The majority were crimes such as assault IV, drunk driving, and disorderly conduct. More surprising were crimes such as aggravated assault, child abuse, bank robbery, distribution of drugs near school property, manufacture of drugs, and arson.

Since DPSST began to process fire service applicants through LEDS, fire agencies across the state are paying attention to this issue. DPSST has provided agency updates various state fire service association conferences including OFDDA. The criminal check issue has come-up as a question at each conference. Fire service leaders and policy makers are pleased that DPSST is addressing this issue but at the same time realize they play a major role as well. The example DPSST staff has used is simple and straight-

To assist fire agencies, DPSST will send a letter back to them indicating that a specific applicant who they submitted for certification has a criminal record that will prevent them from being certified. LEDS policies and procedures prohibit DPSST from releasing details of the criminal record but DPSST is able to say that the applicant cannot be certified because of a LEDS check. This will prompt local fire agencies to look into the matter on the local level if they so desire.

To assist local fire departments, DPSST has created a Questions & Answers document which is posted on our Fire Certification web-page. This document will provide information as to what the new DPSST process means as well as how it applies to their respective agencies. Please remember, fire service certification in Oregon is

As a result, fire agencies across the state are adopting policies and procedures which require that a criminal background check be completed during the employment process.

forward: "By the time DPSST checks a person in LEDS they have been allowed to enter your home, the fire station. Shouldn't you know who you let in to your home (fire station) before we do?" As a result, fire agencies across the state are adopting policies and procedures which require that a criminal background check be completed during the employment process. In many cases this check is conducted by the local police department or the county sheriff's office. The term employment in this case applies to both career employees as well as volunteers. This is a proactive step that will help your organization address this issue in the early stages of your process.

voluntary but more than 75% of our fire agencies actively participate in the professional recognition system administered by DPSST for Oregon's fire service. Nothing prevents your organization from having those with criminal backgrounds to serve as fire fighters. Our reason for writing this article is to share with you what DPSST is doing in this area and to outline the issues you may want to consider when you discuss public policy at your respective fire districts.

If we can be of assistance please feel free to call our Fire Certification Section at (503) 378-2100. ♦



BOARD & CHIEF : UNIFIED LEADERSHIP?

OFDDA/OFCA 2009 JOINT CONFERENCE

**Thank you for helping to make the
2009 Joint Conference a Success!**

**Please join us next year at the
Bend Convention Center for the
2010 Joint Conference.**

**Mark Your
Calendars
NOW**

▶ November 11-13