

The

Winter 2013-14

# COMMUNIQUE

A Publication of the Oregon Fire District Directors Association



**SAVING OUR OWN  
TAKES ON  
NEW MEANING**

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**VOLUNTEER TASK FORCE 360  
SUMMARY  
REPORT**

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# The COMMUNIQUÉ

A publication of the Oregon Fire District Directors Association.

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## A year of firsts

By Roy Palmer, 2013 OFDDA President



Roy Palmer  
OFDDA President 2013

As 2013 comes to an end so does my year as the Association's president. This has been a year of many firsts; and we have set the tone for continued growth and success.

Our first Fire Services Conference, held in Pendleton, was well attended; and we received many positive comments. Our hope was that this new format would allow the Oregon Fire Service Community to become stronger and more united; and from what we heard from the attendees we were successful. Your conference committee will be reviewing the conference evaluations soon to insure that we continue to grow the conference, and meet your expectations. We all look forward to our 2014 conference which will take place in Seaside.

We had some major successes in the year's legislative session and will continue to foster a great working relationship with our fire service partners. We didn't win in all of our issues, but feel that we made a gallant effort. A special thanks to Genoa Ingram and the OFDDA staff for their tireless efforts on our behalf.

At this year's conference you elected an excellent incoming board. I would encourage your continued support and involvement with the board. Our success is dependent on our ability to maintain a very diverse board, so please give serious consideration to becoming involved at that level. Henry Ford once said "Coming together is a beginning; keeping together is progress; working together is success."

What a wonderful experience and honor it has been serving as your president. I can only hope that in some way I was able to make the organization stronger.

Respectfully,  
Roy O. Palmer, President



Don Trotter  
OFDDA President 2014

## Welcome President Trotter

Don Trotter was elected President of the OFDDA at the November Conference in Pendleton. He takes office in January 2014.

Don is a retired Architect and has been on the OFDDA Board of Directors since January 2008. In addition, since June 2007, he has served as a member of the Clackamas Fire District #1 Board of Directors. He has lived in Clackamas County Oregon since 1968 and has been involved in many community activities including being a member of the Clackamas Emergency Services Foundation Board of Trustees, the North Clackamas Parks District Advisory Board and the Milwaukie City Council.

Don is a veteran who served in the Army on

active duty from 1961 – 1965 and in the Army reserve from 1969 – 1975 reaching the rank of Major.

As part of his acceptance speech at the conference, Don said the following:  
*"One of the objectives listed in the OFDDA Bylaws is to develop a system of communications for the interchange of information for the mutual benefit of fire districts' operations. For me, this is a very important objective and one I would like to focus on in 2014. In my opinion, communications is the most important word in the objective. I'm looking forward to working together, communicating and responding to whatever situations arise."*

## *Volunteer 360 Task Force Report Summary*

At the recent OFDDA conference in Pendleton, a presentation was given by Fire Chiefs' Gary McQueen and Kevin Henson that has generated significant interest and discussion statewide. The 2013 Volunteer 360 Task Force Report presented on behalf of the Oregon Fire Chiefs Association (OFCA) is presently available on the OFDDA and OFCA websites. As many of you know, this is not a new subject, but rather one where clarity and position have emerged over the past decade. We have gained clarity in some areas, and identified new or renewed concern in other areas.

The mission of the Task Force was to develop a recommended Best Practices document by defining the role of the Oregon Fire Service volunteer firefighters, resident volunteers (aka sleepers), and student interns.

There was no interest by the OFCA or the Task Force to remove or decrease any benefits provided to volunteer

firefighters, but there are significant requirements and liabilities that go along with providing them. It is important that fire districts understand the liabilities (both personal and as a district) that accompany the compensation of volunteer firefighters.

The Task Force reviewed the definitions, rules and regulations regarding volunteer firefighters and often found conflictive language. At the federal level this includes the Internal Revenue Service Code and the US Department of Labor. At the state level this includes the Oregon Bureau of Labor & Industries, Oregon Department of Revenue & Public Employees Retirement System. It is the opinion of the Task Force that a lack of common understanding and terminology has led to a number of inaccurate assumptions at both the fire service and the state/federal regulatory levels.

The recommendations outlined in the Report are advisory in nature, and due respect is given to each fire district determining the level of risk that it was willing to undertake.



## *Volunteer 360 Task Force Report Summary (continued)*

**The November 4, 2013 Volunteer 360 Task Force Report is expected to be further modified and clarified over the next several months.**

**In February, a presentation on this subject will be given at the SDAO Conference at Seaside, and another presentation will occur in May at the OFCA Conference in Redmond.**

**Each fire district is encouraged to consult with its own legal counsel in reviewing current volunteer incentive programs and consideration of adopting any new components.**

### *The Volunteer 360 Task Force recommendations*

1. Change is needed in federal and state laws to eliminate inconsistencies and to remove unnecessary barriers to volunteer service.
2. Each fire district should review its volunteer program, in consultation with legal counsel. The Report identified two types of volunteers and the likely consequences of each for federal and state purposes.
  - a. Plan A described a program for traditional volunteer firefighters who are not paid any cash compensation, but who receive components such as reimbursements under an Accountable Plan, working condition fringe benefits, and LOSAP.
  - b. Plan B describes a program in which volunteers are paid cash compensation, but not more than a nominal fee, and may also receive one or more components of a Plan A program.
3. Volunteers should be treated as employees for employment tax and withholding purposes, and should be issued W-2's if taxable compensation is paid to them (Plan B, for example). Volunteer firefighters should not be issued a Form 1099 and treated as independent contractors.
4. Fire Districts should consider adoption of Accountable Plans to reimburse appropriate expenses in Plans A and B. If they use nonaccountable plans, they should treat reimbursement as taxable compensation (Plan B).
5. Resident volunteer programs should be carefully reviewed to ensure that they meet both state and federal requirements.
6. Student Intern programs should be carefully reviewed to ensure that they meet state and federal exemptions.
7. Student intern programs should be treated separately from resident volunteer programs. They are two different programs.
8. All compensation programs that involve cash payments to volunteers should be carefully scrutinized to ensure that they result in a nominal fee to volunteers. Payments should not be tied to hours of productivity (think about how most fire districts have historically handled "Points Programs" and you will quickly see the conflict).
9. Any fire district that pays a volunteer association, which is then expected to pay volunteers for their activities, should immediately cease that practice and consult with legal counsel.
10. A fire district can pay for educational training and classes for volunteer firefighters if the training is related to the needs of the fire district and training of the volunteer to conduct his or her activities as a volunteer firefighter.
11. Whether volunteer emergency personnel are potentially subject to PERS remains unresolved at the time of this writing. Active discussion is underway between OFCA and PERS leadership to reach a mutually agreeable position.

# Oregon Representative tracking D.C. legislative issues



*By Mark Kreutzer,  
NAEFO Oregon Representative*

This past September at the NAEFO Conference in Las Vegas I declined the position of President of NAEFO. I have been the President the past three years and felt it was time to pass the torch. Bob Scaggs, a longtime NAEFO Board member and Fire Commissioner from Graham, Washington, was elected the new President. I have complete confidence in Bob and his ability to lead NAEFO. Ray Lamoureux and Ronnie Little were elected new Board members for NAEFO to replace Chris Elwell and Gerry Gustavson who did seek re-election. I will continue to represent Oregon and remain active on the NAEFO Board. I will continue to organize the annual conference and attend the CFSI dinner in Washington D.C.

Next year's NAEFO conference is scheduled for Sept. 22-23 in Las Vegas, Nevada at The Orleans Hotel and Casino and the Clark County Fire Training Center. I am currently working on the speakers and would appreciate any topics that would be of interest. This past conference had excellent speakers including Jack Snook, Mark Stevens and Bill Web.

It has been a pleasure to serve as your President of NAEFO, and I look forward to continuing to represent Oregon on the NAEFO Board.

***NAEFO is tracking several legislative issues happening in D.C. They include:***

- Funding of the FIRE /SAFER Grants
- Funding of the United States Fire Administration and National Fire Academy
- Reauthorize and increase the Volunteer Tax Incentive
- Clarification by the IRS on Volunteer Compensation
- The impact of the Affordable Health Care Act on Volunteers in regard to health insurance coverage

## **[ LEGAL BEAGLE ]**

### Executive Session Tidbits

*By Ross Williamson, Local  
Government Law Group*



*From month-to-month, we receive many questions from board members and district staff about conducting public meetings. In particular, we receive several questions each month related to holding executive sessions. Over time, some of the same questions come up. Below are a couple of such questions along with thoughts on how to solve them.*

**Invitees to Executive Session**

We often hear from boards that want to have an executive session on an allowed subject matter, but they also want to have non-board members or even non-staff attend the executive session to speak on the subject. As a general matter, Oregon's public meetings law does not restrict a board's ability to invite persons to attend executive sessions. Thus, the board may invite others to attend and even participate in an executive session. We believe it is best to keep the invitation list short, and limit the invitees to those that have a justifiable reason to be in attendance. For the benefit of the invitees, it is also advisable to remind those in attendance that the discussions taking place in executive session should be held in confidence and not divulged to the public.

One exception to this general rule is when the executive session deals with attorney-client communications. In

such cases the executive session should be limited to the board and select district staff (staff with a need to know the attorney communications). And, of course, members of the press are almost always allowed to attend executive sessions.

While this sets out the general rule on invitees to executive sessions, this is an area where the background facts can often lead to different results. Most every situation is different, so please contact your district's counsel if you want to invite guests into a particular executive session.

**Executive Sessions Related to Pending Litigation**

Another question that comes up year after year involves the statutory allowance to hold an executive session regarding current litigation or litigation likely to be filed (ORS 192.660(2)(h)). The question we get is: "Does our attorney have to be at the executive session, or can we hold the executive session without our attorney if we want to talk about litigation?"

As you might guess coming from an attorney, the answer from this attorney is that the district's attorney needs to be in attendance at the executive session. Attendance does not mean that the attorney needs to be physically in

the same room. But the attorney should at least be on the phone via speakerphone with the ability to participate in the executive session discussion.

Our answer to this question comes from the wording of the statute. The statute allows boards to "consult" with their legal counsel about litigation or litigation likely to be filed. The use of the word "consult" implies that the attorney must attend the meeting in order to answer questions and provide advice about the litigation. In short, we believe that it is impossible to "consult" with legal counsel if the legal counsel is not attending the meeting.

We will keep cataloging common questions and report back with answers we believe will benefit the membership. Watch this space for more!

*PS: Ken Jones asked me to pass along the message that he enjoyed seeing many of you at the conference in Pendleton, and he looks forward to seeing all your friendly faces at future conferences.*

# *Saving Our Own Takes On New Meaning*

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

As fire district directors, you know that your firefighters will call-in every resource available when a firefighter is in need of assistance and calls a Mayday on the fire ground. Firefighters and command staff spend countless hours training to know what to do and say when they are trapped and need to declare a Mayday. But how much time do we spend or what we should do when a firefighter needs assistance for something we often cannot see, anxiety, burnout, depression, and other mental and behavioral health concerns? They may be dealing with the death of a small child at a motor vehicle crash caused by a drunk driver, a challenge in their personal life such as an event connected with a financial or family matters such as having trouble paying the bills because a family member is critically ill, or how to raise a teenage daughter that seems to be hanging out with the wrong crowd and having problems listening to their parents.

Hopefully, all of you are familiar with the National Fallen Firefighters Foundation (NFFF) and their national campaign to reduce and prevent firefighter injuries and deaths through the creation of 16 Firefighter Life Safety Initiatives. The Foundation is known for developing comprehensive and well-designed resources and training classes that have been implemented in both training programs and the fire service culture across the nation. Well, they have done it again!

A new “set of tools” was recently unveiled by the NFFF to address Life Safety Initiative 13, Mental Health. The initiative focuses on the mental wellbeing of not just firefighters, but also their families. The “tools” are a comprehensive program and new approach to mental and behavioral health in the fire service. The tools include a class for firefighters, officers, and those who provide clinical help. The tools should not be seen as a replacement to what an agency currently uses, but as another resource.

The NFFF’s program is based on the Combat and Operational Stress First Aid

(COSFA) course which has been used by both the United States Marine Corps and the United States Navy for many years. This program has been very successful and has been tested in the field in combat situations as well as in non-combat environments at home. The NFFF’s Curbside Manner Program, combined with After Action Reviews and Firefighter Stress First Aid, are easy to use concepts that can be completed on the fire ground and at the fire station. These two programs should effectively address the majority of behavioral health challenges encountered by firefighters. For those who have personnel who may need additional assistance, your organization’s mental health provider will need to be consulted.

The final segment of this comprehensive program deals with the mental health professionals who serve both career and volunteer fire service personnel. Many of us have sent firefighters to our employee assistance program (EAP) only to hear later that the person felt it was a total waste of time as the counselor had no idea what fire-rescue personnel do and most of the time was spent explaining the challenging situations that are encountered on the job. To address this, NFFF staff worked with the Medical University of South Carolina staff to prepare a web-based training program to train mental health professionals that are, or will be, providing assistance to the fire service. This program, called Helping-Heroes, is one of a number that have been created over the past five years by the NFFF in partnership with various national fire service organizations, with the assistance of the National Center for Posttraumatic Stress Disorder (NCPTSD), the National Crime Victims Research and Treatment Center (NCVRTC), and others.

Fire departments are typically served by dedicated clinicians who truly desire to provide firefighters and their families with the best care possible. Like most practitioners, the majority of those assisting fire department members and families may not have the time and resources needed to learn all they might wish to know about firefighters and their occupation, nor may they have had time or opportunity to learn the

latest in evidence-based treatments shown to be effective with occupationally engendered conditions. Few can afford to take significant time away from their practices to acquire complex new skills, especially if firefighters make up only a portion of their client population.

Helping-Heroes provides a web-based (open access) training package designed to run on all popular software and hardware platforms. The program is divided into ten training modules requiring approximately one hour each to complete, and an eleventh component that will serve as a session-by-session toolkit guide. Helping-Heroes will reach the full spectrum of providers who now serve, or may be called upon to serve, firefighters and their families, and will provide them with easily accessible instruction that will enable them to apply the very best evidence-based techniques to the issues their fire service clients present. This training program is available without cost to the learner.

Funding for Helping-Heroes was provided through DHS/FEMA’s Grant Program Directorate for Assistance to Firefighters Grant Program - Fire Prevention and Safety Grants. This NFFF project, and the free web-based training tool (Helping-Heroes) for Mental Health Professionals serving Firefighters, were completed a few weeks ago and are available online through the Everyone Goes Home website at <http://fsi13.everyonegoeshome.com>

Your staff spends a lot of time in training every month. They pre-plan buildings, pull hose lines, practice specialized rescue techniques, review incidents, and discuss strategy and tactics, but they should also ensure your folks are trained to care for each other. Please visit the NFFF website, or contact Harry Ward at DPSST Fire Training. Harry serves as our state NFFF advocate, and he has a complete listing of training programs available to the Oregon fire service.



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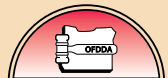


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