

The background of the entire page is a photograph showing the silhouettes of three firefighters walking through a forest of tall evergreen trees. The firefighters are wearing helmets and carrying gear, and the scene is backlit by a bright light source, creating a hazy, atmospheric effect.

SPRING 2019

A Publication of the Oregon Fire District Directors Association

The COMMUNIQUE

Legislative Update *Bills that Matter to the Fire Service*

Does Your Reimbursement Policy Attract & Retain Volunteers?

Oregon Fire Service Museum *Pictures and Progress*

No Cost Public Safety EAP Through SDAO

The COMMUNIQUE

A Publication of the
Oregon Fire District
Directors Association

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MISSION

To serve and strengthen through the provision
and coordination of timely information,
education, and legislation.

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IN THIS EDITION

Legislative Update	3
President's Message	3
No Cost Public Safety EAP For Firefighters	4
Legislative Update Continued	5
OFSOA News	5
Reimbursement Policies that Attract Volunteers	6
Pay Equity Act Liability	7
Oregon Fire Service Museum Update	Back Page

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HB 2174 is the consensus urban renewal legislation for 2019. The bill is the result of a work group that included Special Districts Association of Oregon, Clackamas Fire District #1, Oregon Fire District Directors Association, Tualatin Valley Fire & Rescue, Oregon School Boards Association, Association of Oregon Redevelopment Agencies, and many others.

HB 2174 requires delivery of an urban renewal plan and accompanying report to the governing body of **each** taxing district affected by an urban renewal plan and allows taxing districts 60 days to submit written recommendations to the urban renewal agency prior to agency presenting plan for approval. **Most important for fire districts, the bill requires concurrence by three of the four taxing districts estimated to forgo the most property tax revenue.** The new law would apply to plans or plan amendments proposed after July 1, 2019 and would apply in the following conditions:

The proposed urban renewal plan includes a public building project;
The addition of a public building project (or change of scope) to an existing urban renewal plan;
Plan amendments that increase the budget for a public building project more than 20 percent.

HB 2174 also defines a public building, public building project, reduced rate plan, and standard rate plan for purposes of urban renewal and requires the notice of a hearing on a new proposed urban renewal plan or plan amendments to contain a statement that adoption may affect property tax rates. If passed, urban renewal agencies will be required to include the maximum indebtedness for each urban renewal area in

Continued on page 5

PRESIDENT'S MESSAGE

This year marks our 70th conference since OFDDA was founded in 1950. In that time, the Association has concentrated on promoting legislation to provide legal procedures for directors to more efficiently manage the affairs of their districts. Joint committees were formed in 1958 to combine the legislative efforts of OFDDA, the Oregon Fire Chiefs Association and the Oregon Volunteer Firefighters Association. Through this partnership, the Oregon Fire Service has built a strong image.



John Dunn
OFDDA President

OFDDA's mission remains the same today: to provide the necessary tools for districts to successfully govern through education, communication, legislation, and networking.

Our annual Fire Service Conference still has the same purpose, to provide the avenue for giving and gathering information that is helpful for all of the

districts and city departments throughout the state. Our conferences are open to anyone involved with the fire service.

At the end of every conference, you are asked to fill out a conference survey and evaluation. Your participation is extremely important. Thank you to everyone who has taken the time to provide feedback. This is your chance to communicate to

the conference committee what your needs are and what you would like to see at the next conference.

Here are some of the topics we hope to present at this year's conference in Seaside:

- Addressing the needs of all-volunteer districts with under 25 personnel.
- Board and fire chief's role in relationships.
- Duties and responsibilities of board members.
- Budgets and ethics.
- Fire chief evaluations.
- Grants and other revenue sources available for small districts.
- How boards become dysfunctional and what to do about it.
- Disaster preparedness and how to get your district ready.

This year, for the first time, we plan to offer a breakfast for first time attendees to give them a chance to meet each other and network prior to opening ceremonies. This is your conference and our goal is to make it a worthwhile experience for everyone. If you have any suggestions or comments, please contact the OFDDA office.

2019 is an election year and some boards will have new members. Attending the conference is an important first step toward gaining the knowledge needed to help understand their board director responsibilities.

Hope to see you November 7-9 in Seaside!!

No Cost Public Safety EAP for Career Professional Fire Fighters

Emergency responders and fire professionals face unique challenges not easily understandable by those not in their field. While their career is rewarding, it can also offer hardships that may be more manageable with an experienced mental health professional that specializes in fire and EMS issues.



Special Districts Association of Oregon (SDAO) and Special Districts Insurance Services (SDIS) are pleased to announce that we have partnered with the Oregon State Fire Fighters Council to offer an employee assistance program (EAP) to **all career professional fire fighters** in the state of Oregon **free of charge**.

This EAP is offered through Public Safety EAP A *division of ESI* and is specifically **designed for emergency responders and fire professionals**. The program offers up to six in-person counseling sessions per year and utilizes mental health professionals that specialize in fire and EMS issues.

At the end of this article, we have listed several valuable resources for you to review including flyers explaining the benefits offered and how to access services. We encourage you to use these to communicate with your career professional fire fighters about this new opportunity. Public Safety EAP has also developed a [great video](https://www.theeap.com/video-library/public-safety-employee-orientation) at <https://www.theeap.com/video-library/public-safety-employee-orientation> explaining the benefits available.

Your district's career professional fire fighters and their dependents have **immediate access** to these program services and benefits. There is no waiting period. If help is needed, all it takes is a simple phone call to 1-888-327-1060 or visit online at PublicSafetyEAP.com.

Beginning July 1, 2019, volunteers and administrative staff can be added to the program for \$14.63 per volunteer/employee per year. In May, enrollment forms will be sent to all SDAO member fire districts that will allow you to add these individuals to the program. If you have career professional fire fighters, they have already been added to the program. There is nothing that you need to do, other than notify them that it is available.

Also starting July 1, we have an exciting opportunity for fire districts that can afford to pay for the program themselves. SDIS is trying to obtain the funding to eventually make this program available to volunteers statewide at no cost. The price for your district to cover the cost for its paid first responders is \$18.72 per employee/per year. If your fire district elects to cover this cost, SDIS will put that amount into a fund to pay for volunteers from small districts that can't afford the additional expense. The option to participate will be available on the enrollment forms we send in May. SDIS does not make any money from offering this program.

If you have any questions, please contact Scott Neufeld, Director of Risk and Claims Management, at sneufeld@sdao.com.

Valuable Resources

[Letter from the Oregon State Fire Fighters Council announcing the program and partnership](http://ref.sdao.com/general/osffc-letter.pdf)
<http://ref.sdao.com/general/osffc-letter.pdf>

[Program flyer explaining the benefits](http://ref.sdao.com/general/public-safety-eap.pdf) <http://ref.sdao.com/general/public-safety-eap.pdf>

[Flyer with benefits access info](http://ref.sdao.com/general/public-safety-eap2.pdf) <http://ref.sdao.com/general/public-safety-eap2.pdf>



It's Award Season!

OREGON FIRE DISTRICT DIRECTORS ASSOCIATION

FIRE DIRECTOR 20-30-40-50 YEAR SERVICE AWARD

To ensure recognition of service at this year's conference, please submit your service award application to the OFDDA office by **October 21, 2019**. Go to the Fire Service Conference page at **www.ofdda.com** for the form.

Interested in submitting an article or advertising in The Communiqué?
Contact the OFDDA office at **info@ofdda.com** or **800-223-9708**.

LEGISLATIVE UPDATE

Continued from page 3

their annual statement, including the amount of indebtedness incurred through the end of the preceding fiscal year. The March 18 hearing was HB 2174's first before the House Committee On Economic Development. No action was taken at that time but additional meetings are anticipated.

SB 507 was heard before the Senate Committee on Workforce on March 19. The bill, along with the proposed -3 amendments, presumes that death, disability, or impairment caused by certain mental or emotional trauma or by a stress-related disorder (including PTSD) is a compensable occupational disease for fire service professionals, public safety personnel, or employees of a public or private safety agency with job duties related to firefighting, police, ambulance, or emergency medical services. Hasina Wittenberg presented testimony on behalf of OFDDA and SDAO.

HCR 21 was heard before the House Rules Committee on March 18. The bill recognizes and honors Chief Michael Duyck for his service to Tualatin Valley Fire and Rescue and the State of Oregon.

Several bills related to the fire service were heard on March 12 before the House Veterans and Emergency Services Committee:

HB 2373 would allow the State Forester to order use of wildfire suppression personnel, equipment and services on any federal lands within state borders. The bill is aimed at reducing carbon emissions from forest fires.

HB 2138 proposes to extend the sunset for tax credit for provision of volunteer emergency medical services in rural areas. Currently, the tax, which is authorized under **ORS 315.622** applies to tax credit certifications issued by the Office of Rural Health on or after January 1, 2006, and before January 1, 2020. HB 2138 would extend the sunset date to January 21, 2026. The task of the House Veterans and Emergency Services Committee is to make a policy recommendation to the House Revenue Committee, which will ultimately decide if the bill goes to the House Floor.

HB 2449 proposes an increase to the 9-1-1 emergency communications tax from \$0.75 to \$1.50. OFDDA provided testimony in support of the increase in order to strengthen 9-1-1. There was no opposition with the exception of two telecom carriers.

OFDDA issues weekly legislative updates via email. If you would like to receive these updates, please contact the OFDDA office at kate@ofdda.com.



OFSOA NEWS by Julie Spor, OFSOA President

The Oregon Fire Service Office Administrators (OFSOA) is hosting our next event on April 18 and 19, 2019, at the Albany Fire Department. Topics to be presented include: Generations in the Workplace, Financial Transparency, PIO Functions for Administrative Staff, Professionalism in the Age of Social Media, Building Good Department Relationships, and Fitness for Duty. Please encourage your staff to attend, even if they are not a member of OFSOA. Scholarships are available for members who may need financial support to attend events. Information can be found on our website at www.ofsoa.com.

Planning is underway for the fall conference to be held at the Grand Hotel in Bridgeport Village on October 16-18, 2019. More information about each of these events will be available on our website, or in the member newsletter.

Members of the OFSOA Board met March 5 in Sisters to review and update the organization's Strategic Plan. Their goal was to brainstorm new ideas on how to best support Oregon fire service office personnel through education and networking, as well as providing a solid plan for moving forward in the next several years.

If there is anything OFSOA can do for you, please do not hesitate to contact me, president@ofsoa.com.



PRE-LOSS LEGAL

Does Your Reimbursement Policy Attract and Retain Volunteers?

By Christy Monson, Local Government Law Group, PC

If your fire district is struggling to attract and retain volunteers, you should consider adopting an accountable reimbursement plan that speaks to their needs. As most of us already know, the Fair Labor Standards Act (FLSA) only allows districts to compensate volunteers a nominal fee plus expenses and reasonable benefits. (The nominal fee should not exceed 20 percent of what a comparable non-volunteer position is paid and should not be tied to productivity or to "hours worked." If you have more questions about how a "nominal fee" is calculated, you should consult with your attorney.) This article discusses reimbursement payments, which are not part of the nominal fee calculation. A district may reimburse volunteers for approved district expenses—and that reimbursement is not considered part of the nominal fee as long as it's lawfully applied using an "accountable reimbursement plan." There are two types of reimbursement plans that districts should consider using when designing their volunteer compensation system.

- **Regular reimbursement:** If the volunteers or employees have expended their own money for district purposes other than a trip (such as gas to respond to a call from home or purchasing uniforms or equipment), you can reimburse them the actual costs of their expenditures after they turn in the required receipts or gas logs. Again, your district will require a documented "accountable reimbursement plan" before instituting this program. It's important to note, however, that the federal reimbursement rate for volunteer call responses from home is paid out at a lower "charitable rate." One reimbursement idea that may prove attractive to younger firefighters is to reimburse them for a portion of their cell phone costs. This is possible if your district requires them to use their cell phones to respond to calls or to stay in touch with the district. To do this, you'll need to include the rules regarding cell phone use in both your reimbursement policies as well as your public records and ethics policies. If this is something that would benefit your district, you should contact your attorney for more information about an accountable reimbursement plan.
- **Per diem reimbursement:** Per diem rates are flat daily rates that the feds allow us to use to reimburse volunteers or employees for money they actually plan to expend "out of pocket" while they are doing the district's business (such as attending off-site trainings, etc.) This payment is not counted as compensation for tax or FLSA purposes. If the volunteers or employees are attending a conference or a district-approved trip, you can use a per diem reimbursement mechanism if you include it in your "accountable reimbursement plan." The per diem method generally doesn't require your volunteers or employees to turn in receipts—the district just pays them a flat daily rate designed to reimburse them for the trip, including meals, gas, etc.



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Remember, though, you can't use any of the above cost reimbursement methods to pay volunteers/employees unless you have a written plan and the volunteers have expended or plan to expend their own money on some sort of district business. If you want to pay volunteers outright, you'll need to compensate them under an adopted volunteer compensation plan—which should strictly follow the Fair Labor Standards Act rules regarding paying volunteers only a "nominal fee, expenses and reasonable benefits." Again, if you aren't sure if your volunteer compensation plan meets the FLSA standards, call your attorney.

Reminder! Pay Equity Act Liability Kicked in January 1, 2019



If you haven't audited your compensation plans to ensure you comply with the new Pay Equity Act, you should call your attorney or HR professional immediately. Although the Act was passed in 2017, employer liability for compliance kicked in on January 1, 2019. In a nutshell, the Act requires you to pay the same compensation rates to employees who perform substantially similar work unless you have a justifiable reason for paying different rates. (Note: the protections of the Act only apply to employees who qualify as a "protected class" under the law; but in reality, to properly apply the Act's mandates, you will likely need to apply its rules to all employees.) For more information about this Act, click here: <https://www.oregon.gov/boli/TA/Pages/FactSheetsFAQs/PayEquity.aspx>.

Under the Act, your district is now responsible for the following:

- You must design and comply with a pre-offer hiring and application process that is free from all salary inquiries;
- You must pay the same rates for work of comparable character unless there are bona fide factors justifying a difference in pay;
- You should conduct an audit and review of your entire compensation system and reevaluate and document reasons for any bona fide reasons for pay differentials for comparable work;
- You must correct any pay differentials which are not due to a bona fide factor.
- You must post required notices. These can be found here: https://www.oregon.gov/boli/TA/Pages/T_Tabooks.aspx#OEPP;
- You must have and use a documented, coherent, consistent, fair, and verifiable policy and practice for determining pay differentials for employees who do work of comparable character.
- The Act prohibits:
 - Any pay differences in wages or other compensation for work of comparable character (unless bona fide factors justify the difference);
 - The screening of applicants based on current or past compensation;
 - Determining compensation rates based on applicant's current or past compensation;
 - Asking about salary history before making an offer with compensation;
 - Retaliation for asserting Pay Equity Act rights;
 - Reducing any salaries to comply (however, salary freezes are permissible).

There are complex rules for how to determine what is work of comparable character, how to calculate compensation, and what qualifies as a bona fide factor which justifies a pay differential for comparable work. You should call an experienced HR professional or your attorney to discuss the details of this law. Generally speaking, however, work of comparable character requires substantially similar knowledge, skills, effort, responsibility, and working conditions and does not take into account titles or job descriptions. Compensation includes all wages, stipends, bonuses, benefits, and paid leave. It does not include reimbursement of expenses or differing PERS tiers. And the bona fide factors which may allow you to have pay differential for employees doing substantially similar work include: seniority, measurable merit, payment for piece-work, certain necessary travel requirements or work location requirements, relevant education, training, or experience. Again, when evaluating your program, you should not try to interpret these terms on your own. It's best to speak to an HR expert or attorney. BOLI has also issued rules which provide guidance on interpreting the terms used in the Act.

They can be found here:

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3833>.



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OREGON FIRE SERVICE MUSEUM *UPDATE*



Construction continues on the Oregon Fire Service Museum, Memorial & Learning Center building at Powerland Heritage Park near Salem. Installation of the faux stone and brick façade is underway and the interior framing is nearly complete.

Fundraising for the construction continues. The next major expense is the rough-in of the electrical system. We have raised over 75-percent of our construction fund goal so we are in the home stretch. Additional funds will be needed for exhibits and fixtures. We continue

applying for grants and seeking in-kind donations. Please consider making a donation to the building fund or purchasing an engraved brick. We are also still soliciting donated surplus apparatus and equipment for resale, which continues to be a great funding source for the construction.

Visit our website at oregonfiremuseum.org or follow us on Facebook for more information on our progress and upcoming events.

The museum is in need of temporary indoor storage for one or two pieces of apparatus in the mid-Willamette Valley area. If you have an empty bay available, please contact us at oregonfiremuseum@gmail.com.

