

LEGAL AND PSYCHOLOGICAL TOOLBOX FOR FIRE DEPARTMENTS, FIRE OFFICERS AND EMERGENCY MEDICAL SERVICES

Today's fire service is a complicated mix of people, money, rules and regulations with many laws guiding the management and direction of our service.

Unfortunately all too often fire departments and their personnel find themselves facing lawsuits due to violations of these laws, rules and regulations.

This series of legal and psychology presentations are designed to bring to the department's attention issues that get fire districts and fire district personnel including elected officials into legal jeopardy.

There is a tangible link to the state and federal laws that govern our fire departments. It is incumbent on every fire officer, firefighter and elected official to know and understand how these are interconnected.

All of these programs are designed to have the participant become aware of the legal and psychological issues facing the fire and EMS services and to develop a best practices approach in managing their fire departments and to correctly "problem solve" issues facing their departments.

LEGAL AND PSYCHOLOGICAL TOOLBOX FOR FIRE DEPARTMENTS, FIRE OFFICERS AND EMERGENCY MEDICAL SERVICES

Designed to meet the education needs of our fire services.

Harassment, Sexual Harassment, Hazing

This three (3) hour class provides an overview of current federal and state law related to discrimination, harassment, sexual harassment and inclusion. This class will also review the most current case law related to these issues and discuss a best practices approach to prevent these events from occurring. This class is interactive with the class participants and will deconstruct one recent discrimination case from beginning to end to include the incident, subsequent internal investigation, the laws affecting the litigation and the legal process that brings these issues to resolution. This class will meet most fire department requires for continuing education training for Harassment and Sexual Harassment, Discrimination and inclusion.

Company Officer Legal Responsibilities

This is a four (4) or eight (8) hour session for newly promoting or current fire officers. The presentation is based on current practices in personnel management, legal issues, best practices and a review of case law affecting the fire service. The presentation also discusses issues of workplace harassment, discrimination, bullying and harassment and psychological issues facing the fire and EMS services today. The class will provide working scenarios for the students on how to receive, investigate and manage complaints

related to adverse behavior and how to manage the psychological issues facing our industry.

Topics include:

The most problematic issues in most fire departments

- Hiring, Performance Evaluations, Administrative Investigations and Termination
- Personnel issues
- Driving
- EMS
- Probationary Period - Harassment and Hazing
- Sexual Harassment/Discrimination
- Off Duty Behavior
- Report Writing
- Volunteer Firefighters
- Use of Social Media
- Behavioral Health and Suicide Prevention
- Case Law Studies

Conducting Legal Firefighter Candidate Interviews

This eight (8) hour class provides the needed interview skills to fire departments when conducting new firefighter candidate interviews. It is important to avoid the 30 deadly and impermissible questions that can get your fire department in legal jeopardy. This class is a combination of lecture and role play for the candidates and is limited to 15 individuals per class.

Documentation and report writing – legal aspects

This three (3) hour presentation on documentation is a “must have class” for Medical, Fire and general documentation for every fire officer, firefighter and administrator. The session reviews the best practices for documentation, with case law examples and discusses the most contemporary method of documentation utilizing electronic medical records and other electronic recording devices. This class discusses the current laws related to release of these documents, PHI, HIPAA and other rules and regulations related to documentation and security of those documents. During this session will utilize the EMS form used by your department.

Fire Training Liabilities – Firefighters and Training Officers

This is a four (4) hour class providing an overview of training officer responsibilities, liabilities and outcomes on case law affecting the fire service and fire training officers in general. The presentation evaluates several fire training fatalities using the NIOSH investigations and summaries on practices. The class also evaluates training fatalities during a live burn training following guidelines found in NFPA 1403 and involves the students in the investigation and outcomes. There is extensive Case Law Review

Constitutional Law and the Fire Service

This three (3) hour session reviews and analyzes 1st Amendment Issues – How much speech is free, body art, hair, religious freedoms, the rights of the employer to enforce uniform standards, workplace discrimination and case law related to this topic. Analyze 14th Amendment issues in personal legal jeopardy, EMS transport, and the rights of refusal of treatment by a patient. The class reviews and provides examples of Constitutional protections and Federal and State Laws affecting the fire service. We will also discuss 5th Amendment issues during investigations. This session involves the student in discussion related to these issues and current events. There is a research and reading assignment for the students taking this class.

Legal Hazards for Firefighters and Fire Officers – Patient Abandonment, Pornography, Domestic Violence, DUI, Manslaughter and other Criminal Conduct

Firefighters are infrequently charged with manslaughter and other criminal conduct. This three hour (3) class reviews the legal issues facing the fire service today especially related to driving, EMS malpractice, supervision, training, and field operational issues to include wrongful death, patient abandonment and other legal issues to include on and off duty conduct. This class is interactive designed to bring the student closer to the issues through discussion, problem solving and scenarios.

Risk Management - In Station & Behind Closed Doors

This three hour (3) class discusses issues in the fire station occurring after returning from an alarm. The presentation is designed to make aware firefighters, fire officers, fire chiefs and elected officials of the problems occurring in the fire stations. The presentation will focus on: pranks, hazing, and discrimination, and sexual harassment, use of department electronics to include email, networks, cell phones, and computers and the use of department equipment for personal gain.

Firefighter recruitment, hiring, administrative investigations and employee terminations

This four hour (4) class reviews the hiring process, internal investigations and termination process from a practical and legal perspective. For individual departments, it will also include a review of the current hiring process currently conducted by an individual department in a one on one session with HR, Fire Chief or other identified staff. The class is designed to develop Best Practices for recruitment, hiring, retention and administrative investigations.

Volunteer Firefighter Legal Issues

Volunteer firefighters are employees of your fire department and are subject to all the risks and benefits of being a part of your organization. This three (3) hour session is designed for evening sessions with the volunteer firefighter drill nights and discusses the issues facing volunteer firefighters and officers. This presentation covers, in a shorter session, those topic areas for Company Officers Legal Issues and craft this presentation for volunteer firefighters and fire officers.

- Hiring, Performance Evaluations, Administrative Investigations and Termination
- Personnel issues
- Compensation
- Driving
- EMS
- Documentation and Report Writing
- Probationary Period - Harassment and Hazing and Sexual Harassment and Discrimination
- Off Duty Behavior
- Use of Social Media
- Case Law Studies

FIRE COMMISSIONERS

EXCLUSIVE - Washington State Fire Commissioners Legal Duties and Responsibilities

This four hour class is designed for newly elected commissioners and other department personnel to include chiefs and secretaries.

Topics will include: the relationships of fire protection district commissioners and personnel, delegation of authority, relationships with state and county offices, risk management and insurance, the open public meetings and executive sessions of the board of commissioners, the open Public Records Act, ethics and conflicts of interest issues. The presentation will also cover: compensation to commissioners, paid and volunteer personnel, volunteer firefighter associations, career firefighters and labor unions and issues related to finances: revenue sources, tax levies, budgets, lid lifts, debt limitations and elections. The presentation includes pertinent legal issues facing fire districts today.

LAW AND PSYCHOLOGY – Presented by John K. Murphy JD and Dr. Beth Murphy

Legal and Psychological impact of Workplace Harassment

Discrimination in the fire service is a major distraction and moral buster for the firefighters and fire officers. The legal effects are well publicized but the psychological effects are not so well known or admitted. The aftermath of a legal “victory” for either party leaves lasting and lingering psychological effects on the performance of the firefighters; results in terminations, demotions and resignations

The psychological impact is equally harmful to the internal and external community at large as it may affect the delivery of important emergency services.

What are the fire officers and firefighters responsibilities in the identification and mitigation of these issues? This four (4) hour class is designed to assist staff officers, fire officers, fire chiefs and firefighters in the identification of discrimination behaviors from a psychological and legal point of view, evaluate two recent legal cases and their outcomes to provide a risk analysis from the psychological and legal standpoint for participants.

Firefighter Arsonists – Stopping the problem at the Firehouse door.

This three (3) hour educational program discusses and provides best practices pathway related to the hiring of firefighters both career and volunteer. Many fire departments have a comprehensive program for hiring career firefighters but fall short of those requirements when addressing volunteer firefighters. All too often we see our volunteer firefighters the topic of investigation for arson and other criminal acts. What can you do to prevent these events from occurring in your department? We will discuss a best practices approach for recruiting, testing, hiring and retaining your volunteers to include psychological testing, background checks and probation period. We will also provide some insight as to what to do with those who do not pass this entry level testing process

Behavioral Health and Suicide Prevention

This four hour (4) class will be presented by Dr. Beth Murphy Psy.D, retired firefighter and clinical psychologist. There has been an increase in firefighter suicides over the past several years and this class is designed to teach firefighters, firefighters and others the importance of recognizing the signs and symptoms of firefighters in distress. Is it the calls for service, home life, financial stress and other factors leading up to your firefighters committing suicide? Dr. Murphy discusses the concept of Psychological First Aid, discusses Initiative 13 (Firefighter Life Safety Initiative) addressing tools and resources for firefighters and EMS professionals and their families must have to deal with the various complications that their jobs can bring to their lives, especially issues regarding emotional and psychological stress.

RATE SHEET AND COSTS

Each class is custom designed for the individual fire department. In order to have these sessions customized and depending on the class, we will first interview the Training Officer, Fire Chief, HR Director and other key personnel to determine the current issues facing the department and design the educational program(s) to assist the department in resolving or working through those issues. This usually takes two to three hours per session.

POWER POINT - After discussion with the key personnel in the department, we will create a customized a PowerPoint program lecture with handouts.

HANDOUTS – A PDF master file is created for use as Handouts and printed by the department. These are provided to the department at no charge.

PRESENTATIONS - All presentations are interactive. My teaching philosophy is that firefighter learning improves with the involvement of the firefighter. Some of the class involves storytelling of their experiences along with the instructor. These are interactive and on some presentations role play is involved.

COSTS:

Contracts – We do not require a contract for services. We firmly believe in handshake deals and trust the integrity of the fire department to uphold their part of the agreement. On more complex engagements and if required by the fire department or municipality, we will provide a written scope of work for review by the department and the costs. We will sign a W-9 at the request of a contracting fire department or municipality.

Preliminary discussions held with key personnel for the purposes of developing the curriculum and development of the programs and will be included in the proposal costs.

Educational sessions are a negotiated cost based on the class requested. Sessions are \$1,800 per session (or day) not including travel and associated expenses.

Flight, Lodging and Meals – We charge for flight, lodging, ground transportation and meals. We will provide a preliminary cost for these expenses to be added into the educational session presentation costs and included in the proposal

Creating customized Power Point – Class presentations will be assisted by a Power Point created especially for your Department.

Handouts – no charge for creation. We ask the Department to print copies or make copies available for members or guests attending the session(s).

BILLING – We will send a statement for services to the department after the session is concluded; understanding the timing and payment process of fire departments in processing the billing statement. Bills are due 30 days after submission.

BIO

JOHN K. MURPHY, JD, MS, PA-C, EFO retired as a Deputy Fire Chief after 32 years of career service; is a practicing attorney, whose focus is on employment practices liability, training safety, employment policy and practices, forensic evaluation on fire operations, internal investigations and consulting on risk management for private and public entities. His past fire experience has been as a Navy Corpsman, a paramedic firefighter for more than 20 years and a chief fire officer with responsibilities as the Chief of Training, Chief of Operations and a promoter and facilitator of health-care and safety issues in the fire service. He is a licensed Physicians Assistant practicing since 1977 with a focus in family practice, emergency care and occupational health. He is a frequent speaker on legal and medical issues at local, state and national fire service conferences and a frequent contributing author and podcaster (Fire Service Court) with Fire Engineering.

DR. BETH L. MURPHY, Psy. D, retired as a firefighter after 12 years of service to pursue and complete her Doctorate in Clinical Psychology. She is a practicing clinician with a focus on workplace stress, PTSD, and TBI. Her focus is on police and fire agencies, as well as military personnel. While in the fire service, she was a firefighter/EMT and member of the department's hazardous materials response unit. She was also a member of the Fire Department's Peer Support Team, which provided day-to-day support for fire personnel as well as critical incident stress management (CISM). She is a contributing author and podcaster (Firefighter Behavioral Health) with Fire Engineering.