



Why, How, When to Hire a Full-Time Fire Chief

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So, your Board's thinking of taking that big step: someone's suggested it's time to hire a full-time fire chief. The discussions have begun, and you're asking yourselves questions like: "Should we hire a full-time chief? Why? Why not? If we decide to do it, how should we do it, and when?"

Welcome to the club! More and more Illinois fire districts are asking these questions. No one can provide you with all the answers, but here are some practical suggestions to help with the process as you wrestle with these issues – and the many others that will need to be addressed.

First, realize that there are many good reasons why a fire district should hire a full-time chief. Perhaps your district is in a growing area, and your financial position is secure. Your tax base is steadily improving. Or, perhaps you've received grant money that now makes possible what you've wanted to do for a long time. If these are your circumstances, congratulations! A full-time fire chief is well worth considering.

Or, perhaps as more frequently happens, you're doing "okay" right now, but always and always there's more that needs to be done. Too many jobs that impact public safety aren't getting done. Looking down the road, you see that if you don't put a full-time chief in place now, problems will grow. You want to solve the little problems before they become big ones. Again, a full-time fire chief may be something you should do.

But perhaps you're in different circumstances. Maybe, for as long as you can remember, you've tried one thing after another to solve your district's problems, without success. There are problems everywhere. You're desperate. You're out of options. You're convinced that hiring a full-time chief could be just the answer.

If you're in one of the first two situations described above, a full-time fire chief may be a

good path for the Board to follow. However, if you're looking at this decision as the answer to all of your problems, and the magic elixir that will cure all your ills, you may want to reconsider. In appropriate circumstances, hiring a full time fire chief makes sense; in the wrong circumstances, or done without adequate preparation, hiring that full time chief may only create problems. So, choose carefully before you walk down this path.

But, if you have good reasons for making the hiring decision, an early question you need to decide is when the hiring should happen. The timetable for each district will vary, because each district's circumstances are unique. However, for all districts, there is one guiding principle which should be carefully followed: hiring the full-time chief should only occur at the end of a careful process, a process well planned and well executed. It's a big job, and without appropriate planning, opportunity can become disaster.

Because it is a big job, the following steps are suggested as guidelines for how the process should proceed. The following tasks are not listed entirely in chronological order. Depending on your district's history, size, needs, and resources, some tasks can be accomplished simultaneously. Like many other things about the fire service, there is no "one size fits all" approach. However, consider the following suggestions as you make your decision.

1. One of the most important steps in the process will be to involve your fire district's attorney early in the process. You are creating an important legal relationship that will have significant legal consequences for your district, both immediately and long-term. Get the legal advice that you need to make the process work smoothly.
2. Put someone in charge of the process and make that person accountable for getting the

job done. This person won't be able to accomplish everything alone, and will need help from some form of committee. However, like almost everything else, there needs to be someone in charge.

3. Identify and openly discuss the reasons why the fire district might hire a full-time fire chief. Study the issue (not "to death", but thoroughly). Some districts may discuss the hiring issue as a part of a comprehensive fire study that might include other topics, such as whether and where to build a station, what equipment to purchase, etc.

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4. Identify, as best you can, the likely problems (and possible solutions) that will occur if you hire a full-time chief. You may not identify all of the potential problems, but the more you can identify and address in advance, the more likely it is the process will proceed smoothly.
5. At an appropriate time, involve the "public" in the process. Realize that the district will have various "publics" that need to be involved, including current firefighters, concerned citizens, other fire departments, and the general public. Both timing and the groups involved can be crucial. Hiring a full-time fire chief will result in significant changes in the department, and those who have an interest in how the department is run need to be involved. If the various "publics" are not provided accurate information, they will learn

of your plans independently, and react on the basis of rumor. For example, taxpayers may fear that property taxes will increase dramatically, and volunteer firefighters may fear for their positions, believing that a full-time fire chief is only the first step toward a fully paid department that won't include them. If you appropriately inform people, seek their input, and bring them on board, you'll have less to do in selling the idea later.

6. Identify the changes that the district will need to make as a result of having a full-time chief. What happens to the "old" fire chief? Does she just "fade into the sunset"? It's an irrefutable law of nature that all changes have consequences. To the extent that the changes can be identified and predicted, they can be managed, and problems avoided.
7. Determine the "hard" and "soft" costs for hiring a full-time chief. Sure, there will be significant and direct costs for things like salary and benefits. Calculate them. But there will be other costs as well. Will the chief belong to the International Association of Fire Chiefs and the Illinois Fire Chiefs Association? Who will pay the dues? What about trips to their conferences? Will the fire chief provide his own uniform, or will this be a district expense? If the fire chief uses her personal vehicle for district business, will she be reimbursed for gas and mileage? Keep in mind that, unfortunately, most of these costs will only increase over time.
8. Once the above questions have been addressed and the above steps have been taken, the Board will need to decide where the new chief will come from. Is it just presumed that the current volunteer fire chief (already or soon to be retired from his current job) will step into the position? Will the Board conduct some form of "search" for the full-time fire chief? Will this search be national, regional, or more local in scope? In any event, the board will need to take appropriate steps to let appropriate, qualified candidates know that the position is available.

The above list of topics can probably best be described as "suggestions" for the hiring process, rather than hard and fast rules. However, there are steps in the process that are legally required. While the list is not exhaustive, the following steps appear to be legally mandated as a Board hires a full-time chief.

1. Build all the costs connected with hiring a full-time chief into the budget/appropriation ordinance. Remember, if an expense is not

in the budget/appropriation ordinance, the Board can't legally spend the money. This fact is one of the reasons why the hiring process takes time. The amount of time may be shorter or longer, depending on where a district is in the budget cycle when the decision to hire a full time chief is made.

A corollary to the need to build the hiring costs into the budget is to determine where the increased costs will come from. Will the Board look to new revenue, or to decreased expenses, or to some combination of both? If the Board is not looking to new revenue to fund the expense of a full time chief, what expenses will get cut from the current budget, and how will the consequences of that cut be addressed?

2. Prepare a written job description / statement of responsibilities. Perhaps it is possible for a Board to legally hire a full time fire chief without giving the chief a written job description. However, given the complexity and the comprehensive nature of the duties of the fire chief, it is critical that both the employer (Board of Trustees) and the employee (fire chief) have a clear understanding of what is expected of the chief.

Perhaps almost as important as the end result of the written job description for the fire chief is the process of analysis and discussion that the Board of Trustees will go through in creating that job description. In addressing this task, the Board does not need to "start from scratch", and can examine job descriptions for chiefs of similar departments. However, the Board should be actively involved in the process so that the Board knows and understands what the Board wants from the person it hires.

3. Creating a job description will necessarily require the fire district to determine the qualifications that will be required for the position. While the Board will have a great deal of leeway in deciding what qualifications the job requires, it is suggested that the minimum qualifications for fire chief should include those minimums required to be a full-time firefighter: for example, that the candidate be a high school graduate or GED equivalent (65 ILCS 5/10-2.1-6[h]), and that the person be of good character who has not been convicted of a felony, of a crime involving "moral turpitude", or convicted of certain misdemeanors (70 ILCS 705/16.06[b]).
4. It should go without saying that the Board of Trustees will also need to comply with all legal

requirements for the hire. There are various federal and state statutes which will impact the Board's action in hiring a fire chief. While the following list is not exhaustive, it does include some of the statutes which (sometimes depending on the size of the department) will need to be addressed by the Board:

- A. The Board should select a candidate only on the basis of appropriate criteria. Title VII of the Civil Rights Act of 1964 and the Equal Opportunity Act of 1972 (42 USC Sec 2000e) prohibit discrimination in hiring on the basis of such things as race, color, religion, sex, national origin, ancestry, age, marital status, handicap or unfavorable military discharge. The Illinois Human Rights Act (775 ILCS 5/101) addresses similar issues.

The "Americans With Disabilities Act" ("ADA" [42 USC Sec 12101]) prohibits discrimination in employment on the basis of disability. In the past, some fire departments have thought themselves immune from enforcement actions by the United States Department of Justice for ADA violations. History has shown that many non-complying departments have paid for their decisions.

- B. The Board will need to comply with all applicable employment laws. Federal and state tax laws will need to be followed. Properly constructed, the fire chief position should be exempt under the "Fair Labor Standards Act".

The Board will need to be familiar with and know when the "Fire Commission" statute (70 ILCS 705/16.01 through 16.17) applies. The goal of this act is to insure that the selection of public employees is based on the applicant's qualifications: "what you know", not "who you know". Obviously, this goal should be the goal of a fire district in all hiring decisions. Additionally, the Board will need to address pension issues under Article 4 of the Illinois Pension Code (40 ILCS 5/4-101 and following; 40 ILCS 5/4-103 in particular).

- C. The fire chief will need to comply with applicable ethical standards. For example, the fire chief will be limited in when he can provide property or services to the

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district (70 ILCS 705/4) and will be subject to any ordinance passed by the district pursuant to the "State Officials and Employees Ethics Act" (5 ILCS 430).

5. Once these steps have been accomplished, and a list of possible candidates has been compiled, the Board now faces the task of evaluating the candidates for the job. This evaluation must be based on legally acceptable criteria: what knowledge, skills, education, experience and abilities are needed for the position of fire chief? What are the essential functions / "bona fide job qualifications" for the position, based on the job description the Board developed as described above?

The board will want to "... fairly test the person examined as to their relative capacity to discharge the duties of the position...". (70 ILCS 705/16.06) as it would do if it were hiring a full-time firefighter. Depending on the sophistication of the district and its resources, the Board may want to employ a formal "assessment center" to help evaluate the candidates.

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This evaluation process should include, at a minimum, working from a written application that the candidate has submitted. A written application (which should be used for all applicants for a position on the fire department, including volunteers) must ask questions that only seek information relative to job performance.

Additionally, the board will want to check references supplied by the candidate, and perform an appropriate background check.

All of this may seem like a daunting task, and your district may feel like it needs help from outside the district to complete the process. There are various organizations that a district can hire to help with these tasks. Private companies with experience in these issues can be hired, and the Illinois Fire Chiefs Association has a "Chief Officer Hiring Service" that, for a fee, will assist districts with the hiring process in various ways.

Depending on the job requirements and duties that the Board has established, at a time in the process that complies with the "Americans with Disabilities Act", the Board may also need to consider the potential fire chief's physical fitness and health (NFPA 1582).

6. Once all of these steps have been taken, and a successful candidate chosen, the Board should be ready to hire the successful candidate. This is one of the Board of Trustees' most important responsibilities: The Board of Trustees appoints the fire chief, who serves at the pleasure of the Board, and gives such bond as the Board may require (70 ILCS 705/6; see also 70 ILCS 16.04(a)). The Board of Trustees sets the compensation for the chief, and prescribes the duties of the fire chief (70 ILCS 705/6). The statute allows for a "multi-year contract" not exceeding three years. In any contract that is prepared, the Board will want to be careful to not provide rights to the fire chief that do not otherwise exist.

Once that full-time fire chief has been successfully hired, it will be important for both the employer Board of Trustees and the employee fire chief to work to maintain a good working relationship. This does not always come automatically. This can be especially true if there have been disagreements among Board members as a part of the hiring process. Some of the potential friction can be reduced by all parties remembering their respective roles. The employer is the entire Board of Trustees, not any individual trustee. The Board sets policies; the fire chief implements the policies. The fire chief administers the department; the Board evaluates the fire chief's performance and administration. Hopefully, if the hiring process has followed the steps outlined above, the Board and the fire department will make a smooth transition into a new form of department management that will improve department performance, lift morale, and serve the well-being of the citizens of the fire district. ■