

**ILLINOIS ASSOCIATION OF
FIRE PROTECTION DISTRICTS
2020 CONTINUING EDUCATION TRAINING**

**HANDLING THINGS IN TODAY'S
EMERGENCY SERVICES ENVIRONMENT**

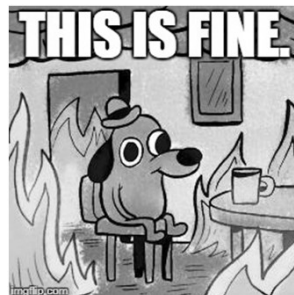
-AND- NEW LEGISLATION

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**HANDLING THINGS IN
TODAY'S EMERGENCY
SERVICES ENVIRONMENT**



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HANDLING IMPORTANT TRUSTEE RESPONSIBILITIES

- ▶ Review board materials prior to meeting.
- ▶ Be fair and open-minded.
- ▶ Make decisions based upon facts.
- ▶ Watch the dollars.
- ▶ Be a good employer.
- ▶ Avoid Conflicts of Interest
- ▶ Don't foul up the budget and levy.



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HANDLING REQUIRED PUBLIC NOTIFICATIONS

- ▶ Annual meeting schedule set + posted for year – provide copy to requesting news agencies
- ▶ Agendas prepared + timely posted
- ▶ Action Items listed on Agenda
- ▶ Limit Action to Items on Agenda
- ▶ Use care with Public Hearings.



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HANDLING MINIMUM WAGE INCREASES- 2020 and 2021

- ▶ Raised to \$9.25/hr on 1-1-2020
- ▶ Raises to \$10.00/hr on 7-1-2020
- ▶ Raises to \$11.00/hr on 1-1-2021
- ▶ City of Chicago and Cook County are higher.
- ▶ Does not apply to Volunteer or POC rates of pay.

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HANDLING CONFLICTS OF INTEREST

- ▶ **General Rule: Do not do any business with the fire district. 70 ILCS 705/4**
- ▶ “No trustee or employee ... shall be directly or indirectly interested financially in any contract. . .or sale of any article. . . or in the purchase of any real estate.
- ▶ Class 4 felony + vacation of office
- ▶ BUT if you must do business with the district, it **MUST** fall within one of two statutory exceptions.



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HANDLING CONFLICTS OF INTEREST

- ▶ The **Section 4(b)** exception requires compliance with six separate steps for **trustees** to provide materials, merchandise, property, services or labor, if:
- ▶ (a) The contract is with a person, firm, partnership, ... in which such interested trustee has less than a 7 1/2% share in the ownership; and
- ▶ (b) Such interested trustee publicly discloses the nature and extent of his interest prior to or during deliberations concerning the proposed award of the contract; and

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HANDLING CONFLICTS OF INTEREST

- ▶ (c) the award of the contract would not cause the aggregate amount of all such contracts so awarded to the same person, firm ... in the same fiscal year to exceed \$2000; and
- ▶ (d) such interested member publicly discloses the nature and extent of his interest prior to or during deliberations concerning the proposed award of the contract; and
- ▶ (e) such interested member abstains from voting on the award of the contract, though he shall be considered present for the purposes of establishing a quorum.

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HANDLING CONFLICTS OF INTEREST

- ▶ The **Section 4(c)** exception requires compliance with five separate steps for **trustees or employees** to provide materials, merchandise, property, services or labor, if:
- ▶ (a) the award of the contract is approved by a majority vote of the board of trustees of the fire protection district provided that any such interested member shall abstain from voting; and
- ▶ (b) the amount of the contract does not exceed \$ 1000; and

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HANDLING CONFLICTS OF INTEREST

- ▶ (c) ... abstains from voting on the contract; and
- ▶ (d) contract is approved by a majority vote; and
- ▶ (e) the contract is awarded after sealed bids to the lowest responsible bidder if the amount of the contract exceeds \$1500, or without bidding if the amount is less than \$ 1500; and
- ▶ (f) the award of the contract would not cause the aggregate amount of all such contracts so awarded to the same person, firm, partnership, corporation ... in the same fiscal year to exceed \$ 25,000.

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HANDLING COMMON FIRE DEPARTMENT POLICIES

- ▶ **POLICY** is the method in which boards regulate what happens in the fire department between monthly board meetings.
- ▶ Policies are a living breathing document that require ongoing monitoring.
- ▶ Laws, regulations and court decisions continue to change existing laws which require policy updates.
- ▶ Checklist of many ordinances and policies is in your packet.

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HANDLING COMMON FIRE DEPARTMENT POLICIES

- ▶ **Local Records Act Policy (1 of 2)**
 - ▶ The District should adopt a Records Retention Policy in concert with the Illinois Local Records Act (50 ILCS 205)
 - ▶ Identify a Keeper of the Records
 - ▶ Compile an Inventory of all records kept by District by classification and dates & Update annually
 - ▶ Disposal of Local Records must be coordinated with Illinois Archivist office of Illinois Secretary of State



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HANDLING COMMON FIRE DEPARTMENT POLICIES

▶ Local Records Act Policy (2 of 2)

- ▶ Adhere to destruction schedules and process as set by Local Records Commission
- ▶ Address that email and text messages may be local records– Two Tests
- ▶ **TEST 1:** Does the item have a connection with the transaction of public business?
- ▶ **TEST 2:** Has the item been received by or produced for the Board?



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HANDLING COMMON FIRE DEPARTMENT POLICIES

▶ Employment Application (1 of 3)

- ▶ Solicit a written employment application—either paper or online
- ▶ OK to ask about name, address, phone, email, education and work history.
- ▶ Asking about DOB is ok for FPDs (but not others) because of minimum and maximum hiring age requirements.
- ▶ Let them know they are subject to background investigations up front.

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HANDLING COMMON FIRE DEPARTMENT POLICIES

- ▶ **Employment Application (2 of 3)**
 - ▶ **OK** to ask about former employees and to contact previous employers
 - ▶ **NOT OK** to ask about salary history
 - ▶ **OK** to ask about criminal and/or traffic convictions
 - ▶ **NOT OK** to ask about arrest records
 - ▶ **OK** to ask about citizenship status
 - ▶ **NOT OK** to ask about national origin

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HANDLING COMMON FIRE DEPARTMENT POLICIES

- ▶ **Employment Application (3 of 3)**
 - ▶ **NOT OK** to ask applicants questions about the following topics:
 - ▶ Religion
 - ▶ Race or Ethnic Origin
 - ▶ Sexual Orientation
 - ▶ Marital Status
 - ▶ Physical or Mental conditions
 - ▶ BUT.. reasonable accommodation inquiry is OK



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HANDLING COMMON FIRE DEPARTMENT POLICIES

► Sexual Harassment Policy (1 of 4)

- Policy is required by Illinois law. **Annual training is now also required by Illinois law.**
- Include Definition Section. Three types of sexual harassment.
 - Quid Pro Quo
 - Hostile Work Environment
 - Retaliation



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HANDLING COMMON FIRE DEPARTMENT POLICIES

► Sexual Harassment Policy (2 of 4)

- Policy must include statement prohibiting any form of sexual harassment. Employees may not engage in verbal or physical conduct:
 - (1) That has the purpose or effect of creating an intimidating, hostile, or offensive work environment,
 - (2) That unreasonably interfere with work performance, or
 - (3) That otherwise adversely affects an individual's employment opportunities.

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HANDLING COMMON FIRE DEPARTMENT POLICIES

- ▶ **Sexual Harassment Policy (3 of 4)**
 - ▶ Harassment may be same gender or different genders.
 - ▶ Policy must prohibit retaliation against persons reporting harassment and those who assist the reporting party.
 - ▶ NEW: Policy must have means to report against position head or board member.
 - ▶ Policy must contain a reporting procedure

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HANDLING COMMON FIRE DEPARTMENT POLICIES

- ▶ **Sexual Harassment Policy (4 of 4)**
 - ▶ Policy should state that confidentiality should be safeguarded but cannot be guaranteed
 - ▶ Policy should warn against filing false or frivolous complaints.
 - ▶ Policy must provide contact information for Ill. Dept. of Human Rights and federal EEOC agencies.
 - ▶ Policy must be widely disseminated to all employees. Sign off sheet or log.

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HANDLING COMMON FIRE DEPARTMENT POLICIES

► Social Media Policy (1 of 2)

- Limit personal use of District owned websites and platforms
- Assign an employee to regulate what gets posted on official District social media outlets
- Be sure that content does not foster or perpetuate discrimination in any form
- Obey all laws: HIPAA, copyright law, etc. as well as the Constitution.



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HANDLING COMMON FIRE DEPARTMENT POLICIES

► Social Media Policy (2 of 2)

- Ban use of personal photography or videography on fire and EMS calls except with permission
- Policy should apply to employees and elected/appointed trustees
- Keep politics off of social media
- Establish that use of social media may result in discipline
- Incorporate training into policy provisions

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HANDLING COMMON FIRE DEPARTMENT POLICIES

▶ Grievance Procedure Policy

- ▶ Simple to understand
- ▶ Easy to administer
- ▶ Avenues for appeal
- ▶ Establish reasonable timeframes
- ▶ Transparent – No Gotchas
- ▶ Widely disseminated to all
- ▶ Avenue to complain about direct supervisor to someone other than the supervisor



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HANDLING COMMON FIRE DEPARTMENT POLICIES

▶ Drug and Alcohol Policy

- ▶ What kind of testing?
 - ▶ Pre-Hire
 - ▶ Post-Accident
 - ▶ Reasonable Suspicion
 - ▶ Random
- ▶ What levels of impairment?
- ▶ Voluntary admissions
- ▶ More to follow in Cannabis Presentation



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HANDLING ILLINOIS OSHA REQUIREMENTS

- ▶ Released Top 5 Safety Violations for Illinois Fire Departments.
 - ▶ Respiratory Protection
 - ▶ Fire Brigade
 - ▶ Hazard Communications
 - ▶ Bloodborne Pathogens
 - ▶ Walking Working Surfaces
- ▶ Inspections scheduled or surprise?



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HANDLING FIREFIGHTER HEALTH & SAFETY

- ▶ **Firefighters and Cancer - Background**
 - ▶ International Studies conducted by expert scientists have found a creditable link between firefighting and increased risks of cancer.
 - ▶ Disruption of circadian rhythms of sleep is likely carcinogenic to humans.
 - ▶ Occupational exposures are carcinogenic to humans.



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HANDLING FIREFIGHTER HEALTH & SAFETY

▶ Firefighters and Cancer - Background

- ▶ Exposures increase risk of occupational disease disability pension, PSEBA benefits and workers' compensation benefits.
- ▶ Rebuttable presumptions exists in Illinois Pension Code for cancers caused by exposure to heat, radiation or a known carcinogen as defined by IARC.
- ▶ IARC- Intl Agency Research on Cancer

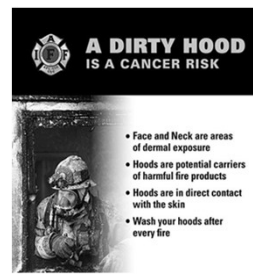


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HANDLING FIREFIGHTER HEALTH & SAFETY

▶ Firefighters and Cancer - Background

- ▶ In general, IARC studies have indicated that there is a potentially higher risk among firefighters of contracting these three types of cancers:
 - ▶ TESTICULAR
 - ▶ PROSTATE
 - ▶ NON-HODGKINS' LYMPHOMA



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HANDLING FIREFIGHTER HEALTH & SAFETY

► Firefighters and Cancer – Background

- Repeated exposures to diesel exhaust is sufficient evidence to increased risk of lung and bladder cancer.
- Exposures to asbestos is evidence to increased risk of lung, gastrointestinal, and larynx cancer as well as mesothelioma.



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Resources on FIREFIGHTER HEALTH & SAFETY

► Firefighters and Cancer - Resources

- Firefighter Cancer Support Network
 - FirefighterCancerSupport.org
- Chicago Tribune five-part series
 - Nov 25-29, 2018
- NFPA Standards, including
 - NFPA 1500 Occupational health
 - NFPA 1851 Care of protective ensembles for structural firefighting



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HANDLING FIREFIGHTER HEALTH & SAFETY

► Proactive Steps to Take

- Bag up smoky and soiled gear
- Mandate SCBA on overhaul
- Second set of gear
- Keep soiled gear out of living spaces and personal vehicles
- Vehicle exhaust capture at stations
- Periodic paid physicals



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LOTS AND LOTS OF NEW LEGISLATION THIS YEAR



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LEGISLATIVE UPDATE

▶ Two Bidding Bills Passed #1

- ▶ Section 11(k) of the FPD Act was amended to allow purchases above \$20,000 without bidding via a qualified joint purchasing program.
- ▶ The joint purchasing program may be governmental or nongovernmental.
- ▶ The joint purchasing program must require a competitive solicitation and procurement process.
- ▶ Opens doors significantly as these programs are prevalent.

P.A. 101-0139 (Eff. 7/29/19)



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LEGISLATIVE UPDATE

▶ Two Bidding Bills Passed #2

- ▶ IAFFPD Initiative amends Section 11(k) to allow bidding notices to be placed in a non-daily newspaper. Weekly paper can now be used.
- ▶ Mandates posting on website if web is maintained by the fulltime staff of FPD.
- ▶ Eliminates the need for publication of promotional testing in career departments.

P.A. 101-0041 (Eff. 7/12/19)

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LEGISLATIVE UPDATE

► Prevailing Wage Publication Relief

- FPDs and other units of local government no longer have to make an annual determination of prevailing wage rates.
- FPDs no longer have to adopt a resolution
- FPDs no longer have to publish a notice of determination or file it with the State
- FPDs must still comply with ALL other aspects of the Prevailing Wage Act with regards to work performed by contractors on your public works.

PA 100-1177 (Eff. 6/1/19)

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LEGISLATIVE UPDATE

► Secondary Employment Reporting

- Most secondary employer FPDs of a firefighter employed by a primary employer must provide two types of reporting to the pension fund of the primary employer.
- Must provide injury and exposure reports to primary employer within 96 hours from the time of occurrence.
- Must provide annual hours worked and wages paid to secondary FFs within 30 days from the end of the fiscal year.

P.A. 101-0572 (Eff. 8/23/19)

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LEGISLATIVE UPDATE

▶ New Reporting Requirements

- ▶ Kennel operators must inform emergency responders when required fire alarm monitoring equipment is activated. This equipment is subject to inspection by fire departments.

PA 101-0210 (Eff. 1/1/20)

- ▶ EMS licensees must submit an email address to IDPH and the email address shall be used for future renewals of paramedic licenses.

PA 101-0153 (Eff. 1/1/20)



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LEGISLATIVE UPDATE

▶ Freedom of Information Act

- ▶ New exemption from FOIA is granted to public bodies.
- ▶ Public bodies are not required to divulge credit card numbers, debit card numbers, FEIN numbers, security codes, passwords, or similar data.
- ▶ Disclosure could result in ID theft or defrauding of a person or public entity.

PA 101-0434 (Eff. 1/1/20)

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LEGISLATIVE UPDATE

▶ **Governmental Auditing Standards**

- ▶ Governmental Account Audit Act is amended to add definitions as to what constitute “generally accepted accounting standards” and “generally accepted auditing standards.”
- ▶ Restored audit report requirements for all fiscal years prior to 2019.
- ▶ Allows for audits to be done by qualified auditors who are not necessarily CPAs; can be a substantial equivalent.

P.A. 101-0419 (Eff. 1/1/20)

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LEGISLATIVE UPDATE

▶ **OSFM Fire Investigations**

- ▶ Fire Investigation Act is amended to allow local jurisdictions and the OSFM to have concurrent jurisdiction in the enforcement of life safety violations and arson.
- ▶ Refers to administrative hearing rules adopted by OSFM for fire hazards.
- ▶ Provides for expedited notification via email as well as by mailing.

P.A. 101-0082 (Eff. 1/1/20)



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LEGISLATIVE UPDATE

► **Sweeping Labor Initiative (Page 1)**

- IL Public Labor Relations Act is amended to mandate public employers to provide employee data lists to exclusive bargaining reps; prohibits release of same data to other parties.
- Includes release of phone numbers, work and personal email addresses.
- Employers must provide exclusive labor reps with reasonable access to employees during the work day to discuss grievances or hold worksite meetings during lunch and other breaks.

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LEGISLATIVE UPDATE

► **Sweeping Labor Initiative (Page 2)**

- Act also gives Union reps rights to use employee mailboxes and bulletin boards.
- Regulates employer mandatory dues deductions for labor dues.
- Failure to abide by these provisions is a violation of the duty to bargain and an unfair labor practice. Relief may be payment of wrongfully withheld dues.

P.A. 101-0620 (Eff. 12/20/19)

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LEGISLATIVE UPDATE

► **Apprentice Preference Points**

- ▶ Allows a FPD to negotiate with its full-time union to establish an apprentice program for full-time hire.
- ▶ Person who meets requirements of apprentice program is eligible for 20 preference points on hiring test. May get the 20 points even after the eligibility list is posted.
- ▶ Requires bargaining with FF Union.
- ▶ Optional not mandatory.

P.A. 101-0489 (Eff. 8/23/19)



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LEGISLATIVE UPDATE

► **Workplace Transparency Act**

- ▶ Broad act for Illinois employers/employees.
- ▶ Limits the use of non-disclosure agreements for sexual harassment.
- ▶ Can no longer unilaterally require arbitration of human rights / EEOC claims.
- ▶ A sexual harassment victim who is a Union member may not be represented by the same Union official who represents the alleged perpetrator.
- ▶ Annual sexual harassment training is mandatory for employees. Penalties apply.

P.A. 101-0221 (Eff. Dates vary)

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LEGISLATIVE UPDATE

▶ No Salary History screening

- ▶ Equal Pay Act of 2003 amended to increase protections for employees.
 - ▶ Employers cannot screen or ask potential employees about their wage or salary history. Cannot solicit information from previous employers.
 - ▶ Still OK to discuss salary expectations with potential employees.
 - ▶ Financial penalties for violators.
 - ▶ Look at job applications carefully!
- P.A. 101-0177 (Eff. 9/29/19)

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LEGISLATIVE UPDATE

▶ Equitable Restrooms Act

- ▶ **Two new requirements** set for public buildings with restrooms open and accessible to the public.
- ▶ Must have at least one "safe, sanitary, convenient, and publicly accessible baby diaper changing station that is accessible to both genders.

P.A. 101-0602 (Eff. 1/1/20)

- ▶ Must designate any single-occupancy restroom as "all gender" and outfit the restroom with exterior signage to allow for all genders.

P.A. 101-0165 (Eff. 1/1/20)



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LEGISLATIVE UPDATE

► Emergency Lighting

- Deputy Chiefs and Assistant Chiefs may operate personal vehicles with emergency lights on the same basis as Fire Chiefs.
- All Chiefs must comply with the OSFM training course and carry a written designation from the FPD that use of such emergency lights is permitted.
625 ILCS 5/12-215

P.A. 101-0056 (Eff. 1/1/20)

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LEGISLATIVE UPDATE

► Emergency Scene Safety

- Scott's Law is enhanced to enhance fines and criminal penalties against violators who injure first responders on highways or who damage property.
- Drivers must proceed with due caution, reduce speed, and leave a safe distance until safely past the emergency vehicle.

P.A. 101-0173 (Eff. 1/1/20)



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LEGISLATIVE UPDATE

► **First Responder Suicide Prevention**

- Creates new Act aimed at advancing Peer Support counseling programs within fire departments.
- Creates a cause of action for employees against confidentiality breaches
- Creates a cause of action against employers for adverse employment actions
- Allows for training requirements to help identify stress, trauma and PTSD.

PA 101-0375 (Eff. 8/16/19)

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LEGISLATIVE UPDATE

► **Death Benefit Enhancement**

- Line of Duty Compensation Act burial benefit is increased for the first time since 1999. (820 ILCS 315)
- Burial benefit is increased from a maximum of \$10K to \$20K and is payable to the surviving spouse or estate of a law enforcement officer or firefighter who is killed in the line of duty after June 30, 2018.

P.A. 101-0173 (Eff. 1/1/20)

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LEGISLATIVE UPDATE

► Pension Consolidation (Slide 1)

- Complete assumption of all police and firefighter fund assets into two new legislatively created entities.
- For fire, the Firefighters' Pension Investment Fund (FFPIF) is created with a nine-member board.
- All pension assets from downstate funds will be transferred no later than 30 months from effective date.
- FFPIF is vested with full control over investments upon receipt.

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LEGISLATIVE UPDATE

► Pension Consolidation (Slide 2)

- Individual pension funds still exist to handle entries into fund, retirements, and disability pension matters.
- Tier 2 benefits are enhanced.
 - Change to Final Average Salary
 - Change to certain survivor benefits
 - Change to inflationary index for Tier 2 employees



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LEGISLATIVE UPDATE

► Pension Consolidation (Slide 3)

- FFPIF will take over actuarial responsibilities from pension fund. We expect that there will be a mandatory contribution requirement for municipalities and FPDs.
- Pension funds may retain a local account to pay benefits and vendors.
- Training requirements cut from 32/16 to 16/8 per year.
- Compliance fee of \$8,000 payable to FFPIF per year.

P.A. 101-0610 (Eff. 1/1/20)

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LEGISLATIVE UPDATE

► WHAT ABOUT WEED?

► Two Cannabis Bills Passed

- Cannabis Regulation and Tax Act.
- This new law will be fully covered later in the program along with policies.

P.A. 101-0027 (Eff. 6/25/19).

► Trailer Bill

- Addresses additional issues related to cannabis with public safety officers.

P.A. 101-0593 (Eff. 12/4/19).



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COVID – 19 UPDATE

- ▶ Governor Pritzker's 3/16/2020 Order
 - ▶ Relaxes Open Meetings Act
 - ▶ Allows for meetings via audio or videoconference
 - ▶ Should allow for participation by public
 - ▶ FOIA response delays inevitable

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COVID – 19 UPDATE

- ▶ Shelter in Place Order
 - ▶ Emergency personnel are exempt
- ▶ Family First legislation
 - ▶ Parts apply to local govt. employers
 - ▶ Expands FMLA to cover the virus
 - ▶ Emergency Paid Sick Leave Act
 - ▶ 80 hours, up to \$511/day for self
 - ▶ Reimbursed by Federal govt.
 - ▶ Not available for governments

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QUESTION AND ANSWER TIME
Any related subject

▶ Do you have Questions?

THANK YOU AND BE SAFE!

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**Free Legal
Advice**