

**Administrative Operations Committee  
Minutes**

**March 10, 2016**

The March meeting of the Administrative Operations Committee was held on Thursday, March 10, 2016 in the DTCL Large Conference Room at 801 Sycolin Road. Chairman Quin presided and called the meeting to order at 1930 hours. The following were in attendance:

Co. 1	Mark Arend
Co. 2	Brad Quin
Co. 4	John Moring
Co. 5	John Malone
Co. 6	<b>Absent</b>
Co. 7	Bernie Boteler
Co. 8	Eric Shank
Co. 9	Jay J Brown
Co. 10	Bob Akers
Co. 11	Andy Gode
Co. 12	<b>Karen Deli EXCUSED</b>
Co. 13	Jim Cromer
Co. 14	Aaron Kahn
Co. 15	Jen Ferguson
Co. 17	Jamil Scott
LCFR:	AC Matt Tobia, Christine Langley-Obaugh

**Minutes**

**Motion:**        **A motion was made by Aaron Kahn to approve the February 11, 2016 minutes. The motion was seconded by Jamil Scott, Company 17.**

**Vote:**           **Approved with a vote of 13-0-1-2 with Jen Ferguson abstaining.**

Update of Key Issues:

Executive Committee Update:

Chief Tobia relayed that he relies on the Presidents to distribute the Action Reports from the Executive Committee. Should anyone have any questions, please direct them to Chief Tobia.

Chief Tobia stated that the DRAFT SWP on Volunteer Physicals will go before the EC on April 26<sup>th</sup>.

Subcommittee Reports:

Background Process Subcommittee Survey Monkey:

Jamil Scott provided several handouts regarding the background survey and discussed the process. Jamil stated it is important to determine how long the process is taking and in addition, we need to ask ourselves if the process is adequate.

At this time, according to Chief Tobia, there are nine companies that are using the County's background process. It should be noted, in doing so, it does not cost the volunteer companies any money. Chief Tobia also advised that all Companies will have access to the electronic fingerprinting process once it has been established. The new electronic process will allow local jurisdictions to send fingerprints directly to the FBI. It should be noted that applications will need to be made for ORI and VCIN numbers and equipment will need to be purchased through the State Police. Chief Tobia announced that it could be six months to one year before we can begin the electronic process, however, the new protocol should expedite the results.

President Quin stated that the FRG requires a letter from the Company affirmatively indicating that the background has been completed in accordance with the FRG. Further, Chairman Quin stated that the County does not inject judgement. It should be noted that the fingerprint process only reveals Felonies or Class 1 Misdemeanor convictions. Should charges be pending, one will not be aware thus a comprehensive background is vital. In other words, no one should rely on the fingerprint process alone.

All feedback regarding the background process should be returned to Jamil Scott. It is also imperative to determine who has access to the information and how the information will be secured. Jamil can be reached via cell at (703) 283-7942.

Chief Tobia informed the AOC that driving checks can be conducted and that Karen McQuaid can arrange for potential members to go to the DMV along with a completed form.

It was agreed upon that the background survey could go live within the next two weeks.

Budget Sub-committee:

Dave Short advised that there are several issues in which the sub-committee will be focused on to include:

- 1) The ability to better capture facility costs
- 2) The determination of funding levels
- 3) The examination of rolling averages for expenses
- 4) The possibility of new values

Dave Short stated that the overall goal will be to keep the system current and maintain the principles in which the sub-committee is built on. He submitted that it is important to increase transparency while decreasing any doubt. In doing so, the development of an increased level of trust between the Volunteers and the County can occur. Dave advised that the committee has not met yet. It should be noted handouts for the new Presidents were provided relative to the background and history of the Funding Algorithm.

Chairman Quin alerted the AOC that the first request for data will occur in early June. Dave

Short added that an estimate for the complete year will be requested, however, a follow-up for the real numbers will also take place. All may wish to have Companies confirm regarding apparatus data as certain items may not be included.

Chief Tobia proposed a date of March 26<sup>th</sup> for the Budget Sub-Committee to convene.

### Discussion Topics

#### **NFPA 1582 Physicals**

Chief Tobia asserted that the DRAFT SWP on Volunteer Physicals does not reflect any changes to how business is conducted today with the exception of one area, the Volunteer Battalion Chief's Program. Chief Tobia stated that on an annual basis, all system members, career and volunteer, are required to be fit tested for those individuals that intend to enter an IDLH environment. A component of the fit testing for career personnel actually requires the medical evaluation. But, because a medical evaluation of our volunteer personnel is not required, volunteer personnel are required to sign a waiver. The system offers a physical at no charge to any system member that would like one. It should be noted that fifty members requested a physical this year, however, no formal process had been documented thus the need for the SWP for candidates and incumbents. Chief Tobia stated that incumbents will be evaluated by the incumbent standard for their position. The big difference in the Chapters according to Chief Tobia is the frequency in which one would be required to have a stress test. For example, if you are a candidate and twenty-five, one will receive a stress test, but will not require a secondary test until the age of thirty. The reason behind this is that the likelihood of someone suffering a cardiac related event between 25 and 30 remains low. Chief Tobia also advised that nationwide there is no standard for EMS only providers to get a physical. In that respect, you have the OSHA physical. To ensure standardization in the language of the SWP, several words will be remedied.

Chief Tobia stated that if the policy is passed, then on July 1<sup>st</sup> of this year, a requirement would be in place for the Volunteer Battalion Chiefs to receive an annual NFPA 1582 physical. Interestingly enough, approximately half of the Volunteer Battalion Chiefs were already under the impression that this was a requirement. In addition, about half of the Volunteer Battalion Chiefs are already receiving physicals as they are also part-time instructors and those that are teaching firefighting must have the NFPA 1582 physical. Chief Tobia reminded the AOC that the physicals would be provided by the County at no cost.

Therefore, Chief Tobia submitted that the Draft SWP on Volunteer Physicals is an effort to standardize and memorialize a mechanism by which individuals who desire a physical can obtain a physical. Chief Tobia also shared that if one chooses to undergo an annual physical, one would become part of the annual physical cadre and a notice would be received by email two months in advance of one's birth month. It will be the volunteer's responsibility to sign up and schedule and participate in the physical. At that point, the County will receive a "clear" or "interim status" or "not clear". Chief Tobia advised that a career member went for his annual physical last week and went directly from the stress test to follow up care and likely saved his life as he was unaware regarding an underlying condition.

Discussion ensued. Chief Tobia explained the only determination about eligibility to suspend system wide activities operationally is the medical provider. Chief Tobia also clarified that if a physician pulls someone off the line, then the reason why is not communicated. The only thing that occurs is a phone call stating that the firefighter is not operationally eligible. In this case, the Office of Health and Safety would contact the Chief Executive Officer of the Company and notify them that the individual is no longer operationally eligible. Chief Tobia advised that one may also receive an interim report whereby the member would need to follow-up, but they can remain operationally active (ex. Hypertension). Most commonly, a secondary physical is not warranted in this instance. Regarding candidates, if they should fail a physical, then they are not eligible to re-apply for a period of twelve months. To clarify, the County relies on physicians to make the judgement calls. In addition, Chief Tobia stated that there are times when the NFPA standard does not speak to a particular issue (ex. Mental Acuity).

Discussion also took place regarding ADA. Chief Tobia shared that Loudoun County has recently made a determination that it is not required to engage in an interactive process on an assertion of a request for an accommodation under ADA because volunteers are not employees of the County for purposes of the ADA. Chief Tobia explained the same is true for a career candidate as they are not considered an employee and therefore they do not have the right to assert a request for an interactive process under ADA.

Chair Quin advised that they have put 110 people through the NFPA 1582 since its inception. Further, President Quin stated that they have had 6 failures, in which all of them were related to hearing or eye sight or some skeletal motor condition, not a stress test.

Further discussion also occurred regarding the legal rights of potential members. Chief Tobia stated no one has an inherent right to be a firefighter or an EMT. Chief Tobia asserted that one cannot sue for the right to be something that they are not. Chief Tobia stated he is not aware of any current case law related to NFPA 1582 not being upheld.

Further questions arose regarding whether or not volunteers are covered by ADA. Chief Tobia stated it was his belief that a member of an organization can make an ADA claim. The difference is belonging to an organization and being an operational member of the system. Chief Tobia further explained that in order for an individual to be operationalized in Loudoun County they have to pass this process. Chief Tobia relayed that one can admit, in accordance with OEMS guidelines, anyone to a company as a corporate entity. Aaron Kahn further explained that they are subject to some ADA, whereby they have made ADA exceptions for some with autism. In that, the members passed their physicals but needed additional time to get through EMT class. A note from their doctor was requested and received and then the Company works with the individual to determine what the timeline should be for that person. Chief Tobia surmised that the ADA is intended to be an interactive process in which a reasonable accommodation is sought and evaluated and then a determination is made. Chief Tobia stated it is not a blanket escape.

Chief Tobia asked the AOC to cogitate on the document and be prepared at the next AOC meeting to take a position on it so that it can move forward to the April 26<sup>th</sup> Executive Committee meeting.

Action Item/New Business:

No motion necessary regarding the background check survey.

Regarding the Draft SWP on Volunteer Physicals, a vote will be tallied at the April AOC meeting.

Information Sharing Across Volunteer Councils and Committees

**Recruitment and Retention Committee-** Chief Tobia asserted that Rick Etter is the Chair of the R&R Committee, however, he has been looking after his wife following a surgery.

Chief Tobia advised that there was a statewide networking recruitment and retention group at the recent Virginia Fire Chief's Association Conference in Virginia Beach. Chief Tobia asserted that the group had tremendous participation by system members with a great panel discussion. Chief Tobia also stated that many people from around the State were impressed with what Loudoun is doing with recruitment and retention. In many ways, Loudoun is leading the way in Recruitment and Retention.

**DFREM-** Chief Tobia informed the AOC that the Governor signed into legislation the change to the EAP law. Chief Tobia credited Chief Brower as the individual who spearheaded the effort. Chief Brower found sponsors, wrote the draft legislation and got the legislation passed. That legislation will now permit the County, effective July 1<sup>st</sup>, to take over payment for EAP services for all volunteer fire and rescue personnel in the system as well as their spouses and their dependents. Clearly, this effort is a concrete demonstration of Chief Brower's commitment to all system members.

Aaron Kahn suggested that all may want to examine their contracts with Lytle for cancellation notices. Chief Tobia clarified that Beth Gilley with Lytle will not have an issue with the change.

Chief Tobia updated the AOC on the County budget process which is presently on-going. Chief Tobia stated that Chief Brower has presented and that the budget includes:

- 1) No changes to the annual contribution to the Volunteer Companies
- 2) Funds the \$37,000 annual cost of the VFIS supplemental insurance program
- 3) Funds the 3 million dollar apparatus program

Chief Tobia advised a couple of extra enhancements were requested and looked at favorably, however, we will not know until the budget is struck. The tax rate and the budget will be settled on April 5<sup>th</sup>. Chief Tobia stated the current tax rate is \$1.135. It should be noted that Chief Tobia advised that in past years, the budget was proposed to include the enhancements that the County Administrator identified as being worthy of funding. This year, Chief Tobia explained, the County Administrator proposed a base budget with zero enhancements, a base budget with enhancements and a base budget with critical needs. Enhancements are those that are recommended according to Chief Tobia. For further explanation, Chief Tobia submitted that critical needs are a lower priority, but still worthy of consideration. The base budget allowed the tax rate to remain unchanged. The base budget with enhancements raised the tax rate by about

a penny which translates into 10 million dollars of revenue. To fund the full critical needs would be a two cent increase over the existing tax rate. (Note: According to Chief Tobia, the Governor just passed an elimination of proffers bill which will hurt Loudoun.)

Regarding EMS reimbursements, the County is preparing to send out first and second quarter fiscal year 2016 reimbursements thus the Volunteer Companies will be receiving checks. Please be aware that the ordinance requires the program to completely fund itself. The system-wide policy is available on the website for review and as a reminder, all revenue comes in and the administrative costs come off the top. Afterwards, the rate per transport is set by the total amount of revenue divided by the total number of transports which determines the rate per transport. In an effort to ensure the maximum amount of money would come forward to the Volunteer Companies, the County has made the decision to absorb the entire first year administrative costs out of its own portion of the revenue. Thus, all of the start-up costs, rather than being borne by everyone, will now be borne by DFREM alone. Chief Tobia advised that all will routinely see the effective revenue rate fluctuate based on money collected and transports. A statement will be transmitted along with the check which offers full explanation of the numbers. In addition, a memo was distributed which describes all components of the process. (The first two quarters resulted in a number close to \$765,000).

Chief Tobia informed the AOC that the next round of process audits kicked off last evening with five companies participating. A secure communication mechanism has been put in place for sharing documents. A secure site will have a password and login etc. Chief Tobia stated it will be necessary to do some follow-up on the audits that occurred last year. To further explain, additional process steps will be defined regarding addressing identified deficiencies.

Chief Tobia stated CAD continues to be updated and a Mobile CAD Demo informational session took place. An additional informational session will occur on 3/12/16.

Chief Tobia reminded the AOC that Chief Shank is now the Chief of Training and he is making great strides forward to continue to improve training efforts.

Chief Tobia stated that graduations were recently held for Fire and two EMT classes. All were well attended.

Chief Tobia submitted that the ATL Committee has met and is continuing to consider how they want to fund projects within the system. Chief Tobia stated a rumor is circulating that there is a contemplation of reducing company's annual base line contribution. Chief Tobia asserted that this rumor is false. Chief Tobia informed the AOC that there is ongoing discussion about system-wide positions including training positions to ensure that we are meeting system-wide training needs as they continue to increase.

Jay J. Brown advised the AOC that from the EMSOC, Chairman Andrews stated there were a number of issues that were pending. One issue that will be concerning to the AOC will be the Ambulance Standards Committee. The hope is for a county wide uniform standard.

#### Announcements-

A thought regarding a friendly EMS skills competition was posed to the group with consideration given to possibly holding it at the Loudoun County Fairgrounds annually. Several members were willing to share thoughts and ideas.

The 60<sup>th</sup> anniversary for Philomont Volunteer Fire will be this year and they are considering the last weekend in August for a celebratory event.

Sterling's 50<sup>th</sup> anniversary celebration will be August 20<sup>th</sup>.

John Moring sent an email to AOC members regarding station security camera systems. John appreciates all feedback regarding vendor information.

A First Responder event with various technologies will be taking place in April in Indianapolis. Jamil offered to present if there was interest.

Aaron Kahn stated two members will head to Germany through an exchange program in May. Rick Pearsall and Eric Almond will be participating.

Aaron would like feedback on VAVRS as they are examining a renewal at this time and are hesitant to renew. Aaron stated they are considering starting their own exchange program whereby they would rotate between Canada and Western Europe. Chief Tobia stated VAVRS does have a rescue college that is extremely well attended and well received. Discussion also ensued regarding representation and direction.

Chair Quin stated they are about to enter their annual April Ride the Firetruck to School raffle which is a popular raffle. Chair Quin also advised that they will be applying for a SAFER grant.

Chair Quin polled the AOC members' reference venue. Please share your points of view with Chairman Quin. An email will follow. Discussion also ensued regarding conference calls, go to Meetings, webcasts and electronic committee meetings.

Jay J. Brown stated in conjunction with EMS week, they will be doing a child safety seat inspection at the station on May 21<sup>st</sup>. In addition, a town hall meeting will be held at the annex on 3/28/16. Discussion also ensued regarding Google docs.

A motion was made by Jay J. Brown to hold the April AOC meeting in the DTCL Large Conference Room at 801 Sycolin Road. The motion was seconded by Andy. The motion carried.

### **Adjournment**

**There being no further business to discuss, the meeting was adjourned at 2112 hours.**

**The next Administrative Operations Committee meeting will be held on Thursday, April 14, 2016 at 1930 hours at 801 Sycolin Road, DTCL Large Conference Room.**

**Respectfully submitted:**

Christine Langley-Obaugh, M.Ed., CVA  
Executive Liaison