

PA FIRE POLICE

Safety Practices for the Fire Police Officers

By Tony Riccardi - PA State Fire Academy Approved Fire Police Instructor

The year 2014 does not promise to be very encouraging for volunteer fire departments due to two new laws that will be enacted in this year.

First, Obamacare may very well impact volunteer fire companies since the IRS now considers a volunteer fire department as an employer and, as such, must provide insurance for their members.

Not all volunteer fire companies have either the funds nor the capability of obtaining them on a continual basis, thus may have to shut down.

By now many fire companies may have already been alerted by their respective municipalities that they may face the loss of Workers' Compensation beginning in 2014 due to a new law enacted.

The law provides firefighters, who may have suffered from cancer as a result of work place environment, the opportunity to file a Workers' Compensation claim and, the law permits such claims to be retroactive to the year 2000.

Insurance companies, fearing an "explosion of claims" have decided to no longer write Workers' Compensation policies for municipalities thus creating a major concern for firefighters.

Legislators are working in an effort to convince the insurance industry to reconsider their decision but, as of this writing, nothing definitive has been accomplished.

The option, however, should this occur is to obtain this insurance through the state program. Some departments are already covered under the state program and will not be affected. Others however, may not be so fortunate.

Continued Concerns

During fire police training programs there continues to be concerns presented by some fire police officers regarding the lack of respect they receive from motorist while engaged in their duties.

There is no simple solution to this problem,

especially when driving habits of our society have dramatically deteriorated with red light and stop sign running on the increase. Motorist are becoming increasingly impatient and aggressive so it follows they will be angry and, of course, take their anger out on anyone convenient at the time, the fire police officer.

As a fire police officer, you need to know that motorists are required to obey your signals. Failure to do so can earn them a citation. However, there are two important points to consider:

First, don't be the problem yourself. PA Vehicle Code Section 3111 requires the signals you give must be clear and understandable to the motorist. If the driver doesn't understand

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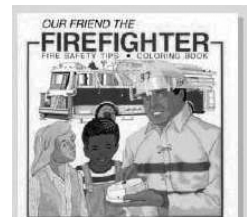
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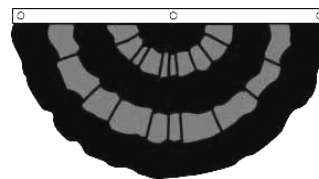
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what you want him/her to do, you unfortunately cannot win in court.

Second, while the law does not permit a fire police officer to write a citation, (Act 234 grants that authority only to a law enforcement officer) the law does provide a means by which a citation may be issued.

You have forty-eight (48) hours in which to prepare a written report of the violation and provide a copy of that report to a police officer in jurisdiction where the violation occurred and the police officer may file the citation for you. The report should contain the date, time, place of occurrence, direction of travel, license plate number, as well as type and color of vehicle.

Within 48 hours after the violation occurs, the emergency service provider shall deliver a copy of the report to a police officer having authority to exercise police power in the area where the violation occurred.

• *If the police officer believes that the report established a sufficient basis for the issuance of a citation, the officer shall file a citation and a copy of the report with the issuing authority.*

One thing to keep in mind however, you must be able to identify the driver in a court of law. That is based on a case precedent, Commonwealth vs. Slaybough, meaning that just having the license plate number of the vehicle will not be enough, you must identify the driver.

Commonwealth v Slaybaugh

In 1976 – the courts ruled in the above case – stating that proof was required in the identification of the person who operated the vehicle during a moving violation.

Since you cannot cite the vehicle, you must cite the operator, and the owner of the vehicle may not be compelled to identify who was operating the vehicle at the time of the violation.

Another concern which apparently is occurring has to do with wearing of the vest when on duty. The concern seems to center around the issue of the Class II vest. The law requires that a minimum of a Class II vest must be worn. However, it is recommended that a Class III garment be worn during hours of darkness for greater visibility. There are fire police units who have adopted the Class III garment

to be worn at all times. Some fire police have become confused since they are being told they must wear a Class II vest overtop of the Class III garment being worn.

There are many fire police officers as well as firefighters who are not aware of the protection afforded them under the law. This protection has to do with the law found in Title 35, Section 7423 prohibiting termination or discipline.

7423. Prohibition on termination and discipline

• No employer shall terminate or discipline an employee who is a volunteer fireman, a volunteer member of the fire police or a volunteer member of an ambulance service or rescue squad and, in the line of duty, has responded to a call prior to the time he was due to report for work resulting in a loss of time from his employment.

The law does provide however, that an employer may charge time off to the regular pay of the employer and may also require the employee to provide confirmation from an officer of the department verifying the employee's presence at an emergency.

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