

Running head: HUMAN RESOURCE MANAGEMENT: BEST PRACTICES

Human Resource Management:
Best Practices for Special Fire Districts
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Appendices Not Included. Please visit the Learning Resource Center on the Web at <http://www.lrc.dhs.gov/> to learn how to obtain this report in its entirety through Interlibrary Loan.

CERTIFICATION STATEMENT

I hereby certify that this paper constitutes my own product, that where the language of others is set forth, quotation marks so indicate, and that appropriate credit is given where I have used the language, ideas, expressions, or writings of another.

Signed: _____

Abstract

The Mountain View Fire Protection (MVFPD) in Longmont, Colorado is a special fire district with approx 100 members. The district has experienced significant growth in the last decade and has moved from a primarily volunteer organization to a primarily career organization. The resources dedicated to human resource management have not kept with the growth or the changing organizational structure. The problem that this research project will address is: How to provide adequate human resource service to the Mountain View Fire Protection District (MVFPD) and how to reduce the district's exposure to human resource management related lawsuits. The purpose of this study was to explore methods utilized by other organizations to manage human resources and to identify which practices the MVFPD might utilize to provide better service to employees and minimize legal exposure. This was a descriptive research project. The specific research questions were:

1. What services are commonly administered by Human Resource Departments?
2. What human resource related federal, state, and local laws apply to the MVFPD?
3. Does the current human resource structure at MVFPD expose the district to legal risk?
4. What is the best solution to address the shortcomings of the current structure?
5. What methods/structures do other similar organizations use?

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Human Resource Management:
Best Practices for Special Fire Districts

“Human resource management (HRM) refers to the policies, practices and systems that influence employees’ behavior, attitudes, and performance” (Noe, Hollenbeck, Gerhart, Wright, 2008, p. 4). As evidenced by the previous definition, human resource management is an important function with significant impacts on an organization’s performance. Like many, and more than most, the fire service is heavily dependent on the actions and performance of its personnel. Proper management and attention to the needs of personnel can lead to a productive and skilled workforce. Additionally, competent human resource management can help insure all employees are treated fairly and that the organization is complying with applicable laws, thus avoiding costly lawsuits.

The field of human resources includes many specialties and functions; a sampling of these functions is listed below:

- Recruiting
- Employee Selection
- Training and development
- Compensation
- Performance Management
- Employee relations
- Benefits Administration
- Compliance

While many of the items listed above appear innocuous at first glance, many are fraught with legal landmines due to the many federal laws governing them. It is important that any fire service organization, regardless of size or structure, have methods in place to stay within the law.

Human resource practices in the fire service are as diverse as the organizations themselves. In a small volunteer department, the Fire Chief may perform all of the HRM functions, whereas, a large metropolitan career organization may have an entire division staffed with personnel specifically trained in HRM functions. The majority of fire service organizations fall somewhere in the middle; often the Fire Chief will retain some of the areas and delegate other areas to staff. All of the HR functions listed are necessary in any fire service organization; it is only the size and scope of the programs that change depending on the organization.

How a fire department manages its HR needs is significantly influenced by whether it is a department of city government or a special district. Departments that are part of a larger city government often have access to the city's human resource department. Depending on the size of the city, this department may be staffed by human resource specialists with specialized training and education in human resources. These individuals are able to focus on HRM issues and stay abreast of trends and laws that affect HRM. Because special districts are generally stand-alone organizations, they do not have the luxury of sharing HRM functions with other departments. HRM functions in most districts are usually split among staff as an added duty; often taking a backseat to other duties. Often the personnel assigned to HRM in special districts do not have specialized training in HRM, nor are they allowed the time to focus on HRM issues. The researcher's organization, the Mountain View Fire Protection District, relies on staff to perform HRM functions as added duties. When the district was primarily a volunteer organization, this approach worked well. The district has grown significantly over the last ten years and the HRM

needs have become much more complex. Unfortunately, the district has also experienced a HR related lawsuit recently and while the district was exonerated, the lawsuit took a toll on personnel and spent significant resources on attorney's fees.

The problem that this research project will address is: How to provide adequate human resource service to the Mountain View Fire Protection District (MVFPD) and how to reduce the district's exposure to human resource management related lawsuits. The purpose of the research is to develop a human resource program. Research relating specifically to human resource management in the fire service is limited; this study will add to the body of knowledge and be useful to many fire service organizations. The research will be especially useful to the Mountain View Fire Protection District as it will focus on the methods and procedures currently in place, and will provide recommendations improving services and decreasing exposure to legal risks.

The specific questions to be answered by this research project are as follows:

1. What services are commonly administered by Human Resource Departments?
2. What human resource related federal, state, and local laws apply to the MVFPD?
3. Does the current human resource structure at MVFPD expose the district to legal risk?
4. What is the best solution to address the shortcomings of the current structure?
5. What methods/structures do other similar organizations use?

Background and Significance

Mountain View Fire Protection District (MVFPD) is located approximately 30 miles north of the City of Denver. The district covers approximately 200 square miles and provides protection to three towns and large, unincorporated areas of three counties. The resident

population of the district is approx. 50,000. To provide this protection, the district utilizes a combination staffing system made up of 63 career firefighters, supplemented by 40 paid part-time and volunteer firefighters. Over the last 10 -15 years the district has transformed from a primarily volunteer based organization to a primarily career based organization. The district continues to utilize other than “career” firefighters to supplement the career staff; the majority of these personnel are part-time, paid personnel that fall under the same rules as any other employee. Traditional volunteers still exist; however, their numbers are shrinking.

The district has experienced significant growth over the last ten years; this is evidenced in both an increasing resident population and a corresponding increase in calls for service. The district responded to 3107 calls for service in 2008 (MVFPD, 2009). The district operates from six stations and has plans to add two more in the next 3-5 years. MVFPD is a full service organization, providing traditional fire services, as well as advanced life support (ALS) transport services. In the last three years alone, the district has added 24 career positions, and if the planned stations are built, will add another 24. The district also employs 10 additional personnel in administrative and support positions; this includes the Fire Chief and Deputy Fire Chief.

When the district was a primarily volunteer organization, the majority of human resource management decisions and functions were the responsibility of the Fire Chief. Some HRM functions, such as recruitment and retention, were the responsibility of the volunteer battalion chief or officer in charge of a station. The number of career personnel was small and the HRM needs, such as benefits administration and payroll, were easily managed by support staff. Although many of the laws governing human resources were in effect, society was less litigious and a primarily volunteer organization faced relatively few HRM issues.

As the Mountain View Fire Protection District has grown, and the make-up of the work force has changed, HRM needs have increased. Additional laws have been introduced and employees have greater expectations. This has placed a greater work load on those responsible for HRM and has also increased the District's exposure to legal liability. As an example, the district recently concluded an unsuccessful lawsuit brought by a terminated employee; although the lawsuit was unsuccessful, the toll on personnel and the cost of legal representation were significant.

Being a sole purpose, special district, MVFPD does not have the ability to share HRM services with other departments as would be the case in a city department. This has forced the district to manage all of these functions in-house, utilizing staff personnel and outside legal counsel. Currently, HRM functions and responsibilities at MVFPD are split between numerous individuals. These responsibilities are not assigned as primary duties and are generally performed as time allows or when a crisis happens. Personnel assigned these tasks do not have specialized training in complex HRM issues and often rely on just-in-time answers provided by outside experts to answer simple HR related questions. The current HR situation does not allow for a proactive approach to HR issues to be utilized; for example, employee rules and regulations are not often reviewed for compliance, and officers receive little HR related training. Recruitment and retention was previously coordinated by whoever had time. The current HR situation at MVFPD is at times confusing for the employee and also exposes the district to legal risk.

Another area of weakness that has been identified is competency in human resource issues of the line supervisors. Company officers are often trained and drilled in fire ground strategy and tactics, however, their education in employee relations is lacking. Company officers

often set the tone for behavior in the firehouse and their application of department policy is often inconsistent. These same company officers are also responsible for performance appraisals although they receive little, if any, training in how to properly perform them. Training is provided annually on such topics as sexual harassment but there is no mechanism to ensure comprehension of the material; personnel are simply required to attend. The lack of documentation by supervisors has also been an issue; there have been several instances where disciplinary matters have not been documented and this has caused problems for the district during employee termination proceedings. This lack of supervisor training puts the district at legal risk because these personnel are not aware of the ramifications of their lack of action and poor documentation.

MVFPD has recently taken one step in addressing the inconsistency in recruitment and retention. The district has hired a recruitment and retention coordinator; initially this position was to focus on paid, part-time (PPT) and volunteer personnel, but has since taken on all hiring processes. Unfortunately, this individual is not a HRM specialist and has limited experience in this area. It is unknown at this time if this individual will receive additional, specialized, training in this area.

This study is important to the Mountain View Fire Protection District (MVFPD) for two reasons. The first is to determine the district's exposure to legal liability stemming from current HRM practices at the MVFPD. Once determined, this study will recommend possible solutions to shore up weaknesses in the current system. In addition to reducing the potential for legal action, the author will recommend changes that will make the system more consistent and user-friendly for the employees. The results of this research project will be presented to the Fire Chief, who may, at his discretion, implement recommended changes.

The author has chosen this project due to the relevancy of this topic to his department. Additionally, this project is directly linked to the goals and objectives of the United States Fire Administration (USFA). The project is intended to meet the following USFA Goals and Objectives:

GOAL 4: Improve the fire and emergency services, professional status

Objective 4.1: Enhance the professionalism of the Nation's fire and emergency services leaders.

Objective 4.2: Advocate the acceptance of the Nation's fire and emergency services into multi-discipline policy development, planning, and preparedness.

GOAL 5: Lead the Nation's fire and emergency services by establishing and sustaining USFA as a dynamic organization.

Objective 5.1: Maintain a positive work environment to ensure the organization's well-being and productivity.

Objective 5.2 Continuously improve our business systems and practices.

Literature Review

“Human resource management involves all management decisions and practices that directly affect or influence the people – or human resources – who work for the organization”, (Kramer, 2002, p.139). Whether paid, volunteer, or some combination of both, the fire service is about people; the people being served and those who provide the service. The way an organization treats its people will have a major influence on how those personnel will perform. Businesses seeking to gain the edge on their competition or separate themselves from a crowded

competitive field may find that the methods used to manage employees make the difference. (Messmer & Bogardus, 2008, p.2). While a particular fire department is not usually in competition with other fire departments, they may be competing with other public service providers (i.e. police, public works, etc.) for funding. Traditionally, human resource management has not been at the forefront of fire service administration; being an organization predicated on paramilitary concepts, employees were expected to do their jobs without question and to be thankful for whatever pay and benefits they received.

Carter and Rausch (1999) state:

The goals of the fire service personnel management function are to ensure that an adequate staff exists for the emergency prevention and emergency response needs of the community and to create and maintain a work environment in which all members of the department receive fair and equitable tangible rewards for their efforts, in which vacancies are filled with highly qualified candidates, and in which human resource policies and practices ensure a satisfying work climate for all members of the department. (p. 327)

There is no one way to manage the functions of human resource management. Messmer and Bogardus (2008) state, “Every company – regardless of size, location, or purpose - must deal with human resources in a way that’s best suited to its needs and situations” (p. 5). This is especially true for the fire service; departments run the gamut, from large urban career departments to small rural volunteer departments; the majority of departments fall somewhere in the middle. “The level of sophistication needed to perform human resource management does not depend on whether the agency is volunteer or career. Instead it depends on the size of the organization, the local priorities, and the quality of leadership” (Kramer, 2002, p.140).

While the model used to administer human resource functions within an organization will be dependent upon many variables, there is little doubt that competent and professional human resource management will have a positive impact on organizational performance. According to Daley (2006), an organization that has combined human resource practices with organizational goals and objectives will be more successful.

Strategic Human Resource Management

Traditionally, human resource departments concentrated on primarily administrative functions and were often regarded as “personnel administration” or “personnel management” departments. According to Max Messmer and Anne Bogardus (2008); “you can sum up this particular aspect of business as the decisions, activities, and processes that must meet the basic needs and support the work performance of employees” (3). Business strategic planning and human resource management were generally seen as separate business functions, conducted by different units of a business. Often these units did not communicate with each other when forming goals and objectives; human resource’s mission was to simply hire the workers and administer support programs. In the case of traditional human resource management (HRM), organizations develop their basic mission and strategic objectives and then consider human resource needs (Pynes, 1997). Contemporary thinking on human resource management seeks to more closely integrate employee needs and corporate sustainability and profitability. “Only recently have companies looked at HRM as a means to contribute to profitability, quality, and other business goals through enhancing and supporting business operations” (Noe, Hollenbeck, Gerhart, and Wright, 2008, p. 5). Many fire service organizations practice strategic planning but it is unclear whether these efforts take into account the more complex human resource issues that will either contribute to, or detract from, the success of the plan. When developing strategic goals

and objectives, it is clear that strategic human resource management should be part of the process (Daley, 2006). The fire service has done a good job of integrating components such as training, career ladders, and employment security into its business model; however, these components are often stand-alone and not integrated into the larger organizational goals. Joan Pynes (1997) summarizes strategic human resource management as follows:

Strategic human resource management is the result when human resource management is vertically integrated with strategic planning and horizontally integrated with other human resource functions, such as training and development, compensation and benefits, recruitment and selection, labor relations, and the evaluation of the human resources planning process. (p. 28)

By employing strategic human resource management or innovative human resource practices both the employer and the employee benefit. Employees will derive greater satisfaction from their jobs and this should be reflected in increased productivity and higher quality.

According to Kathryn Shaw (2006):

There is now an increasing body of evidence, based on research using data from within firms, that investments in innovative HRM practices raise workers' performance levels. These HRM practices-practices such as teamwork, new forms of incentive pay, information sharing, training, careful screening and hiring, and job rotation-are often adopted simultaneously within firms to form complementary systems of HRM practices that enhance performance. (p. 239)

Legal Issues

“Public and nonprofit agencies must comply with federal, state, and local laws, with executive orders and the rules and regulations promulgated by administrative agencies such as the Equal Employment Opportunity Commission” (Pynes, 1997, p.12). According to Max Messmer and Anne Bogardus (2008); there have been numerous pieces of major, HR-related federal legislation passed since 1963, all relating in some way to equal opportunity. The fire service is not immune from these regulations and it is the responsibility of leadership to be aware of, and insure compliance with, applicable regulations. “Because of widespread concern over civil rights for all people, the federal government has created directives, regulations, and laws that directly affect personnel issues for fire and rescue departments” (Kramer, 2002, p. 142). The fire service is a personnel oriented organization and many of the issues affecting personnel are regulated or impacted by external laws and regulations. Public employers cannot claim ignorance as a defense; it is their responsibility to understand and to protect the constitutional rights of their workers (Nigro, 2006)). The following significant legislation has bearing on fire service personnel issues:

- FLSA: Fair Labor Standards Act (1938) establishes the minimum wage, requires overtime for certain employees.
- Equal Pay Act: (1963) the equal pay provisions of FLSA prohibit wage differentials based on sex.
- Title VII of the Civil Rights Act: (1964) this federal law is the keystone of federal EEO legislation; specifically sections 703(a) and 704(b), these sections specifically address discrimination issues.

- ADEA: Age Discrimination in Employment Act (1967) prohibits discrimination based on age.
- ADA: Americans with Disabilities Act (1990) gives people with physical or mental disabilities greatly increased access to public services and requires employers to provide reasonable accommodations for applicants and employees with disabilities.
- FMLA: Family and Medical Leave Act (1993) gives qualified employees the right to unpaid leaves for specified family or health-related reasons without fear of losing their jobs.
- IRCA: Immigration Reform and Control Act (1986, 1990, and 1996) bans employers from hiring illegal aliens and establishes penalties for such behavior.
- COBRA: Consolidated Omnibus Budget Reconciliation Act (1985) provides certain former employees, retirees, spouses, former spouses, and children the right to temporary continuation of health coverage at group rates.

The constitutional protections and the plethora of laws have placed the employer in a precarious position. The employer has an organization to manage; doing this and staying out of the legal spotlight can be difficult. David H. Rosenbloom and Robert S. Kravchuk (2002) state;

More recently, the judiciary has placed constitutional restraints upon the handling of public personnel as a means of protecting employees' rights. This approach favors fairness of procedure and equality of treatment, and often turns public personnel management into an adversary, legalistic procedure. (p. 229)

Proper human resource management practices can help alleviate this situation, however, it is the employer that bears the burden of adhering to and enforcing policies that prevent litigation. Numerous aspects of day-to-day operations of local governments are subject to legal scrutiny; public managers and officials must be keenly aware of the legal rights and protections that extend to both citizens and employees of local governments (French, 2009). Depending on the size and structure of the organization, compliance with laws governing employees usually falls to the human resource department. Regardless if an organization is fortunate enough to have dedicated HRM specialists; fire service company officers must understand and adhere to sound human resource practices. Fire department officers, and especially company officers, play an important role in implementing personnel policies. This responsibility does not diminish with the existence of a formal HR department (Carter & Rausch, 1999). Many times, training in personnel management is overlooked for company officers as their initial and ongoing training tends to focus on emergency management skills. “Money is well spent when it provides local, distant, or online training for fire officers who are charged with managing the most important asset of the fire department – its personnel” (Kramer, 2002, p. 143).

The price to pay for poor management of human resources and noncompliance with applicable laws can be severe. Organizations may face lawsuits and in extreme cases, individuals may be held personally liable. For fiscal year 2008, the Equal Employment Opportunity Commission (EEOC) received 95,402 charges against employers for alleged violations of EEOC regulations (EEOC, 2009). These charges resulted in the EEOC levying fines and penalties of 102.2 million dollars (EEOC, 2009). While the amount cited may not appear overly extreme when spread across the entire nation, it is important to note that this figure only reflects fines and penalties; the dollar amount awarded in civil court cases or paid out in negotiated settlements is

estimated to be substantially higher. Organizations subject to charges of constitutional rights violations cannot claim ignorance as a defense; the following explanation by David H. Rosenbloom and Robert S. Kravchuk (2002) clarifies this point:

Municipalities may also be found liable in suits where their policies result in violation of constitutional rights. Here the standard is not whether the municipality reasonably should have known, in some sense, that its policies were unconstitutional. Rather, the sole issue is whether its policies led to an unconstitutional abridgement of individual rights. (p. 269)

It is common misconception that government employees are immune to prosecution and that even if they were sued, the employer would be liable. “Until the 1970s, under federal judicial interpretations, public employees at all levels of government generally held absolute immunity from civil suits stemming from the exercise of their official functions” (Rosenbloom & Bailey, 2006, p. 128). Currently, government employees are entitled to “qualified immunity”; however, this does not protect them from all lawsuits. Most federal, state, and local government employees can now be held civilly liable for money damages for constitutional torts (Rosenbloom & Bailey, 2006).

Procedures

Statement of the Procedures

The researcher has utilized the following procedures during this study:

- The project was begun by developing the research questions, purpose, and problem statement. The draft of these was then e-mailed to Chief Bernard W. Becker III, for feedback and approval. Chief Becker approved the submitted

research questions, purpose statement, and problem statement on February 21, 2009 without change.

- Between the dates of January 5, 2009 and January 15, 2009 research was conducted at the National Fire Academy's Learning Resource Center in Emmitsburg, Maryland. The purpose of this research was to determine if other studies had been conducted and if this was a topic worthy of research. The following search terms were utilized: personnel management, human resources, human resources lawsuits, lawsuit awards, and public safety management. The resulting search yielded one prior Executive Fire Officer, Applied Research Project and a limited amount of academic literature.
- Between the dates of March 15, 2009 and May 30th, 2009, the researcher made numerous trips to both the College Hill library in Westminster, Colorado and the Dayton Memorial library at Regis University in Denver, Colorado. During these visits the researcher selected material from books on law and human resources to develop and support this project.
- Between the dates of March 15, 2009 and May 30th, 2009, the author conducted further research using the internet. This research was conducted using online data-bases accessed through Regis University. The data-bases utilized were: Business Source Premier, Academic Source Premier, Lexis-Nexis Academic, The Wall Street Journal, and the Credo Reference Library.
- During the period of March 15, 2009 to April 1, 2009, the researcher developed a set of survey questions to be sent out to other fire service organizations. 16

questions (see Appendix A) were developed utilizing the Zoomerang™ online survey instrument.

- The researcher obtained the membership list and contact information for the Colorado State Fire Chiefs Association. From this list, 90 were targeted. The criterion for inclusion in the study was wide; to be selected, the organization must be either combination or paid and have at least ten members.
- On April 15, 2009 the survey was e-mailed to 107 fire service organizations using the Zoomerang™ online survey service. The survey was sent to 90 Colorado fire service organizations and 17 out of state organizations. In addition to the Colorado fire departments, the survey was sent to the researcher's classmates from the January 2009, NFA Executive Leadership class.
- The survey was closed on May 17, 2009; 43 respondents had visited the site with 41 (38%) of the respondents completing the survey.
- The complete survey can be found in Appendix "A"

Population

The fire service organizations contacted for this study are located throughout the United States, although the majority are from the State of Colorado. The list of Colorado organizations was selected from the roster of the Colorado State Fire Chiefs Association; the contact information for the selected organizations was also obtained from this roster. All of the organizations that were similar in size and structure to MVFPD were selected for the survey. Limiting the survey to organizations similar to MVFPD would have provided a small research population (<15) and would not have accomplished the goal of the survey; therefore, the survey population was expanded to include both larger and smaller organization and to incorporate city

departments as well as special districts. The survey was also sent to the researcher's classmates from the January 2009, NFA, Executive Development Course. All of these organizations meet the survey demographic requirements with the exception being they are located outside of Colorado. The goal of the survey was to help answer two of the project research questions, specifically:

1. What services are commonly administered by Human Resource Departments?
2. What methods/structures do other similar organizations use?

Survey Instrument

Obtaining information from other fire service organizations was essential to answer two of the research questions. To do this, the researcher decided it was appropriate to utilize a standard survey. The methods considered for administering the survey included; telephone interview, mailed surveys, and email surveys. Telephone surveys and mailed surveys were removed from consideration for several reasons. Telephone surveys would have been time consuming and would not offer the respondent the opportunity to remain anonymous. Additionally, it would have been difficult at best trying to get Fire Chiefs on the phone. Mailed surveys were also cost prohibitive, but the greatest disadvantage would be counting on the respondent to mail the survey back. The goal was to make the survey as user-friendly as possible and offer the respondent anonymity. Due to the sensitivity of the subject matter; the researcher was concerned the respondents may not be as forth-coming if their comments could be attributed to them. The researcher determined that the best method to implement the survey was by utilizing an online survey service. The online survey service offers many benefits; it is cost-effective, can be completed quickly by the respondent, and does not require the respondent to deal with any hard-copy or mailing issues. The online survey service also allowed the researcher

to vary the format of the questions and provide the respondents the ability to provide additional information if they wished. The online survey service also gives the researcher tools to tabulate and graph responses.

Utilizing the online survey service, the researcher developed 16 questions to collect information on the respondents' organization, their current HR practices and the perceived effectiveness of their HR program. The question format consisted of multiple choice/single answer questions, and yes/no questions. Several of the questions provided the respondent the opportunity to add additional information in their own words if they chose. The survey was then e-mailed to 107 fire service organizations. The survey was open for response between April 15, 2009 and May 17, 2009. The majority of the responses were received in the first week the survey was open; after one week with no further responses, the survey was closed.

Data Analysis

The following data analysis methods were utilized in this study:

- The results of the survey were tabulated using the Zoomerang™ online survey tabulation tools.
- The data will be analyzed by the researcher for information which either supports or refutes the researcher's recommendations.
- Graphs will be utilized to illustrate several of the responses.
- Respondents' opinions will be reported in the descriptive form

Statement of Limitations

The following limitations are inherent in this study:

1. Many of the survey questions are closed-end questions.

2. The survey questions were e-mailed to the contact information obtained by the researcher; it is impossible to know exactly who the actual respondent was.
3. The survey was made available to only 107 fire survey organizations.
4. The survey was made available between April 15, 2009 and May 17, 2009.
5. Seven of the e-mail addresses proved to be invalid.
6. The e-mail addresses for Colorado fire organizations were obtained by utilizing the Colorado State Fire Chief member roster.
7. The e-mail addresses for the out of Colorado fire organizations were obtained by utilizing the class roster from the January 2009, NFA, Executive Development Course.
8. The questions utilized on the research survey may not accurately answer the researcher's questions.
9. It is impossible to know if the answers provided by the respondents were accurate or truthful.
10. Several of the literature references are older than 5 years and may not accurately reflect today's reality.

Statement of Assumptions

For the purposes of this study, the following assumptions are made:

1. That all respondents had knowledge of the subject area necessary to answer the survey questions.
2. That all questions were answered anonymously and that no specific answer can be attributed to a specific respondent.

3. That the majority of respondents were from organizations providing similar services as those provided by the MVFPD.
4. All respondents understand the functions of human resource management.
5. The survey instrument was clear, unambiguous and not misleading to the respondent.
6. All respondents answered the survey questions truthfully.
7. That several of the survey questions were completely subjective and rely entirely on the opinion of the respondent.

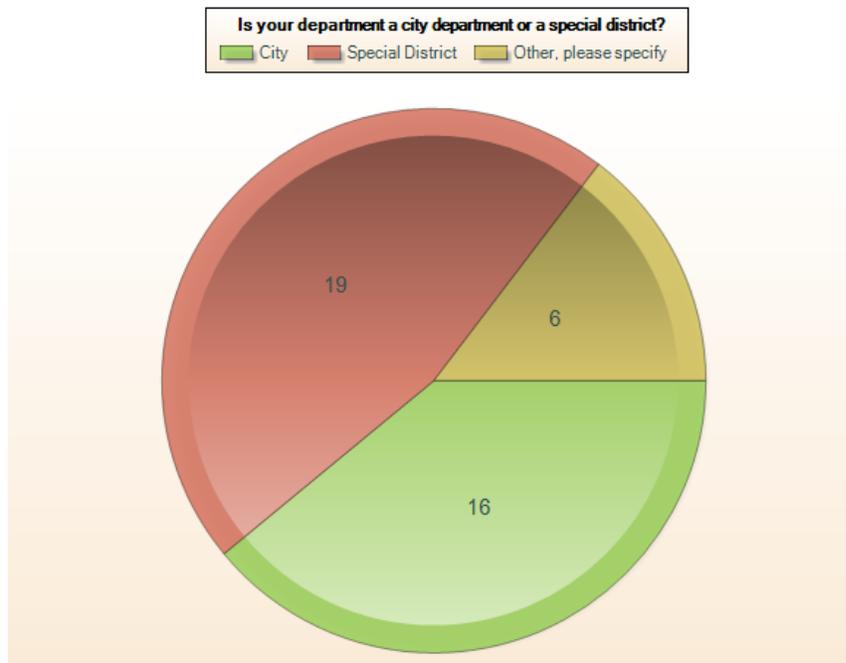
Results

On April 15, 2009, a survey (see Appendix A) was e-mailed to 107 fire service organizations. The majority of these surveys (90) were mailed to organizations in the State of Colorado; the other 17 were mailed to organizations in the United States. The survey was held open until May 17, 2009. During this period, 43 (40%) replied to the e-mail, of these 41(38%) completed the survey. 2 (1%) replied, but elected not to complete the survey. 7 (6%) of the e-mails came back as undeliverable due to invalid e-mail addresses. The purpose of the study was to help answer research question 1 (What services are commonly administered by Human Resource Departments?) and research question 5 (What methods/structures do other similar organizations use?). The study was not conducted to gain hard statistical data, but rather to gain information on how other fire service organizations approach human resource issues in their organizations. The researcher felt it was important to gather as much information as possible; for this reason, the survey was not restricted to organizations strictly similar to MVFPD, nor was the study restricted to the state of Colorado.

Research Question #1

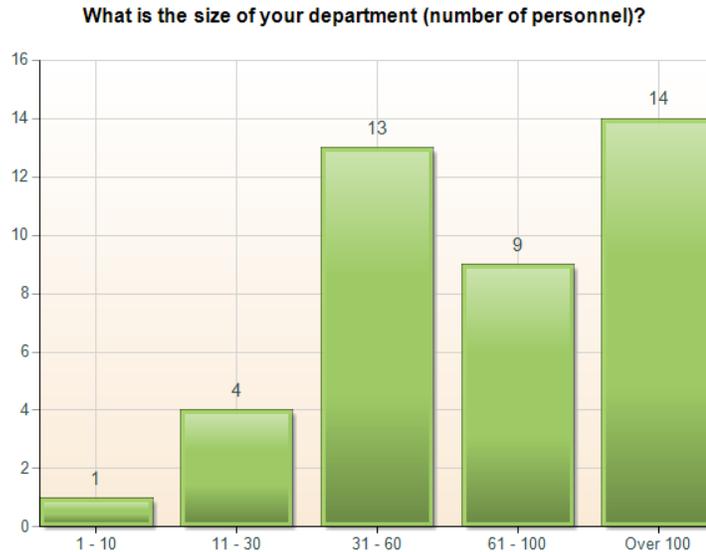
Question number one was asked to determine the structure of the responding organizations; whether the organization was a department of a town or city, a special district, or other type of organization (i.e. military, industrial). The respondents answered as follows:

Figure 1. Breakdown of Responding Organizations Structure. n41.

*Research Question #2*

Question number two seeks to gain further demographic information on the respondents' organization. The number of personnel managed by an organization will have a direct bearing on how that organization will manage human resource issues, as well as the amount of resources the organization will dedicate to the function. The size of the responding organizations is illustrated below:

Figure 2. Number of Personnel in Each of the Responding Organizations. n41

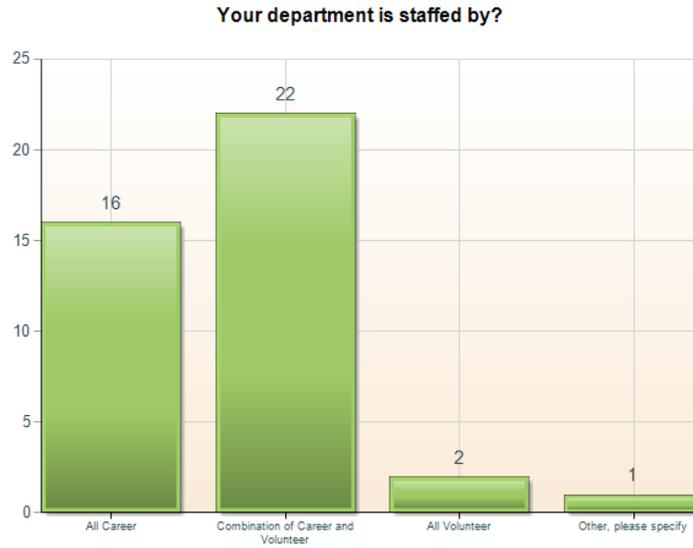


Research Question #3

Question number three asked the respondent to define how their organization is staffed.

The results show that the overwhelming majority of respondents were either fully paid or combination in nature. This response was expected due to the survey being sent to organizations with greater than 15 personnel. One factor that may skew the results is the fact that many primarily volunteer organizations have a paid Fire Chief; this may have led some respondents to label their organization as “combination” although it is primarily volunteer. The accompanying chart illustrates the responses:

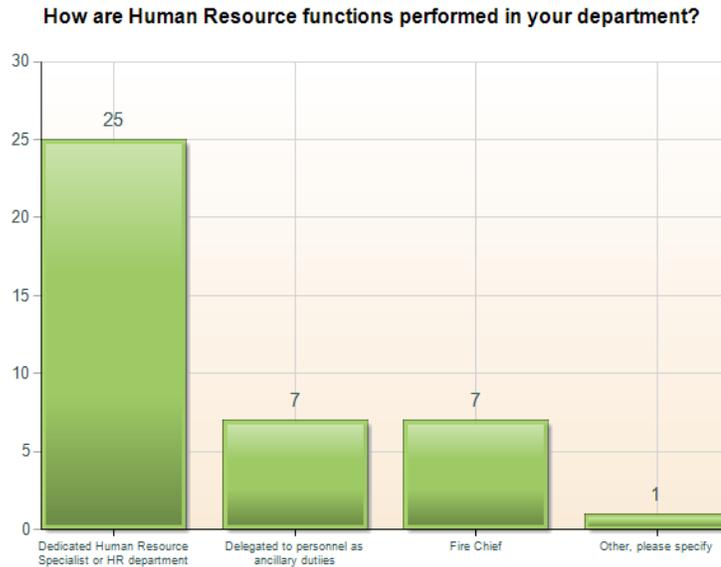
Figure 3. Staffing of Organizations. n41



Research Question #4

Research Question number four asks the respondent how human resource programs and needs are managed in their organization. The majority of the responding agencies (62%) are able to utilize personnel dedicated to HR functions. The remaining respondents are equally split between having the Fire Chief retain this responsibility and having the responsibility assigned to ancillary staff. One respondent indicated that the responsibility was split between the Fire Chief and City staff.

Figure 4. Responsibility for HR Functions. n40



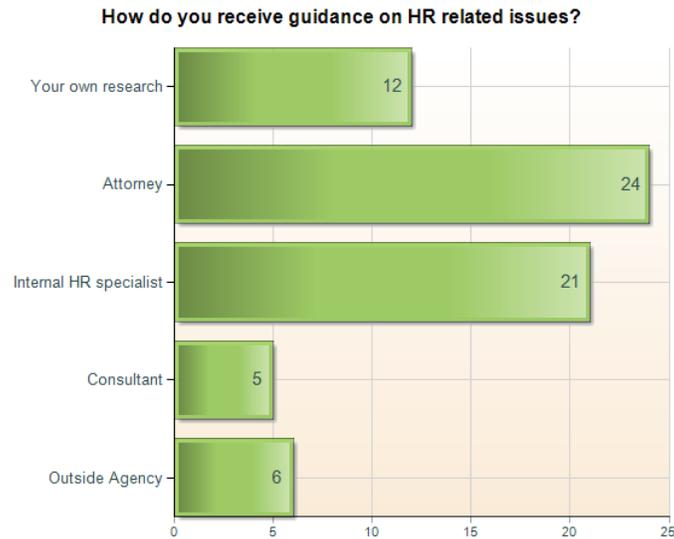
Research Question #5

Research question number five asks the respondent if HR services are shared with another city or government agency. This was a yes/no question with the responses almost equally split. 22 (54%) do not share resources while 19 (46%) do.

Research Question #6

Human resource management is a very diverse field with potentially severe penalties for missteps; research question number six asks the respondents where they turn to for guidance on these sometimes complicated issues. The majority (59%) responded that they utilize an attorney for guidance on HR issues; this was followed closely by utilizing internal HR specialists (51%). Other sources of guidance included; consultants, outside agencies, and research. The majority of respondents indicated they utilize additional resources leads the researcher to believe that the respondents acknowledge the complexity of human resource management and understand the need for expert guidance.

Figure 5. Source of Guidance on HR Related Issues.



Research Question #7

Research question number seven asks respondents what types of human resource services their organizations provide to their employees or organization. The respondents were given a pre-determined list and asked to respond affirmatively to all that applied. The choices provided are all generally accepted human resource responsibilities. Almost all of the respondents (95%) indicated they provided benefits administration for their employees as a HR function. This was followed by compensation (76%), legal compliance (76%), and recruiting and hiring (73%). The area receiving the lowest response was labor relations (27%), this is not surprising as labor relations are considered to be associated with unions and collective bargaining issues. Colorado is currently a right-to-work state and agencies with collective bargaining are in the minority. Two areas that stand out to the researcher are the low responses for diversity (51%) and organizational and employee development (57%). Numerous lawsuits are based on diversity issues and in many areas this is a hot button topic for the public; it is unclear to the researcher why this area is apparently ignored by almost half the respondents. The fire service is a dynamic

field and change is constant. To meet this need, it is essential for organizations to develop and train their personnel; the responses to this question do not support this. Many fire service organizations are mandated to conduct training and many have personnel dedicated to this task. It is possible that the low response to this question is the result of respondents not equating training with employee development. The following chart illustrates the responses.

Figure 6. Services Provided by HR Personnel.

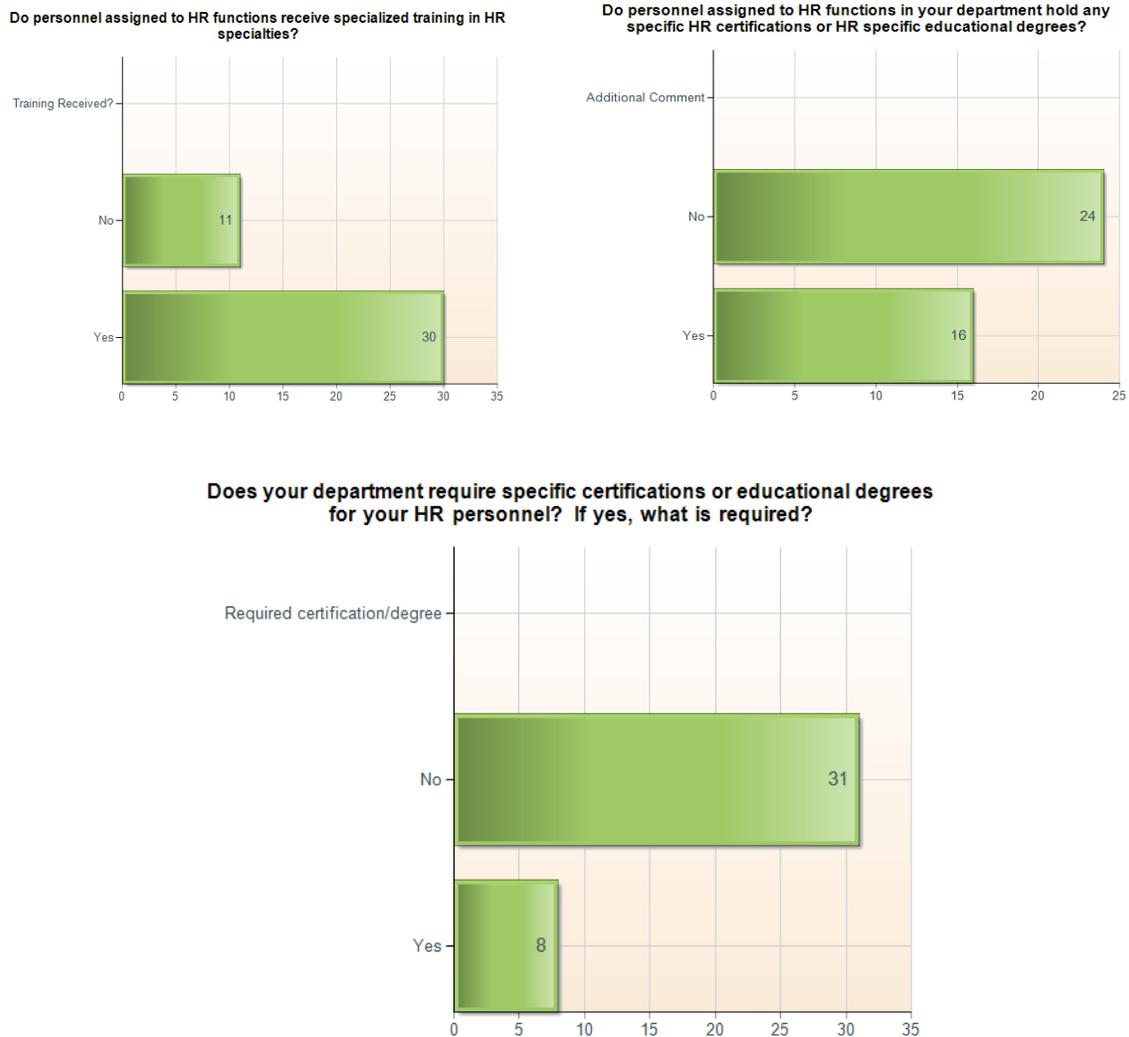


Research questions 8, 9, and 10

Research questions eight, nine, and ten relate to the training, education and certifications received by personnel assigned to HR functions. As evidenced by research question four, it is not uncommon for HR functions to be assigned to ancillary personnel or be retained and performed by the Fire Chief. The responses to these questions indicate that the majority of personnel performing HR functions do receive some training; however, there is little consistency as to what this entails. Responses to this question indicated the level of training ranged from online training to college degrees. Of the thirty nine responses to question ten, only seven stated that a college

degree was required for HR positions. The use of third party providers for training was prevalent; two providers were mentioned numerous times by respondents. Mountain States Employers Council (MSEC) and Colorado Intergovernmental Risk Sharing Agency (CIRSA) provide their members with access to a variety of training and consulting needs including human resource specific topics. Eleven (27%) of the respondents indicated that their personnel assigned HR functions do not receive any training specific to human resources.

Figure 7. Certification and Training of Human Resource Personnel.



Research Question #11

Question number eleven asked whether the respondents' organization had ever faced an HR related lawsuit. This was a yes/no question and did not ask for specifics. Of the respondents, eighteen (45%) indicated that their organization had been exposed to a HR related lawsuit. Due to the sensitive nature of the question, the researcher believes this number could be higher. The question did not go further to ask whether the respondent's organization had experienced multiple lawsuits. The researcher did not provide the respondents the opportunity to state whether the lawsuit was successful for the plaintiff.

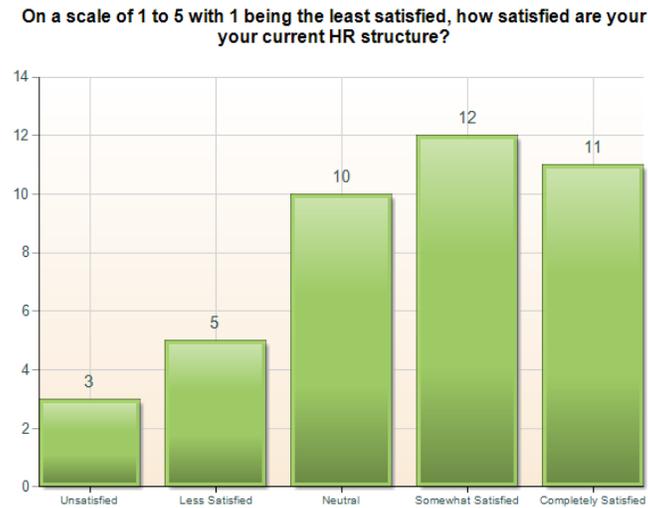
Research Question #12

Research question number twelve was an open-ended question seeking the respondents opinion on what could have been done to prevent the lawsuit referred to in question eleven. Specifically the question asked if changes to the respondents HR system could have prevented the lawsuit. Of the eighteen responses received, six (33%) indicated that human resource practices (or the lack thereof) contributed to the lawsuit. Of the six positive responses, four (66%) attribute the lawsuit to lack of training for personnel. See Appendix B for all responses.

Research Question #13

Research question thirteen asks the respondent to state their current satisfaction with the status of their HR situation. The researcher asked this question to gauge how the respondents felt about human resource practices in their organization. It is the researcher's intuitive belief that having personnel perform in roles in which they lack training would lead to dissatisfaction of the employee and poor performance in the role. The responses received indicate that over half (56%) of the respondents are somewhat or completely satisfied with the performance of their HR personnel.

Figure 8. Satisfaction with Current HR Structure. n41



Research Question #14

Research question fourteen seeks the respondent's opinion on what changes they would make in their current human resources program. This was an open-ended question and twenty seven (66%) of the survey participants replied (see Appendix C). Of the respondents, eleven (41%), stated they would add full-time, HR professionals to staff. This was followed by five (19%) of the respondents expressing a desire for additional HR training for their personnel.

Research Question #15

Research question fifteen seeks to gauge the comfort level of the respondent in regard to their exposure to a HR related lawsuit. This question is a yes/no question and also gives the respondent the ability to add comments. The majority of the respondents (59%) replied positively that their organization has taken appropriate measures to reduce risk and several have provided additional comments on how they have accomplished this. Seventeen (41%) of the respondents replied that they have more work to do in this area, however, no comments were submitted stating that organizations were not moving forward in this area. See Appendix D for all responses.

Figure 9. Steps Taken To Prevent HR Related Lawsuits. n41



Research Question #16

Research question sixteen asks the respondent to give a subjective opinion on their employees' satisfaction with their HR structure and performance. It was the intent of the researcher to compare and contrast the satisfaction levels with the other information gained in the survey. It was the researcher's belief that organizations lacking the training and specialized personnel to administer human resource programs would show a higher level of dissatisfaction. This question is inadequate to make that association. Depending on the organization, it is often difficult for chief officers to know exactly what is being expressed by line employees. Unless there is a definitive issue that needs the chief's attention, it is easy to presume all is going well. To accurately measure employee satisfaction, the researcher would have to perform an employee survey of each separate organization; a survey of that scope is beyond the purpose of this study.

Discussion

The information obtained from the literature review and the survey indicates to the author that the human resources situation at the Mountain View Fire Protection District (MVFPD) is not unique. Many organizations of similar size and structure do not have dedicated HR departments or specialists; like MVFPD, these duties are handled by administrative staff as additional duties. While this structure gets the job done, it inhibits organization and employee growth and exposes the organization to legal risk.

By implementing proactive, contemporary human resource practices, the MVFPD can expect to see increases in both employee productivity and job satisfaction. Research has shown that companies implementing innovative HRM practices will see increases in both the quality of work and in production (Shaw, 2006). Conversely, workers that feel neglected or at odds with the company will invariably produce less and will have poorer attitudes to their jobs. The fire service is made up of highly motivated people; they are problem solvers and like to be involved with the organization. Strategic human resource management (SRHM) plans for the development and growth of employees. The fire service has provided its employees with training but this training is often focused on repetitive tasks and fire ground skills. While this type of training is important, it often does not prepare employees to take the next step, to prepare for leadership roles (Carter and Rausch, 1999). The fire service needs to provide its employees true career development. By incorporating existing training resources with contemporary human resource methods, employees can have specific, individual, plans for growth. This serves both the employee and the organization; the organization has planned for succession and the employee has a clear path for development.

The role of the company officer on the job satisfaction of line employees cannot be overlooked. Company officers are not often thought of as having HRM responsibilities; this could not be further from the truth. When an employee has an issue, whether it involves pay and benefits, training, discipline, etc., it is often the company officer they turn to first. For the organization, it is the company officer that is given the responsibility to enforce the policies of the organization and set the working environment for their crew. Carter and Rausch (1999) refer to this as setting the “climate”, this is “the environment in which staff members and other stakeholders can find the greatest possible satisfaction from participating or being affected” (p. 10). Question fourteen of the survey performed for this study asked respondents what changes they would make to their current HRM structure; 41% of the respondents replied that they would add full-time HRM staff. This may help alleviate some of the administrative HRM problems but does not address the issue of line officer HRM training.

One of the goals of this study was to gain information on how fire service organizations administer HRM functions. The answers to this question are as diverse as the fire departments that replied. When it comes to human resource management, it appears that large urban departments have the luxury of utilizing HRM specialists or entire HR divisions. Results of the survey indicate that 100% of the responding organizations with over 100 employees utilize HRM specialists in some form or another (see Appendix E). When it comes to organizations similar to MVFPD, the survey results indicate that the majority utilize staff to perform these functions as additional duties. The survey indicates that of the 15 agencies with between 31 and 100 employees that responded, only 4 (26%) utilize HRM specialists or have dedicated HR divisions.

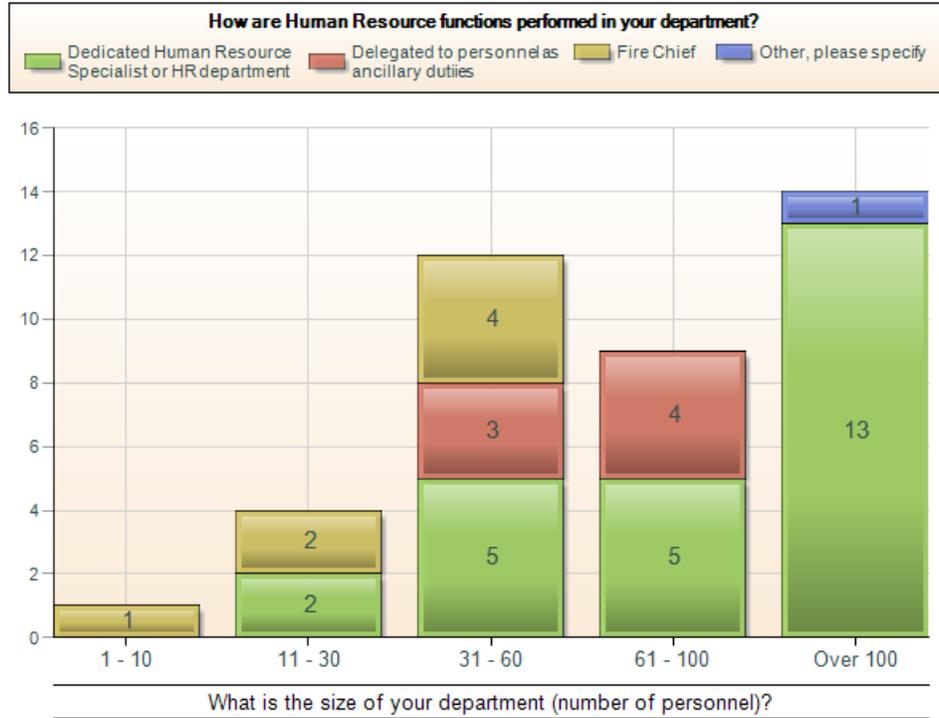


Figure 10. Performance of Human Resource Activities by Size of Organization. n40

An earlier study by Shawn T. Bayouth (2005) confirms the survey findings; “fire districts still seem hesitant to incorporate HR into their organizations. One reason for this may be in that the study also revealed that those districts that do employ specialized/professional HR personnel, all tend to be comparatively large and complex organizations” (p. 69). Respondents to the survey were also asked; if they could change anything regarding their current HRM structure, what would they change. Of the 27 responses received, 12 (44%) indicated a desire to have a dedicated HRM specialist. With the amount of data available to support the use of HRM specialists, why are these districts reluctant to do so? One answer to this question may be the cost; human resource specialists usually have college educations and HR certifications and like any professional, these resources are not cheap. According to *Managing Benefits Plans* (2009), the average salary for a human resources manager is \$98,105 annually. For many departments this is comparable to the salary of the fire chief. It is not difficult, when presented with this

information to understand the underutilization of HRM specialists by small and medium size departments. Given the salary alone, it would be difficult for small and medium size departments to justify the cost.

While the easiest route to HRM improvement may be to hire a specialist, it is not the only answer. It is important to note that it is not the structure, but the people responsible for HR that make the difference. “Organizations need individuals with the right technical knowledge, skills, and other characteristics, but they also need people who are flexible and willing to deal with rapid and unstructured changes” (Pynes, 1997, p. 16). It is highly likely that the personnel currently assigned HRM responsibilities are completely capable of performing them. What may be lacking is the necessary training and the time needed to become proficient in HRM. There are numerous sources available to receive training in HRM related disciplines; colleges and universities provide education and degrees in human resource management and there are other avenues as well. The Society for Human Resource Management (SHRM) holds seminars and provides online training to help members achieve certification (SHRM, 2009). In Colorado, Mountain States Employers Council (MSEC) also conducts training and offers certificate programs in human resources (MSEC, 2009). If organizations elect to continue utilizing staff to perform HRM, it is in the organization’s best interest to see that they are knowledgeable and well trained

A new trend that is taking hold in the management of human resources is “outsourcing”. “In many modern companies, the traditional HR department has been reduced to a skeleton staff, with many of its responsibilities devolved to overstretched line managers” (Business Europe, 1999, p. 4). Many fire service organizations have not “devolved”, but have worked this way for a long time. Human resource management can be broken into three types of functions; these

functions are, transactional, traditional, and transformational. Transactional consists of functions such as benefits administration and record keeping; traditional functions include recruitment and selection, training, and compensation (Noe, Hollenbeck, Gerhart, Wright, 2008). These functions are easily outsourced which could free up resources to focus on functions that are considered “transformational”. Transformational functions include areas that can have a greater impact on organization and career development. Functions included in this area are; cultural change, management development, and knowledge management (Noe, Hollenbeck, Gerhart, Wright, 2008). There are numerous companies available to provide human resource services; a brief internet search conducted on June 13, 2009, using the Google™ search engine located over fifty firms offering HR services ranging from payroll administration to executive development.

Legal Issues

Any organization that employs people has an obligation to adhere to applicable laws and regulations governing that relationship. Laws that protect individuals based on prohibiting discrimination on the grounds of race, gender, religion, color, national origin, handicaps, or age affect all personnel functions (Carter & Rausch, 1999). These laws are known as Equal Employment Opportunity (EEO) laws and are regulated by the Equal Employment Opportunity Commission (EEOC). The EEOC is a federal agency that is responsible for enforcing the majority of EEO laws, such as Title VII, the Equal Pay Act, and the Americans with Disabilities Act (Noe, Hollenbeck, Gerhart, and Wright, 2008). The majority of human resource related legal risk for fire departments will come from being accused of violating an EEO law; of these, most will be for perceived violation of Title VII. Title VII specifically covers discrimination issues based gender, religion, color, national origin, handicaps and age. Fire organizations need to also

be familiar with legislation such the Americans with Disabilities Act (ADA) and the fair labor Standards Act (FLSA).

Sound human resource practices can help alleviate the risk of violating these types of laws. All personnel involved in human resource functions should be familiar with the laws that are applicable to their function; for example, personnel managing recruitment and selection should be aware of such things as validation of test questions and cultural bias in interviews. One human resource practice that can help reduce risk is the development and maintenance of employee rules and regulations. Employees need to be aware of the rules and a mechanism must exist to hold employees accountable for the information. It is the responsibility of human resource personnel to make changes to the rules and policies as laws change.

The fire service is unique in that personnel spend long periods of time together in sometimes confined, private spaces. This situation lends itself to personnel becoming familiar and comfortable with each other. Due to this situation, it is possible for personnel to become too “comfortable”. This can lead to behaviors that would not be tolerated in the general workplace; these behaviors are often brushed aside and labeled as “just firehouse stuff”. It is these behaviors, which if left unchecked, could lead the organization to an EEOC complaint and potential lawsuit. The fire service will continue to become more diverse with the addition of more minorities and females; this will increase the opportunities for discrimination to occur. Of the 95,402 charges received by the EEOC in 2008, 80% were either gender or race based (EEOC, 2009).

At the front line of this problem lies the company officer. It is often this person who is charged with creating and maintaining an environment that will minimize the organization’s exposure to a complaint or lawsuit. Depending on the organization, these individuals may not be adequately trained for this. At the author’s department, aspiring officers are given limited

training in HRM; this usually occurs as part of an officer development class that covers many aspects of the position. While this initial training may satisfy the needs of NFPA 1021, *Standard for Fire Officer Professional Qualifications*, it is uncertain if it truly prepares them for the human resource requirements of the position. All personnel are required to attend annual refresher training on such topics as diversity or sexual harassment; however, these trainings are more informational than developmental in nature. These trainings do more to satisfy the district's insurance carrier than develop HRM competency. Because individual personnel can now be held personally liable for acts committed by them or by subordinate personnel with their knowledge; all supervisory personnel should demand, and the organization should supply, adequate training on employment laws and HRM strategies (Rosenbloom & Bailey, 2006).

It is apparent to the author that MVFPD is at some legal risk due to its human resource practices. Although there is risk, the author does not believe it is abnormally extreme. In the author's opinion, the two greatest areas for risk are line supervisors and outdated policy manuals. Both of these areas can be improved and other areas of human resources can be modified to work better.

Recommendations

This study has focused on five specific questions to be answered; the questions were:

1. What services are commonly administered by Human Resource Departments?
2. What human resource related federal, state, and local laws apply to the MVFPD?
3. Does the current human resource structure at MVFPD expose the district to legal risk?
4. What is the best solution to address the shortcomings of the current structure?
5. What methods/structures do other similar organizations use?

Information gathered from the literature review and the survey, has lead the author to make the following recommendations:

- The MVFPD should conduct a comprehensive audit of how human resource functions are performed. This audit should be performed by a team of HRM professionals with input from management and employees. The results of the audit will detail where the strengths and weaknesses of human resource management functions lie at the MVFPD.
- Based upon the results of the audit, a committee should be established to formulate a comprehensive HR plan. This committee should include representation from all levels of the organization, as well as HRM specialists. The plan formulated should be compatible with the district's strategic plan and cover all HRM activities. It is unlikely, given the cost, that the district will opt for hiring a full-time, dedicated HRM specialist. Given this limitation, the plan should include information on the education and certification that is necessary and customary for the HR activities being performed.
- Regardless of performing an audit or developing a long-term HR plan, the district should immediately develop a plan to enhance the human resource competency of its supervisory personnel. The district is a member of the Mountain States Employer Council (MSEC) and this organization offers comprehensive training and certification in HRM and supervisory skills. Any plan developed should also include a mechanism to require all supervisors to attend at least 16 hours of human resource continuing education annually.

- A thorough review and updating of all Administrative Operating Guidelines (AOG) and Members Rules and Regulations should be conducted. These documents dictate the majority of HR rules and are outdated in several areas and conflicts arise when practice deviates from policy.
- The MVFPD should solicit exploratory materials from third-party, human resource providers. The organization should determine what benefits exist to outsourcing the HRM functions and determine the cost.

Conclusion

This study was undertaken to evaluate and provide recommendations on human resource practices at the Mountain View Fire Protection District (MVFPD). The results of the survey have indicated that the MVFPD is not unique in its situation and that the methods utilized to provide for these HRM activities are common among organizations of similar size and type. All organizations that deal with personnel are at risk for legal action; it is the systems they have in place that may be the difference between a complaint and judgment. It does not require (although it may help) to have certified and specialized personnel performing HRM activities, it only requires that they are trained and dedicated to their task. This study introduced the concept of Strategic Human Resource Management to the reader; while this practice has value it may be unrealistic to advocate this practice to departments that are facing extreme cutbacks and budget shortfalls in today's economic climate.

In conclusion, this study has shown there are numerous ways to perform HRM functions. All of the methods utilized have strengths and weaknesses; what is important to know is whether the method works for the organization utilizing it. Excepting those with a wanton disregard for EEO laws, most organizations do their best to meet the intent and letter of the laws. In addition,

most organizations sincerely care about their employees and realize they are the source of the organization's success. By analyzing other organizations, it is possible to see what methods may enhance the growth of the organization and the employee.

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