

MEETING DATE: February 12, 2024

FROM: Daniel Smith, Fire Chief Committee

RE: Fire Chief Recruitment

BACKGROUND:

On January 22, 2024 the Board reviewed documents relating to recruitment of a District Fire Chief. Suggestions for minor revisions were recommended.

EXECUTIVE SUMMARY:

The documents have been revised following direction of the board. Also attached is the current State regulation regarding employee drug testing.

RECOMMENDATION:

The Board should consider taking action to approve the Fire Chief Job Description, the recruitment and selection policy and the compensation package along with approval to proceed with the recruitment process.

FISCAL IMPACT:

Once hired the Fire Chief compensation will be added accurately to the budget.

ATTACHMENTS:

- A. 3A FIRE CHIEF JOB DESCRIPTION
- B. 3B RECRUITMENT AND SELECTION POLICY
- C. 3C COMPENSATION FOR THE BPPD FIRE CHIEF
- D. 3D FIRE CHIEF UPDATED SALARY SURVEY
- E. 3E AB 2188 CANNABIS AND COMPLIANCE

Beckwourth Peak Fire Protection District Fire Chief Job description

PURPOSE OF POSITION:

The Fire Chief provides administrative direction and leadership for all Fire District functions, operations, and personnel through the supervision of staff for Beckwourth Peak Fire Protection District (BPFPD). Responsibilities include, reviewing the general operation of the district to determine efficiency, plan, organize, and direct fire prevention, suppression, and investigation activities. Provide direction on major projects and problem areas. Develops and implements policies and procedures and provides policy guidance to staff.

Responsible through study and consultation with the Board of Directors of BPFPD for developing recommendations for the protection of life and property in the fire district.

Responsible for performing other related duties as required.

The Fire Chief works under the direction of the Board of Directors of BPFPD. This position is considered a supervisory management position and is considered an exempt at-will position.

Essential Duties and Responsibilities:

- Assists in the formation of the new Beckwourth Peak Fire Protection District.
- Supervises and coordinates the preparation and assessment of the Annual Budget for BPFPD.
- Controls the expenditure of the Annual Budget. Provides a monthly report as Treasurer to the Board of Directors.
- Evaluates the need for and recommends the purchase of new equipment and supplies. Develops specifications for the same as needed.
- Plans and implements Fire and EMS programs for the fire district in order to better carry out the policies and goals of BPFPD.
- Supervises long range plans for the development of BPFPD.
- Reviews departmental performance and effectiveness.
- Performs the role of Human Resource Manager and Health and Safety Administrator for BPFPD.
- Reviews and recommends the implementation of new and innovative technology.
- Plans for and reviews specifications for new or replacement apparatus.
- Responds to alarms and directs activities at the scene of emergencies as required; assumes the role of Incident Command and/or establishes the same, as necessary.
- Formulates programs or policies to alleviate deficiencies.
- Meets with elected or appointed officials, other Fire/EMS officials, community and business representatives and the public on all aspects of the District's activities.

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- Works with local and state code enforcement officials regarding new construction projects within BPPFD boundaries or other matters of code enforcement as requested.
- Prepares monthly reports and other items as needed for the Board of Directors of BPPFD regarding the district's activities.
- Plans for and coordinate monthly and special meetings of the Board of Directors of BPPFD; develops the agenda for the same and ensures publications of meeting notices as per California Statutes for all meetings in conjunction with the District Clerk.
- Serves as the Public Information Officer for BPPFD and authorizes release of appropriate information through media outlets. Coordinates the same with other agencies as needed.
- Supervises preparation and reviews reports for local, state, and national reporting databases concerning fire prevention and suppression activities.
- Plans Departmental operations with respect to equipment, apparatus, and personnel and further supervises the implementation of such plans in accordance with established practices and policies.
- Plans, directs, and reviews activities of personnel performing rescue, fire prevention, fire suppression, fire investigations, and training.
- Recommends commendatory awards, approves advancement of subordinates, approves, and enforces discipline, counsels' career and volunteer firefighters and staff.
- Attends and participates in public functions concerning fire prevention and control.
- Maintains Department discipline including the conduct and general behavior of assigned personnel.
- Conducts and assists in the investigation of fire causes, origins, and circumstances.

Auxiliary Job Functions:

- Attends conferences and meetings to keep current with trends in the field as required.
- Represents BPPFD in a variety of local, county, and state meetings.
- Serves as the Fire Marshall for Beckwourth Peak Fire Protection District.
- Performs the duties of command personnel as needed and fulfills associated obligations.
- Serves as a member of committees and boards as needed or appoints qualified personnel from within the District for the same.
- Responds to citizen and public official inquiries and requests.
- Develops, recommends, and supervises professional development of subordinates.

Beckwourth Peak Fire Protection District

Fire Chief

Job description

Job Qualification Requirements:

Desired minimum qualifications:

Associate degree from an accredited college in Fire Science, Fire Administration, Public Administration, Business Administration, or a related field. Consideration may be given to currently employed Chief Officers without a degree. A bachelor's degree is preferred. Five (5) years of progressively responsible administrative and supervisory experience in fire and life safety education, prevention, and emergency response work is preferred.

- The ability to obtain the following certifications: California (CA) Firefighter I & II, Fire Apparatus Driver/Operator 1A & 1B with a DMV Firefighter Restriction, CA Fire Officer, CA Chief Officer, Hazardous Materials FRO, Emergency Medical Responder or greater and CPR.
- Should possess the following NWCG Certifications: Firefighter Type I and II, Engine Boss,
- Should possess ICS 100, 200, 300, 400, NIMS 700 and 800.

Necessary Knowledge, Skills, and Abilities:

- Thorough knowledge of modern emergency medical, fire suppression, investigation and prevention methods, principles, practices, and procedures.
- Fire District administration, training methods and techniques, fire prevention and emergency medical laws and consensus standards.
- Have a thorough knowledge of budget preparation and administration.
- Have knowledge and direct experience of fire prevention activities.
- Maintain a high level of professional Firefighters Code of Ethics.
- Skill in the operation of fire and EMS tools and equipment.
- Ability to train, supervise, and lead subordinate personnel.
- Ability to perform work requiring good physical condition.
- Ability to communicate effectively, both orally and in writing.
- Ability to exercise sound judgment in evaluating situations and in making decisions.
- Ability to effectively give and receive verbal and written instructions.
- Ability to establish and maintain effective working relationships with other employees, the Board of Directors of BPPFD, other public safety entities, and the public.
- Knowledge of all aspects of emergency management and hazard mitigation methods.

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Fire Chief
Job description

Special Requirements/Licenses:

- Must possess the ability to lead and motivate on-call personnel, recognizing their differences and the management styles required.
- Must attend Department meetings and training sessions.
- Attend local and regional emergency planning meetings and other meetings as required.
- Expected to be available and/or reachable twenty-four hours per day, 365 days per year, with the exception of scheduled leaves of absences and/or scheduled vacation time. A flexible 40-hour work week is expected.
- Must possess or be able to obtain by the time of hire, a valid State of California Driver's License without record of revocation or suspension in any state.
- Must be efficient with the use of pertinent office productivity software.
- Ability to meet Department physical demands.
- This position will require the Fire Chief to reside within fifteen (15) miles of the BPFDD Boundaries within six months from the date of hire.

Physical Demands of Position:

- While performing the duties of this position, the employee is frequently required to stand, kneel, sit, communicate or hear, reach and manipulate objects, tools or controls and reach with hands and arms.
- The employee is occasionally required to climb or balance, stoop, kneel, crouch or crawl and taste or smell.
- Duties involve moving materials weighing up to 50 pounds and occasionally lift or move up to 100 pounds.
- Specific vision abilities required by this position include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

Working Conditions:

- Work is performed in an office, vehicles, and outdoor settings in all weather conditions, including temperature extremes during day and night.
- Work is often performed in emergency and stressful conditions.
- Individual is exposed to hearing alarms and hazards associated with fire suppression and rendering emergency medical assistance, including smoke, noxious odors, fumes, chemicals, liquid chemicals, solvents, and oils.
- The employee occasionally works near moving mechanical parts and processes, at height and in precarious places and conditions, and is occasionally exposed to wet

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and/or humid conditions, fumes, or airborne particles, toxic or caustic chemicals, risk of electric shock and vibration.

- The noise level is usually quiet in office settings and loud in emergency situations.

Supervision Received:

- The Fire Chief works under the direction of the Board of Directors.

Supervision Exercised:

- Supervises and directs the firefighting personnel both career and volunteer, and the operation of the District in fire control, prevention, investigation, and rescue operations. Assigns non-routine tasks and reviews work for conformance to district policies and procedures.

***The above description includes but is not limited to the most significant duties performed. It does not include other occasional work, the inclusion of which would be in conformity with the description contained herein.**

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the recruiting, selection, training, and retention processes utilized by the Beckwourth Fire District. This policy supplements any rules that govern employment practices for the Beckwourth Fire District.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Beckwourth Fire District provides equal opportunities for applicants and department members regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, member, or group of members unless otherwise required by law.

1000.3 RECRUITMENT

The Fire Chief Command should employ a comprehensive recruitment and selection strategy to recruit and select members from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (e) Member referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Fire Chief Command shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department

Recruitment and Selection

should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- A comprehensive application for employment (including previous employment, references, current and prior addresses, education, and military record)
- Driving record
- Reference checks
- Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1 (documentation may be requested upon hire)
- Information obtained from public internet sites
- Financial history consistent with the Fair Credit Reporting Act (FCRA) and Investigative Consumer Reporting Agencies Act (ICRAA) (15 USC § 1681 et seq.; Civil Code § 1786.12)
- Local, state, and federal criminal history record checks following a conditional offer of employment unless otherwise required by law
- Polygraph or voice stress analyzer examination (when legally permissible) (Labor Code § 432.2)
- Medical and psychological examination (may only be given after a conditional offer of employment)
- Review board or selection committee assessment

1000.4.1 VETERAN PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1000.5 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner (see the Position Descriptions Policy). Each standard should include performance indicators for candidate evaluation. The Admin Officer/Fire Chief should maintain validated standards for all positions.

Selection standards for promotional opportunities are detailed in the Promotions and Transfers Policy.

Recruitment and Selection

1000.5.1 STANDARDS FOR FIREFIGHTERS

Generally, the standards may include the following requirements. The candidate should:

- (a) Be at least 18 years of age by the closing date of the recruitment period.
- (b) Be in possession of a high school diploma or a General Equivalency Diploma (GED).
- (c) Have good vision in both eyes, with the ability to distinguish Occupational Safety and Health Administration (OSHA) color codes for hazardous materials (e.g., blue, red, yellow, white), and have no depth or peripheral vision impairment.
- (d) Meet the objectives and minimum standards established in the International Association of Fire Chiefs (IAFC)/International Association of Fire Fighters (IAFF) Fire Service Joint Labor Management Wellness-Fitness Initiative or similar validated health screening process.
- (e) Meet the minimum standards established by the National Fire Protection Association (NFPA).
- (f) Be in possession of, or have the ability to obtain, a valid state driver license in the class required for the position sought.
- (g) Be a U.S. citizen or have proof of a legal right to work in the U.S.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 TRAINING

All entry-level firefighter candidates should complete training in an accredited fire training program established by the Office of the State Fire Marshal (OSFM), including the California Fire Service Training and Education System (CFSTES) (Health and Safety Code § 13159 et seq.).

Recruitment and Selection

1000.8 RETENTION

The primary focus should be on hiring those who are the best fit for a particular position. In order to retain quality members, the Department should:

- Seek member input on retention strategies.
- Develop a workplace that respects, encourages, and enables a work/life balance.
- Facilitate training and career development opportunities.
- Develop and maintain quality supervisors.
- Provide regular and meaningful performance feedback.
- Promote an environment where members are able to speak freely.
- Treat members fairly, equitably, and consistently.
- Consider ways to reward excellent performance.
- Follow up on any feedback acquired during an exit interview process.

Retention incentives may include items from a collective bargaining agreement, employment benefits, seniority benefits, and forms of recognition.

Recommended Compensation for the BPFPD

Fire Chief

The feasibility study financial plan has \$99,255. listed as compensation for the Fire Chief position during the fiscal year 2024-25. The plan also uses a 3% escalator annually in line with the 3% escalator in the parcel Tax approval. The detail is included in the plan annually ending up with the salary at \$125,734 in fiscal year 2032-33. The board would like to consider a lower control point to allow for a benefits package. The proposed new control point 10% less would equal \$ 89,330 annually

The recommendation for this executive position is to use a control point system. The control point for a chief would be \$89,330. Based on the qualification of the applicant you could hire at 20% less than the control point to 20% greater than the control point. The range would end up at \$71,464 to \$107,196. It would be rare to hire greater than the control point initially, but this system gives you flexibility. The control point would then increase each year by the 3% indicator. Additionally, during the annual evaluation of the Chief by the board of directors, the board can raise the % of control point based on outstanding performance or additional duties (such as EPRFD annexation). This is a fair way to compensate an executive. It also allows the board to carefully consider the district budget when making decisions on the control point.

Benefits offered to the applicant are also important. The district is obligated to provide all legally required benefits mandated by California law. Currently the district is not in a position to offer complete medical or retirement benefits such as CALPERS. This is something the Board will have to re-evaluate and maybe consider in the future.

The board of directors does feel it is important to offer a benefit package for the long-term benefit of the district and employee. By lowering the original Control by 10% This would allow the district to offer a benefit package equal to 10% of the salary agreed on with the candidate. Which would be in the

range of \$71,464 to \$107,196, the benefit package would be \$7,146 to \$10,719 annually and would be adjusted annually.

This could be used for medical and dental premiums or reimbursements for medical / Dental services, or for an IRA for retirement, or additional income as negotiated at the time of hire up to the 10% allowed.

Beckwourth Peak Fire Protection District

Updated Fire Chief Compensation Survey

- Bing internet search engine annual California Chief Salary \$103,637
- Beckwourth Fire District current salary \$75,109 no benefits
- Chester Fire Chief Salary \$25 an hour, part time, no benefits
- Eastern Plumas Fire Chief Salary, no salary, \$1,500 month stipend only
- Peninsula Fire Chief Salary \$138,000, full medical / dental PERS
- Quincy Fire Chief Salary \$65,000 annually, \$200 month vehicle allowance, no benefits
- Graeagle Fire Chief Salary \$37,950 annually, part time, no benefits

Cannabis and Compliance: California Enacts Cannabis Protections

By: Larissa Alvarez, Law Clerk, Liebert Cassidy Whitmore

Summary of AB 2188

AB 2188 makes it unlawful for an employer to discriminate against a person upon the person's use of cannabis while away from the workplace. AB 2188 was signed into law by Governor Gavin Newsom which expands safeguards for employees to include protections for off the job cannabis use. These protections expand to hiring, termination, or any term or condition of employment. Some exceptions to these protections include pre-employment drug screening and employer-required drug screening test that has found the person to have non-psychoactive cannabis metabolites in their hair, blood, urine, or other bodily fluids, amongst others. AB 2188 goes into effect beginning on January 1, 2024.

Background

The California Fair Employment and Housing Act (FEHA) protects and safeguards the right of all persons to seek, obtain, and hold employment without discrimination, abridgment, or harassment on account of several protected statuses including race, sex, gender identity, age, religion, national origin, ancestry, disability, marital status, and sexual orientation, and age, amongst others. FEHA prohibits various forms of employment discrimination and empowers the Civil Rights Department to investigate and prosecute complaints alleging unlawful practices. Protected status can be expanded with amendments to the law.

Changes to California Law

AB 2188 expands the California Fair Employment and Housing Act to include use of cannabis as a protected status. Cannabis use is a protected status, under the law, so long as that cannabis use is away from the workplace. The Legislature declares that the intent of drug tests is to identify employees who may be impaired. Typical drug tests search for tetrahydrocannabinol (THC), the chemical compound in cannabis that can indicate impairment and cause psychoactive effects. Because most drug tests are conducted to find cannabis, the results typically only show the presence of nonpsychoactive cannabis metabolite which has no correlation to impairment.

AB 2188 does not apply to specific employees including:

- Those in the building and construction trades;

- Persons hired for positions that require a federal government background investigation; or
- Applicants that require security clearance in accordance with regulations issued by the United States Department of Defense pursuant to the Code of Federal Regulations or equivalent regulations applicable to other agencies.

AB 2188 does not preempt state or federal laws requiring applicants or employees to be tested for controlled substances, including requiring applicants or employees to be tested, receiving federal funding or federal licensing-related benefits, or entering into a federal contract.

Additionally, the new law does not permit an employee to possess, be impaired by, or use, cannabis on the job. AB 2188 does not affect the rights or obligations of an employer to maintain a drug- and alcohol-free workplace.

How do Special Districts Comply?

The California Legislature suggests that due to advancements in science, “employers now have access to multiple types of tests that do not rely on the presence of nonpsychoactive cannabis metabolites.” Special district employers should review and consider revising their drug and alcohol policies to ensure compliance with the provisions of AB 2188. Employers should also define what “away from the workplace” means due to the rise of remote work. It’s adamant that special districts review their current testing practices to comply with the new law and utilize a drug test that does not screen for nonpsychoactive cannabis metabolites.

Take a look back at previous parts of the 2023 New Laws Series in *CSDA eNews* for more in-depth analyses on new laws affecting special districts.

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