

Boston Fire Department
Independent Review Panel

Report to Mayor Thomas M. Menino

November 30, 2007

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The Review Panel's Perspective

On the night of August 29, 2007, a fire occurred at the Tai Ho Restaurant in West Roxbury. The Boston Fire Department was summoned. During the response, two Boston firefighters lost their lives and several others were injured. Subsequent media reports about this fire and the two deaths raised concerns about the effectiveness of the Boston Fire Department's policies addressing substance abuse, drug and alcohol testing, and related issues.

In response, Boston Mayor Thomas M. Menino asked the three of us to serve as members of a panel that would take a fresh look at the Boston Fire Department's current policies, procedures, and practices with regard to departmental supervision and accountability, personnel and human resources, and substance abuse and impairment. We were asked to produce targeted, preliminary recommendations by December 1, 2007.¹

We have not been asked to investigate the events that occurred on August 29; that assignment has been left to others. However, the tragedy that occurred that night reminds us of the significance of the task before us. It is an obvious point but merits repeating: In firefighting, the stakes are high. Fires kill people. Firefighting remains one of the most dangerous professions in the United States.² The public depends upon fire departments operating at full capacity. Firefighters depend on colleagues for their very lives. In such a context, adherence to proper rules and regulations truly matters. Fitness and training matter. Leadership and management matter. There is little margin for error.

Previous commissions and consultants have explored many of the issues in the panel's charge and prepared comprehensive studies with a wide range of recommendations.³ Some of those recommendations have been acted upon; others are pending. We do not list all of the pending recommendations in this report. Most of them have merit, however. We urge the City of Boston, the Boston Fire Department, and Boston Firefighters Local 718 to give them further consideration.

¹ See Appendix 1 for the Mayor's full charge to the panel.

² *The Fire Service Joint Labor Management Wellness-Fitness Initiative*, Second Edition, ©1997, 1999, p. 6

³ For example:

- *The Challenge: Managing Tradition, Diversity, and Change: Findings and Recommendations*, Boston Fire Department Review Commission, January 2000, City of Boston
- City of Boston, Massachusetts, Study of the Fire Department, October 1995, MMA Consulting Group, Inc.
- *An Analysis of the Boston Fire Department*, City of Boston Finance Commission (July 28, 1994)

Leadership as well as policy

What we do not need at this point is another thick volume of analysis presenting yet another laundry list of policy suggestions. Constructive proposals are already on the table. We are more concerned now with establishing processes that ensure that substantial reforms will be adopted and with having the city, the department, and the union move with some urgency to put a new substance abuse and wellness program in place.

We can design the most effective drug and alcohol testing policy conceivable, but it will be worthless if it is not actively supported by the members and leadership of the department.

Section I of this report focuses on process issues relating to leadership, management, and supervision. We focus, in particular, on the manner in which the city, the department, and the union explore, develop, adopt, implement, and oversee new policies and programs. We begin here, before turning to a discussion about substance abuse, because the department's leadership and management is a key to addressing substance abuse—or any other issue, for that matter. We can design the most effective drug and alcohol testing policy imaginable, but it will be worthless if it is not actively supported by the members and leadership of the department. We therefore discuss strategic planning, leadership and management of the department as a whole, and supervision provided by officers in the firehouse and in the field. We recommend changes that we believe will strengthen the department and will, in turn, be critically important when the department explores any number of issues, including wellness and substance abuse.

Section II focuses on specific policies that we believe the department should promptly adopt and implement, including, but not limited to, random drug and alcohol testing. Following the August 29 tragedy, questions arose related to the department's substance abuse policies and the fact that members of the department are not subjected to random drug and alcohol testing after their first year of employment. In Section II, we recommend that all Boston Fire Department personnel in safety-sensitive positions undergo random drug and alcohol testing throughout their careers at the department. We also note that testing will be most effective if it is just one part of a comprehensive health, fitness and wellness program, and if it is backed by strong leadership and effective supervision.

The prospects for change

We offer our recommendations knowing that some of these issues have been very contentious in the past. We are optimistic that the outcome can be different this time. During the past eight weeks, we have met with officers from the Boston Fire Department and Boston Firefighters Local 718, as well as the Mayor, the Fire Commissioner, the Chief of Department, the Medical Director of Health Services,

the Coordinator of the Employee Assistance Program, and other officials. We appreciate their candor. Given what we have heard, we believe there is more common ground on the issues this report addresses than might be readily apparent, and perhaps more common ground than existed in the past.

Change can be difficult, especially when it involves considering challenging issues in the context of collective bargaining. The issues addressed in this report, however, speak directly to the welfare of our firefighters, to the safety of our citizens, and to the public's confidence in the Boston Fire Department. We are convinced that the city, the department, and the union are all deeply interested in helping the fire department move forward.

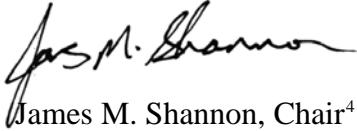
There is more common ground on the issues this report addresses than might be readily apparent.

Some changes discussed in this report can be made by the city through administrative action. Others, including random testing and most of the health and wellness proposals, are the subject of collective bargaining and cannot be unilaterally imposed by the city. Moreover, the city will probably need to allocate or commit additional resources to implement our proposals. Such investments will surely return considerable dividends, however. Improving firefighter fitness and wellness can reduce injuries and illness, and thus long-term expenditures. Far more critically, any step that further promotes safety will benefit both the City of Boston and the firefighters who serve it.

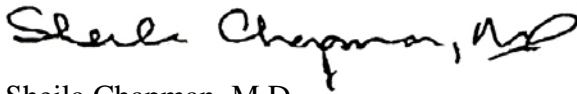
Boston can lead

We hope that what transpires during the coming months will make Boston a model among fire departments at tackling difficult organizational issues that, in one way or another, affect all fire departments. In times of emergency, we all rely upon the courage, dedication, and capability of our firefighters. We are fortunate to have so many dedicated people willing to serve the city in such a dangerous capacity. We believe that the changes we propose will ensure that the fire department is organized, managed, and led in a way that will make it possible for our firefighters to provide public safety better and, at the same time, foster a safer environment in which to work.

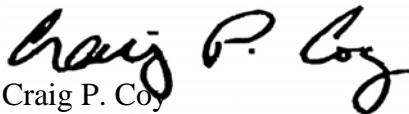
On August 29, two firefighters were killed and several others injured while serving the citizens of Boston. We express our condolences to all those who have suffered in this tragedy and our gratitude to the entire Boston Fire Department for its dedicated service.



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⁴ The panel wishes to thank those individuals who have helped us prepare this report, among them Brian A. Davis, Partner, Choate, Hall & Stewart LLP; Chief Russell Sanders, Central Regional Manager, National Fire Protection Association and former Chief of the Louisville, Kentucky Fire Department; and Dan Adams, our staff director.

Summary of Recommendations

Department-Wide Strategic Planning Committee

Recommendation 1: The panel recommends establishing a department-wide strategic planning committee consisting of representatives from the Boston Fire Department's leadership, the union, and the City of Boston.

Leadership and Management

Recommendation 2: The panel recommends augmenting the Fire Commissioner's civilian staff by reconfiguring the position of Chief of Administrative Services, taking the position of Legal Advisor provided for in the Rules and converting it into a new position, and establishing a new civilian position so the Commissioner will have the assistance of three deputy commissioners focused, respectively, on administration and finance, planning and organizational development, and responsibilities related to labor and management.

Recommendation 3: The panel recommends that the Commissioner and the Fire Chief direct and ensure that the staff and operational personnel of the fire department know and follow the administrative and organizational procedures detailed in existing rules and regulations. Additional, accepted management and oversight practices also should be instituted.

Leadership Training

Recommendation 4: The panel recommends that the fire department establish a credentialed professional development academy program with specific curricula developed for company- and chief-level officers.

Recommendation 5: The panel recommends that the department offer classes to help department members prepare for promotional examinations as a way of nurturing new leaders and promoting a diverse departmental leadership.

A Comprehensive Health, Fitness and Wellness Program

Recommendation 6: The panel recommends that the Boston Fire Department take immediate steps to improve its members' health, fitness and wellness by establishing a comprehensive health, fitness and wellness program.

Random Drug and Alcohol Testing

Recommendation 7: The panel recommends instituting random drug and alcohol testing for all Boston Fire Department personnel in safety-sensitive positions, from the Commissioner down to entry-level firefighters.

Section I. Recommendations on Leadership, Management, and Supervision

Drawing on the interviews the panel has conducted over the past eight weeks, as well as a review of previous studies of the Boston Fire Department, we are convinced that the fire department needs better management procedures and better leadership development. Toward that end, we offer five recommendations in this section.

Leadership and management are the keys to running the fire department and ensuring consistency, effectiveness, and accountability. Strong leadership and management are essential as the fire department assesses its current policies, considers alternatives, generates the collective will needed to adopt and embrace those alternatives, and ensures that new policies are implemented fully and fairly.

In Section II, we call upon the fire department to consider changes to its health, fitness and wellness programs—and, in that context, its substance abuse policies. Strong leadership and management will be essential if that process is to succeed.

Strategic Planning Recommendation

Recommendation 1: The panel recommends establishing a department-wide strategic planning committee consisting of representatives from the Boston Fire Department's leadership, the union, and the City of Boston.

Background

Previous commissions and consultants have explored most of the issues discussed in this report. In the past, recommendations have been developed to address these issues but have not been fully implemented. Today, we find little objection in principle to the recommendations in this report, but considerable skepticism about the parties' shared ability to advance them, especially if they must be addressed through collective bargaining.

The city, the department, and the union need a better way to explore issues and develop and advance reforms. This is especially important when those reforms can have a direct impact on public safety or firefighter safety. The department should adopt an institutionalized strategic planning that supports open communication about issues such as fitness training and wellness; that fosters the development of a consensus agenda; and that enables all parties to monitor the status of implementation.

The fire department and the union took some initial, tentative steps in this direction by including the framework for a joint health and safety committee in their most recent collective bargaining agreement.⁵ We envision something broader and more comprehensive. A concerted and inclusive strategic planning process would allow all members of the fire department, especially those members who have a rich understanding of how the fire department operates and an

⁵ See Agreement Between Boston Fire Fighters Local 718 International Association of Fire Fighters AFL-CIO-CLC and the City of Boston, effective July 1, 2003 through June 30, 2006, Article XIX, Sec. 4.

important stake in its long-term vitality, to have ownership of the decisions made on the fire department's behalf.

We recognize that many of the key issues this committee would address, including issues related to wellness and fitness are subject to collective bargaining. At the same time, it is essential that members of the department stay focused on issues such as these, so they should be considered an ongoing part of the strategic planning effort.

Discussion of Recommendation 1

The panel recommends establishing a department-wide strategic planning committee consisting of representatives from the Boston Fire Department's leadership, the union, and the City of Boston.

Initially, the Commissioner should chair this committee, which will focus on implementing the other recommendations in this report. Eventually, the strategic planning committee should be chaired by the Deputy Commissioner for Planning and Organizational Development (a new position discussed in the next section).

The strategic planning committee should be established immediately, provide formal terms for its members, and meet regularly. Its priority should be finding the path forward toward the speedy and effective implementation of the recommendations in this report. It should also have responsibility to actively monitor the progress of implementation, providing a progress report every three months, and a comprehensive final report to the public within two years. Beyond its focus on the recommendations in this report, this committee should serve as an ongoing forum that supports dialogue and strategic planning, and tracks progress in the years ahead.

Much has been made of the fact that many good ideas recommended in the past have fallen by the wayside. We believe that the best process of change in the Boston Fire Department will be one that is driven from within the department with support from outside, including city officials, citizens groups, and outside experts who have assisted other fire departments in dealing with these issues. The establishment of this strategic planning committee and the commitment of all parties to carry out its charge will be an early indication that the fire department leadership, the union, and the city have heard that concern and chosen to follow recommendations for change.

Leadership and Management Recommendations

Recommendation 2: The panel recommends augmenting the Fire Commissioner's civilian staff by reconfiguring the position of Chief of Administrative Services, taking the position of Legal Advisor provided for in the Rules and converting it into a new position, and establishing a new civilian position so the Commissioner will have the assistance of three deputy commissioners focused, respectively, on administration and finance, planning and organizational development, and responsibilities related to labor and management.

Background

The new strategic planning committee proposed in Recommendation 1 would be a first step in creating a climate within the fire department that better supports policy development and implementation. The second step involves the leadership and management of the fire department, both system-wide and day-to-day in the individual firehouses and in the field.

Organizations need both inspiring leaders and efficient managers to succeed. Leaders establish and communicate a clear direction for the future, align people's efforts with that direction, and motivate people within the organization to overcome obstacles to change and transform the organization as necessary. Managers budget, plan, organize staff, control outcomes, and solve problems to achieve expected results.

Currently, responsibility for the department's leadership and management tasks falls to the civilian Commissioner and the uniformed officers including the Chief of the Department, Chief-level Officers, and Company Officers. The return to a civilian commissioner last year was an important step in improving departmental management but the commissioner has insufficient resources at present to do the job he has been asked to do. The panel believes the department will be better served if the civilian leadership is strengthened, and also if it is aligned more directly with its respective leadership and managerial functions

Discussion of Recommendation 2

The panel recommends augmenting the Fire Commissioner's civilian staff by reconfiguring the position of Chief of Administrative Services, taking the position of Legal Advisor provided for in the Rules and converting it into a new position, and establishing a new civilian position so the Commissioner will have the assistance of three deputy commissioners focused, respectively, on administration and finance, planning and organizational development, and responsibilities related to labor and management.

Under this new organization, the Commissioner would have three civilian deputies:

- ***Deputy Commissioner for Administration and Finance:*** The current position Chief of Administrative Services would be transformed into the position Deputy Commissioner for Administration and Finance. This deputy would be responsible for creating a five-year capital spending plan and the annual operating budgets, and oversee information technology planning and execution. Administrative human resources functions may also report to this deputy commissioner.
- ***Deputy Commissioner for Planning and Organizational Development:*** This new position would focus on departmental strategy, participating in and eventually chairing the strategic planning committee discussed in Recommendation 1, and leading new organizational development initiatives as directed by the Commissioner. This deputy would oversee the development of a new leadership training academy, as is discussed in Recommendation 4. Responsibility for operational firefighting training would remain unchanged.

- *Deputy Commissioner for Legal Affairs and Labor Relations:* This position would expand upon the existing position of Legal Advisor.⁶ To better align labor and management issues and initiatives, this deputy position would be responsible for recruiting, evaluations, labor relations and disputes, the Employee Assistance Program, and the new health, fitness and wellness program discussed in Section II. This deputy would be assisted by a uniformed deputy chief (outside the bargaining unit). Operational personnel issues, such as assignments and staffing levels, would remain within the responsibility of the chief-level officers.

This Deputy Commissioner also would lead collaborative efforts with union representatives and uniformed management officers to review and make recommended changes to work rules (e.g., swapping and the “acting list”) and regulations under the Collective Bargaining Agreement, an initiative that would be undertaken upon completion of the current negotiations.⁷

Recommendation 3: The panel recommends that the Commissioner and the Fire Chief direct and ensure that the staff and operational personnel of the fire department know and follow the administrative and organizational procedures detailed in existing rules and regulations. Additional, accepted management and oversight practices also should be instituted.

Background

In addition to augmenting the fire department’s civilian leadership, change is also needed in the department firehouses and in the field, where management and administrative oversight has the most direct impact on discipline, accountability, organizational pride, and ultimately effectiveness.

Many of the fire department's traditional formalities and procedures have been allowed to languish over the years, the panel believes, to the fire department's detriment. For instance, formal daily roll calls were called for in the past, but the panel has been informed that, until recently, they did not take place in most instances. Another example involves the swapping of shifts among department personnel, which is supposed to occur under the supervision and advanced approval of officers but is typically handled informally among the firefighters. The panel believes that reestablishment of these procedures and others that have lapsed will improve the fire department's effectiveness.

Discussion of Recommendation 3

The panel recommends that the Commissioner and the Fire Chief direct and ensure that the staff and operational personnel of the department know and follow the administrative and organizational procedures detailed in existing rules and regulations. Additional, accepted management and oversight practices also should be instituted as needed.

⁶ The Legal Advisor position is currently provided for in the Rules

⁷ Potential issues: the process for assigning deputy chiefs across the fire department to staff or operational positions based on experience and needs of the department; training and certification requirements for promotion of officers; and review of disciplinary practices and procedures.

As we discuss in Recommendation 4, establishing a fire department training academy will help prepare department members who are promoted to supervisory positions to undertake the responsibilities of their new positions. This supervisor training can be reinforced by the revival and adoption of policies that assert strong discipline and accountability within the unit. Formal daily roll-calls, monthly station inspections by the District Chief, and the supervision and advanced approval of the swapping of shifts, are just a few examples. Such practices will also help address issues such as the continuity of the unit, department-wide communications, identification of personnel who may not be fit for duty, engagement of senior department staff in line activities, and identification of facility shortcomings.

In addition to ensuring that existing procedures are followed, other accepted management and oversight practices should be considered and instituted as needed. Even if they represent relatively modest changes, such measures collectively can have a significant impact on the department's performance. The panel offers the following examples to illustrate the kind of measures we have in mind:

- An annual “State of the Boston Fire Department” report issued by the Commissioner with annual goals and objectives;
- The creation and distribution of annual operating budgets for every division and staff element by the Deputy Commissioner for Administration and Finance;
- A new effort to update personnel reporting databases and automate the time/attendance reporting system initiated by the Deputy Commissioner for Administration and Finance;
- The implementation of mandatory weekly community fire prevention activities for every station;
- The creation and aggressive use of multi-level working groups to focus on issues of concern, supplementing the work of the new strategic planning committee and fostering greater collaboration with the fire department; and
- Formal monthly personnel inspections with firefighters alternatively in their station uniforms and their turnout gear, as well as formal facility inspections.

Practices along these lines—along with others the department might consider—would facilitate the implementation of departmental policies, help identify both problems and opportunities for improvement, foster better lines of communication, and make the department more accountable to the city and ultimately the community.⁸

⁸ In this context, the department should consider reviewing the types of measures other urban fire departments have adopted along these lines.

Leadership Training Recommendations

Recommendation 4: The panel recommends that the fire department establish a credentialed professional development academy program with specific curricula developed for company- and chief-level officers.⁹

Recommendation 5: The panel recommends that the fire department offer classes to help department members prepare for promotional examinations as a way of nurturing new leaders and promoting a diverse departmental leadership.

Background

Planning, leadership, and management are essential to establishing a fire department's readiness and effectiveness. Each of these factors, in turn, depends upon the preparation and performance of the fire department's supervisory personnel at all levels. Ultimately, the department's officers determine whether policies are implemented effectively, whether discipline is applied fairly, and whether firefighters are fit for duty. When problems arise, the department depends on strong leadership from its officers to prevent them from evolving into crises.

Currently, the fire department's officers receive no formal training in management, leadership, and supervision. By way of example most relevant to this report, the fire department offers no formal training on accepted methods of identifying, addressing and managing a firefighter with a substance abuse problem. This lack of training has long been a source of concern, and it remains so today. It increases the potential for an uneven or faulty application of disciplinary policies, to the detriment of continuity and accountability. At the same time, it also can lead to missed opportunities to take constructive steps—like implementing comprehensive fitness training programs—that could work to every member's benefit.

The need for management training is even more apparent when we consider, for example, the case of an individual who has served in the department as a firefighter, worked side-by-side with peers, and then is promoted to lieutenant. Upon promotion, the officer becomes charged with administering substance abuse policies, managing conflict resolution, and assuring the team is prepared, trained, and properly staffed for a particular shift, all the while overseeing colleagues who may well be long-time colleagues. Through management training, the fire department can provide newly promoted officers with the strategies, skills, and the self confidence they need to undertake their heightened responsibilities.

It is also important that we consider—in this context—how the fire department will continue to ensure that it has officers and leaders who are well prepared for the challenges the fire department will face in the future. This issue has many dimensions, but one of the most significant involves whether the department supports the efforts of a diverse range of candidates in seeking leadership positions.

⁹ This recommendation addresses training for leadership and management, as distinct from training for fire ground operations, which is also critically important.

During the past year, the fire department has been actively involved in further developing its training methods by reviewing its programs, launching new initiatives, securing funding, and developing training facilities. The panel applauds these recent steps, while noting that most of them are focused on training related to fireground operations. The panel's proposal is intended to build upon the efforts now underway at the department, rather than replace them. Critical operational training should be complemented by training in leadership, management, and supervision.

Discussion of Recommendation 4

The panel recommends that the fire department establish a credentialed professional development academy program with specific curricula developed for company- and chief-level officers.

The panel recommends that all current officers, all newly promoted officers, and all firefighters aspiring to be promoted to officer ranks successfully complete this training. Additional details regarding what such a program could consist of are presented in Appendix 2. Other communities have developed such academies; in particular, the panel urges the city, department, and union to consider the academy developed in San Diego.

To accomplish the mission of the Boston Fire Department—and to fully and fairly implement policies addressing substance abuse and other concerns—company- and chief-level officers must understand their responsibilities, know what is expected of them, and be able to perform their duties to a high degree of efficiency and safety.

Discussion of Recommendation 5

The panel recommends that the department offer classes to help department members prepare for promotional examinations as a way of nurturing new leaders and promoting a diverse departmental leadership.

Members of the department who seek promotion to officer should be encouraged and supported. The panel believes that the department should redouble its efforts to strengthen its leadership ranks through the successful recruitment, retention and promotion of capable men and women of diverse backgrounds. Helping to prepare members to take promotional department examinations is one of the most direct and effective ways to accomplish this goal. The development of an in-house examination preparation program to assist all interested candidates can help open the doors to leadership for the best and the brightest candidates regardless of their background and contribute to greater diversity among the department's leaders.

Section II. Recommendations on Health, Fitness, and Wellness, and Substance Abuse

Keeping the importance of strong leadership, management and supervision in mind, we now turn to policy questions related to health, fitness, and wellness, and to substance abuse. As stated earlier, most of the recommendations discussed in this section are the subject of collective bargaining, but they should also be considered as ongoing concerns in the context of strategic planning.

Recommendation 6: The panel recommends that the Boston Fire Department take immediate steps to improve its members' health, fitness and wellness by establishing a comprehensive health, fitness, and wellness program.¹⁰

Background

Firefighting is one of the most dangerous occupations in the world and an occupation that calls for high levels of physical and mental fitness. Firefighters are particularly at risk for heart disease, lung disease, cancer, orthopedic injuries, and stress-related problems. Today, the number one cause of on-duty firefighter deaths nationwide is sudden cardiac death.¹¹

These concerns have led many of the nation's fire departments—especially departments in urban areas—to develop programs to maintain basic firefighter fitness and health.¹² According to a survey published in 2005, 86.7 percent of the nation's fire departments covering communities with one million or more residents had such programs.¹³ ¹⁴ These programs are beneficial in several ways. First, and most important, they support the welfare of the department's members. Second, they increase the ability of the department to perform effectively in challenging circumstances. Third, they are likely to result in long-term cost savings.¹⁵

At the Boston Fire Department, candidates for employment have a physical examination and a fitness test; but this is the only time they undergo a department-mandated examination and fitness test. The department previously required candidates also to undergo a psychological evaluation before admission, but no longer does. The department possesses some equipment for fitness training, but has not implemented a formal fitness training program.

¹⁰ In preparing this section, the panel drew in part from conversations with Dr. Michael Hamrock, the Boston Fire Department Medical Director. We greatly appreciate Dr. Hamrock's guidance and advice.

¹¹ This is the case even though the number of on-duty cardiac deaths has dropped by more than one-third since 1977. See: Rita F. Fahy PhD, Paul Leblanc, Joseph Molis, "Firefighter Fatalities Studies 1977-2006: What's Changed Over the Past Thirty Years?" *NFPA Journal*, Volume 101, No. 4, July/Aug 2007, p. 54 (2007).

¹² Such as the programs called for in NFPA 1500, Standard on Fire Department Occupational Safety and Health Program

¹³ FEMA US Fire Administration 2005, Survey of the Needs of the US Fire Service, cited in *Four Years Later—A Second Needs Assessment of the U.S. Fire Service, October 2006*, a cooperative study between the US Fire Administration, Directorate for Preparedness, Department of Homeland Security, and the National Fire Protection Association

¹⁴ Departments covering smaller communities are less likely to offer such programs.

¹⁵ See *The Fire Service Joint Labor Management Wellness-Fitness Initiative*, Second Edition, ©1997, 1999, pp. 5-6.

The need for further attention to health and safety in Boston has been acknowledged to some degree. Section 4 of the Collective Bargaining Agreement calls for the establishment of a joint health and safety committee with members from both the city and the union.¹⁶

Discussion of Recommendation 6

The panel recommends that the Boston Fire Department take immediate steps to improve its members' health, fitness and wellness by establishing a comprehensive health, fitness, and wellness program.

In developing a comprehensive health, fitness and wellness program, the department should draw upon the report of the Fire Service Joint Labor Management Wellness-Fitness Initiative, which stresses a holistic, positive, rehabilitating and educational focus to health, fitness, and wellness.

The panel urges the department to implement a program that has, among its highlights:

- A preventive medicine philosophy;
- A focus on cardiovascular disease risk reduction, cancer screening, nutrition education, stress reduction, and exercise;
- Annual physicals and more regular fitness testing, including a fitness test at the time of promotion;
- Pre-employment psychological testing;
- Psychological screening and services focused on anxiety, depression, post-traumatic stress disorder, and substance abuse; and
- A department-wide fitness program with a designated fitness officer and exercise equipment in each fire station.

The panel is convinced that implementation of such a program will help ensure the well-being of firefighting personnel and will be of considerable benefit to our firefighters, the department, the city, and the public.

¹⁶ Agreement Between Boston Fire Fighters Local 718 International Association of Fire Fighters AFL-CIO-CLC and the City of Boston, effective July 1, 2003 through June 30, 2006, Article XIX, Sec. 4.

Recommendation 7: The panel recommends instituting random drug and alcohol testing for all Boston Fire Department personnel in safety-sensitive positions, from the Commissioner down to entry-level firefighters.

Background

The Boston Fire Department's rules and regulations state that "the department is committed to providing a safe substance-free workplace ... assisting members of the department who are working to overcome problems caused by substance abuse ... and providing fire protection service in a manner that enhances the safety of the public and the members of the department."¹⁷

The panel found these principles helpful when considering whether to recommend instituting random drug and alcohol testing. We share the department's desire to create a substance-free workplace, to work with members with substance abuse problems, and to support public safety.

The department's policies currently permit drug and alcohol testing pre-employment; on a random basis during a firefighter's first year of employment; following a critical incident; and if there is reasonable suspicion of drug or alcohol use while on duty. Generally, if members receive a positive test result, mandatory referral to the department's Employee Assistance Program follows. Treatment and random drug and alcohol testing typically follow for one year. If there is a second positive test result, termination of employment usually follows.

The panel reviewed the department's drug and alcohol policies and programs and compared them with policies and programs in several other metropolitan areas including New York City, Phoenix, San Francisco, San Diego, and Dallas, among others. We were impressed by the quality of the Boston Fire Department's Employee Assistance Program, which has demonstrably helped many members of the department who have been served by it. The Employee Assistance Program, however, can only help those people who participate in the program.¹⁸

Consistent with our support for more preventive medicine measures—noted above—and recognizing that drug or alcohol use by fire department members in safety-sensitive positions poses serious risks both to the member and to the public, we strongly support an approach consistent with the department's current policies that immediately suspends from active duty any members who are found to be under the influence of drugs and/or alcohol and that includes appropriate referrals to the Employee Assistance Program. Some of these individuals will be identified through reasonable suspicion of drug or alcohol use, or through testing after a critical incident. Random testing will be an additional way—and we believe an essential way—to identify department members who are in need of treatment. It will address a large gap in the department's current testing policies in that it will apply drug and alcohol testing to department members over the course of their careers at the department. Finally, in contrast to the drug and alcohol testing policies that are currently in operation at the fire department—which are only triggered in special circumstances—every member of the department in a safety-sensitive

¹⁷ Martin E. Pierce, Jr., Fire Commissioner/Chief, *Rules & Regulations of the Boston Fire Department*, June 1, 1997, Appendix A, p. 65

¹⁸ The panel wishes to thank Lieutenant William Ostiguy, who coordinates the department's Employee Assistance Program, for his advice and counsel.

position would undergo random drug testing. When it came to selecting whom to test, no one would be singled out. This is a fair way to implement a very important policy.

Discussion of Recommendation 7

The panel recommends instituting random drug and alcohol testing for all Boston Fire Department personnel in safety-sensitive positions, from the Commissioner down to entry-level firefighters.

Random drug and alcohol testing would address a significant gap in policies already in operation at the department. We would expect that such testing would be conducted employing urinalysis and alcohol breath testing, and would be performed in a manner that is truly random, respectful, secure and efficient.¹⁹ Members of the department who received a positive test result would be referred to the department's Employee Assistance Program. We would expect that the management training program the department develops (see Recommendation 4) would include in its curricula material on substance abuse prevention, testing, and treatment. In this context, we would also urge the department to adopt policies that would encourage more members who might have substance abuse problems to consider self-referral to the Employee Assistance Program for screening, evaluation, and treatment as needed.

A random drug and alcohol testing program developed along these lines would be an important step that the city, the department, and the union could take to support our firefighters, the public's safety and welfare, and the public's confidence in the Boston Fire Department.

¹⁹ Fire departments have adopted various ways of implementing random drug testing, including different ways for selecting which department members will be tested at any given time.

Section III. Summary

This report does not address in detail all of the changes that are necessary to allow the Boston Fire Department to live up to its potential in protecting public safety. We have pointed to some key areas that must be addressed immediately if the department is to be all that it should be in serving the people of Boston.

We have been impressed by the range of ideas for improvement that have been offered by the various members of the department with whom we have met. This should come as no surprise since all of them work within the department everyday and have committed themselves to the department's success. That is why we have called for the establishment of a strategic planning committee that will address their concerns and harness their ideas as this process of change progresses, and that is why we believe that the responsibility for implementing the recommendations we have made should be driven from within the department.

We believe that there is an urgent need for an ongoing effort to train leaders in the Boston Fire Department. Many organizations in society have been faulted for inadequately training leaders but the consequences of failing to provide leadership training in the fire department are more likely to be deadly than in almost any other organization.

We strongly support the Mayor's decision to return to a civilian Fire Commissioner but that decision must be backed up with the necessary resources if the Commissioner is to be expected to provide the stronger management that the Department requires.

Finally, we believe that the city, the department and the union should move as quickly as they can to institute random drug and alcohol testing. The Boston Fire Department has an excellent Employee Assistance Program but an inadequate means of identifying which of its members has substance abuse problems. This must be rectified. Just as important, firefighters are at high risk for other forms of illness and injury. New emphasis must be put on the health and fitness of members of the department.

We believe that the changes we have recommended are urgent matters that should be adopted to protect the public and to protect the lives of firefighters.

Appendix 1: Charge to the Panel

Boston Fire Department
Independent Review Panel
October 2007

Scope

The Independent Review Panel will take a comprehensive look at the Fire Department's current policies, procedures, and practices with regard to departmental supervision and accountability, personnel and human resources, and substance abuse and impairment. The review will examine the scope and effectiveness of current policies, procedures, and practices including factors that help or impede their implementation. The Review Panel will review available documentation, assess completed reviews and reports, and solicit perspectives from knowledgeable parties. This review shall be focused on the three areas listed and is not intended to be a comprehensive management study of operations of the Department.

The Review Panel will provide a preliminary report to the Mayor by December 1, 2007. The preliminary report shall contain initial recommendations for implementation specifying those that can be implemented immediately, those that are subject to negotiation in collective bargaining, and those that require legislation.

Appendix 2: Designing a Leadership Training Academy

The panel recommends that the department create a credentialed professional development academy program for current and future company- and chief-level officers. This appendix discusses how such an academy could be developed.

One way to proceed would be to outsource the initial program development and implementation, as other communities have done. If program development is contracted out, the contract should include a "train-the-trainer" component so that, in the future, training can occur within the department. The department's long-term goal should be to provide continuous, on-going training for all department officers and those aspiring to serve in positions of higher authority by certified, in-house instructors.

Once the program is developed, all current company- and chief-level officers should participate, and all newly promoted officers should successfully complete the applicable coursework as part of their probationary period. Work shifts/schedules should be arranged to allow firefighters and officers to attend management training. Moreover, within a reasonable period of time, but not exceeding 24 months after implementation of this program, only firefighters and officers who have successfully completed the management training program should be permitted to serve on the "acting lists"—and thus be eligible to act in positions of higher authority and responsibility.

With regard to curricula, the initial training should cover topics such as local, state and federal laws; department rules, regulations and policies; national standards; utilizing department and city resources; health, safety and wellness; principals of adult learning; diversity in the workplace; career development; mentoring and managing people; accountability; interpersonal relations; conflict resolution; followership to leadership; communications; human factors; and succession planning. Parallel courses should be offered in topics such as building construction; tactics and strategy; incident management; and fire prevention and public education.

The panel urges the department to seek course approval by the Department of Homeland Security (DHS) in order to secure Urban Area Security Initiative and other federal training grant funds supporting the development and delivery of training programs. The Department of Homeland Security recently approved funding for a program in the San Diego Fire Department titled "Point of the Spear".