

Valocchi Law provides quality and cost-effective counsel to emergency service organizations



Fire and emergency medical service organizations face unique challenges and operate on tight budgets. These challenges often require an attorney that understands the needs and obstacles that emergency services encounter on a daily and long-term basis. As an attorney and FF/EMT, I hope to create a relationship with your organization that helps you to thrive and continue to serve the public now and in the future.

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4 LEGAL PITFALLS FOR FIRE/EMS ORGANIZATIONS

A BRIEF DISCUSSION
FOR THE MODERN
EMERGENCY SERVICE
ORGANIZATION

 VALOCCHI LAW, LLC
ATTORNEY AND COUNSELOR AT LAW

1. Driver Qualification Programs

The cost of a fire department accident is enormous. There are financial and psychological costs, not to mention a tremendous overall impact on your service delivery. It is vital that departments have safeguards in place to avoid these accidents. Generally, many actions of a firefighter/EMT are covered under PA's governmental immunity laws. What many companies fail to realize is that most of these protections do not extend to vehicle operation. This gives an injured party a much better chance of filing a successful lawsuit against an organization and possibly even the driver (in an individual capacity).

2. Standard Operating Guidelines

SOGs should be written in a way that provides the necessary guidance while allowing for the discretion needed to function in a dynamic environment. I have seen both extremes – companies who want every action dictated by SOGs to companies who have nothing in writing.

A strong set of SOGs should enhance the way your company operates, not hamstring it. Being too specific and not allowing for discretion will lead to an unworkable set of rules that can actually hurt your organization.

In a related note, don't get too tied down to the "SOG" vs. "SOP" vs. "Best Practices" distinction. Much has been made about this distinction but ultimately, if you're putting something in writing, be prepared to follow it.

3. Conflicts of Interest

An emergency service organization often has board members or regular members who possess skills that may benefit the company. For example, you may have a volunteer who is an accountant and you'd like to hire her to keep your books or you buy cleaning supplies from a board member who owns a cleaning supplies franchise. These types of relationships may create conflicts of interest.

Many throw around the term "conflict of interest" without really understanding what it means. It is important to have a solid policy and understanding of a conflicts (or potential conflicts), know how to vet them and be aware of when you can waive that conflict. Members are not strictly prohibited from doing business with the company, but without an adequate process in place there can be appearances of impropriety that can hurt your organization's credibility and image.

What areas can Valocchi Law benefit my organization?

- **Engaging me as your fire company's general counsel.** Having an attorney who understands emergency services immediately available can greatly enhance your service.
- **Reviewing and/or drafting** Operational and Administrative Policies.
- **Developing or updating programs** that make sense and protect the company from liability (such as driver training or discipline).

4. Financial Checks and Balances

One of the costliest missteps for an emergency service organization is theft, or mismanagement, of finances. This includes the loss of much-needed funding to fulfill your mission, the distrust from the public and elected officials, and the tremendous impact on company morale.

All you have to do is a quick search online and you will uncover story after story of fire company personnel stealing or misallocating funds. Thefts range from a few thousand dollars to hundreds of thousands of dollars. Unfortunately, a large number of these occur over multiple years.

Fortunately, these problems are often preventable. A company should have the proper processes in place for financial management. Related, the company's board of directors or leadership group must take steps to know the company's finances and know its processes. These issues often arise when a single individual is responsible for all aspects of the company's finances.

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Important Note and Disclosure
These concepts are meant to provide some topics for thought and discussion amongst your organizations. It is important to understand that this is not legal advice and not intended to create an attorney-client relationship. I strongly urge you to contact an attorney to discuss these items in greater detail and determine how to best protect your organization while providing a top-notch service to your residents.