

INTRODUCTION

Congratulations on your decision to become involved in the everyday operation of your volunteer fire company/department at the highest level. Your involvement is not to be taken lightly. There are many responsibilities that go with your job. You will be conducting meetings, appointing committees, signing legal documents for your fire company/department, attending County and State Association meetings representing your company/department, etc.

Within these pages you will find guidelines and resources that can make your job a more satisfying experience. This is not an attempt by the DVFA to interfere with your company's/department's operation, merely a set of guidelines and resources you may find helpful.

“There are some basic principles and procedures that apply to all decision-making processes, whether you are a family trying to plan an outing, a manager trying to lead a work team, or an officer in an organization trying to conduct a meeting. These principles and procedures are referred to formally as *parliamentary procedure*. Parliamentary procedures are the rules that help us maintain order and ensure fairness in all decision-making processes. ***Roberts's Rules of Order*** is one man's presentation and discussion of parliamentary procedure that has become the leading authority in most organizations.” (***Robert's Rules of Order – Simplified and Applied, Second Edition***; Robert McConnell Productions; Wiley Publishing, 2001).

Some of the basic principles outlined in the above quoted book are:

- Someone (that is you) has to facilitate or direct discussion and keep order.
- All members of the organization have the right to bring up ideas, discuss them, and have the group come to a conclusion.
- The membership should come to an agreement about what to do.
- The membership should understand that the majority rules, but the rights of the minority are always protected by assuring them the right to speak and to vote.

We, the Officers of the DVFA wish you the best as you carry out your responsibilities as president of your fire company/department. If we can be of further assistance, you can contact the DVFA Office by phone at 302-734-9390.

SOME OF THE BASICS

THE PRESIDENT (all the following from McConnell Productions, 2001)

Primarily, the office of president includes fulfilling a leadership role by setting goals or a specific tone for the organization during the term of office, performing administrative duties as assigned by the bylaws, and presiding at the meetings.

Whatever the structure of the fire company/department, the president has authority to do only the things that are assigned to that office by the bylaws.

Setting Goals for the Organization

In some social or professional organizations, the president is the most important officer for determining the focus and action of the organization. In other organizations, the primary responsibility of the president is presiding at meetings, while many of the administrative duties are invested in committees and the legislative power is vested in an executive board. Your responsibility is set in the bylaws.

Performing Administrative Duties

The chief administrative duty of the president is to represent the organization. The president signs legal documents; supervises the employees and activities of the organization; represents, or speaks for, the organization; and presides at meetings. The duties should be stated in the bylaws.

Presiding at Meetings

The key duties of the presiding officer are to:

- **Keep order** – the president should be thoroughly familiar with the bylaws, other rules of the organization, parliamentary procedure in general, and the organization's selected parliamentary authority in particular; along with the secretary, the president should prepare the agenda (be familiar with unfinished business and any new business that must appear on the agenda and plan ahead for problems that may arise during the meeting by consulting with the parliamentarian beforehand to learn how to handle the situation); call on the standing committees to give reports (call on those committees that have indicated in advance that they have a report); the president should come to the meeting with paper and pencil to write down motions as the member make them; the president and/or the secretary should have a copy of the organization's bylaws, standing rules, rules of order, and the parliamentary authority; the president should call the meeting to order on time (determine that a quorum is present and proceed – not necessary to announce that a quorum is present); the president should announce

all business in the proper order and entertain every motion that is order; the president must state each legitimate motion for the purpose of discussion and for taking a vote (you must know the proper type of vote required for different classes of motions) and announce the result of the vote so that all members know what action is taken and, if adopted, who is responsible for carrying out the action; the president should rule on any procedure that does not follow correct procedures (you must entertain all appeals to your rulings and let members vote on the appeal – you have no obligation to answer any member’s question about the discussed business or any parliamentary inquires about procedure); and the president declares the meeting adjourned by vote of the assembly at the end of the program or in cases where an uncontrollable situation takes place.

- **Be fair and impartial** – in a business meeting the president cannot make motions or enter in to debate (the president can enter into debate only if he/she leaves the chair and lets another officer preside and may not return until the motion has been disposed of either temporarily or finally; the president also steps down from the chair when a motion has direct personal or monetary interest, or he/she is censured, but can stay in the chair during nominations and elections when he/she is a candidate for office or is being considered in a motion with others); the president does not vote except in three situations: 1) if the president’s vote would break a tie vote, 2) if the president’s vote would create a tie vote, or 3) if the vote is taken by ballot (see Chapter 5 of *Robert’s Rules of Order – Simplified and Applied, Second Edition*, Robert McConnell Productions, Wiley Publishing, 2001); the president can give information, correct misinformation, and help members with parliamentary procedures; the president is responsible for enforcing the rules of decorum of debate and alternating debate between the pros and cons in a controversial situation (see Chapter 4 of *Robert’s Rules of Order – Simplified and Applied, Second Edition*, Robert McConnell Productions, Wiley Publishing, 2001); and the presiding officer always refers to himself/herself in the third person when talking to the members (for example, “The chair rules the discussion is out of order at this time.”).
- **Protect the right of all members** – the president protects the assembly from frivolous or dilatory motions (a member calling for a division when it is very clear which side has won, a member calling for a division after every vote is taken, a member continually making motion to adjourn for the purpose of obstructing business, a member making absurd motions or amendments, and several members raising *points of order* for no reason); if members are using dilatory practices to obstruct the meeting, the chair needs to remain calm and courteous, but firm (can do one of two things: not recognize the members or rule the motions out of order – these are strictly measures to take if a member is clearly being dilatory); and the chair should know the procedure for calling to order a member who is unruly and disruptive (the chair can say, “The member is out of order and will be seated.”).

Becoming an Effective Presiding Officer

- **Good judgment** – knowing when to strictly enforce the rules and when strict enforcement impedes the flow of business.

- **Teachability** – the willingness to learn the correct procedures and to use them fairly and judiciously.
- **Active listening skills** – what are the members saying and what signals are they giving to the presiding officer to help the officer expedite business?
- **Calmness** – the ability to keep peace if the meeting becomes turbulent.
- **Humility** – not taking offense if members correct what the presiding officer is doing or if they appeal from the decision of the chair.
- **Firmness** – staying the course and following proper procedures when necessary and not allowing members to take shortcuts when doing so impedes the rights of a member of the assembly.

Legal and Ethical Considerations

Although the president is given the power to sign legal documents and represent the fire company/department, he/she should never bind the organization to contracts that the members have not agreed to by a vote; not should the president speak to an issue in public without the organization's permission. By taking such actions without the organization's permission, the president invites the members to begin proceedings for removal from office.

STRUCTURE OF AN ORGANIZATION

There are basically two ways to structure an organization. One is based on the *authoritarian model*, which favors the concentration of power in a leader or a small group of people who may or may not be responsible to the membership. In this model, one person or a small group (such as a board of directors) may make all the decisions with no input or final approval from the membership. (McConnell Productions, 2001)

The second way to structure an organization is based on the *democratic model*, which means that the people of the members govern. In this model, the membership, not elected representatives, make all decisions. However, in most organizations, there is an agreed upon balance of power achieved between members and the officers they elect. (McConnell Productions, 2001)

The democratic style of government is founded upon laws and the rights and responsibilities of the membership, not the whims of an unaccountable leadership. An organization that has no rules or governing documents to establish a course of action eventually finds itself in a state of anarchy. Henry M. Robert wrote, "Where there is no law, but every man does what is right in his own eyes, there is the least of real liberty." (McConnell Productions, 2001)

APPLYING DEMOCRATIC PRINCIPLES TO ORGANIZATIONS (all the following from McConnell Productions, 2001)

Organizations are democratic to the extent that they conform in the following ways:

- **Members rule through a decision-making process that they've established by a vote.** The organization's constitution, bylaws, rules of order, standing rules, policy statements, and parliamentary authority embody this process. This is government by the consent of the governed.
- **Ideas come from the members and are presented to the assembly to decide upon.** Everyone gets the right to present, speak to, and vote on ideas.
- **Leaders come from the people through an election process.** When a leader's term of office ends, he/she returns to the people. A hierarchy of power doesn't exist; it is shared equally. All members have the right to be considered for office.
- **Checks and balances between the leadership and the members are established in the governing documents.** As an example of checks and balances, officers and boards of directors have only the power that the governing documents assign them. Those powers not specifically given to officers and boards in the bylaws enable the membership to reverse decisions made by boards and officers. For example, if the bylaws do not say the board or officers can set dues, and the board votes to do this, then the membership can rescind the action. Another check and balance that the bylaws give is the right of the membership to remove ineffective or tyrannical leaders from office.
- **All members are equal – they have equal rights and responsibilities.**
- **The organization is run with impartiality and fairness.** Law and enactment rule the organization, not the whims of the leadership. The rules are applied equally, impartially, and fairly to all and not just a select few.
- **There is equal justice under the law; members and officers have a right to a fair trial if accused.** Written procedures exist for removing and replacing an officer when the officer doesn't fulfill his/her duties.
- **The majority rules, but the rights of the minority and absent members are protected.**
- **Everything is accomplished in the spirit of openness, not secrecy.** Members have the right to know what is going on within the organization by attending meetings, inspecting the official records, and receiving notices and reports from committees, officers, and boards.
- **Members have the right to resign from office or from the organization.**

Governing documents should clearly state the right and obligations of members and officers. These documents consist of the *corporate charter* (if there is one), *bylaws* (or the organization's constitution), and any rules of order (parliamentary rules) or standing rules (administrative rules). Each organization should adopt a *parliamentary authority*, which is a book of common parliamentary law that details the rules for conducting meetings, electing officers, and making and adopting motions. All members are entitled to have a copy of their governing rules.

For an organization to succeed, the membership must work harmoniously together. To accomplish this, each member must know the purpose and goals of the organization, its rules, the rights of each individual member, and what each member is expected to do.

DEFINING PARILAMENTARY PROCEDURE (from McConnell Productions, 2001)

Parliamentary procedure enables members to take care of business in an efficient manner and to maintain order while business is conducted; it ensures that everyone gets the right to speak and vote; takes up business one item at a time; promotes courtesy, justice, and impartiality; ensures the rule of the majority while protecting the right of the minority and absent members; and is democracy in action.

The procedures, or rules, are found in the organization's bylaws, in its standing rules, and in its adopted parliamentary authority (a reference book that helps the members decide what to do when the group has no written rules concerning how certain things are done – it could be ***Robert's Rules of Order***).

IMPORTANCE OF PARLIAMENTARY PROCEDURES (From McConnell Production, 2001)

Parliamentary procedures provide proven, time-tested ways of determining action and carrying on an organization's business. When everyone knows the parliamentary rules, meetings run smoothly, and the head-on collisions that can happen during the discussion of controversial motions can be prevented. If everyone in your fire company/department learns the basics of parliamentary procedure, you'll have more productive meetings. It may lead to more members making and discussing motions and more members willing to serve as officers and committee chairs.

BASIC PRINCIPLES OF PARLIAMENTARY PROCEDURE (all the following from McConnell Productions, 2001)

The following sections explain the individual rules that support the basic principles.

Taking Up Business One Item at a Time

- **Each meeting follows an order of business called an *agenda*.** Everything on the agenda is reviewed in its proper order and disposed of before members go on to the next item on the agenda.
- **Only one main motion can be pending at a time.**
- **When a main motion is pending, members can make motions from a class of motions called *secondary motions*.** When secondary motions are taken up, they take precedence over the

main motion. Discussion must focus on the secondary motion until it is resolved or temporarily disposed of. Some examples of secondary motions are to *amend*, *refer to a committee*, and *postpone* the main motion (a complete list and rank found in Chapter 6 of ***Robert's Rules of Order – Simplified and Applied, Second Edition***; Robert McConnell Productions; Wiley Publishing, 2001).

- **Only one member can be assigned the floor at a time.**
- **Members take turns speaking.**
- **No member speaks twice about a motion until all members have had the opportunity to speak.**

Promoting Courtesy, Justice, Impartiality, and Equality

- **The chair or presiding officer calls the meeting to order on time.** This shows courtesy to the membership, as they shouldn't have to wait for latecomers to arrive.
- **Members take their seats promptly when the chair calls the meeting to order, and conversation stops.**
- **Those member given reports during the meeting take seats in front.** Doing so saves time.
- **Members rise to be recognized by the presiding officer and don't speak out of turn.**
- **Members always refer to other members and officers in the third person.** Refer to officers by their title. Members refer to each other by saying, for example, "the previous speaker" or "the delegate from Newark." This prevents personalizing the debate and, in a worst case scenario, name-calling or personal attacks.
- **In debate, members do not *cross talk*, or talk directly to each other, when another member is speaking.** All remarks are made through and to the chair.
- **Members keep discussion to the issues, not to personalities or other member's motives.**
- **When correcting a member, the presiding officer doesn't use the member's name.** Instead, he/she states, "Will the speaker keep his/her remarks to the issue at hand?" Or, if a motion is out of order, the chair states, "The motion is out of order," not "The member is out of order." (To tell a member that he/she is out of order is technically charging the member with an offense.)
- **Members speak clearly and loudly so all can hear.** Member can use a microphone if available.
- **Members listen when others are speaking.**
- **The presiding officer doesn't take sides but allows all to be heard equally in debate.** If the presiding officer wants to voice an opinion about the issue under discussion, the presiding officer relinquishes the chair to another officer so that he/she can speak and vote.
- **The presiding officer and members should know the rules and apply them judiciously.** Correct only major infractions. If members' rights aren't being taken away and an infraction is minor, raising a point of order to correct the infraction isn't necessary.
- **The presiding officer ensures that all sides of an issue are heard and that the rules of debate are carefully followed.** These measures prevent a small group from railroading a motion through.

- **Members have the right to make a motion to take a vote by ballot during a controversial issue.** A ballot vote preserves members' privacy and prevents possible retaliation for the way they voted.
- **Members have the right to a trial when they're accused of wrongdoing.**

The Rule of the Majority and Protection of the Minority

- **Members have the right to have notice of all meetings.** The organization can give notice by mail, phone, electronic communication, or an announcement at a previous meeting.
- **Members have the right to know by previous notice when there is a proposal to rescind or amend something previously adopted.**
- **In any situation where rights may be taken away from members, two-thirds of the membership must approve the motion (rather than a majority).** Examples include amending the governing documents or removing someone from office or membership.
- **No one has the right to require a higher vote than a majority vote on issues unless the bylaws or the parliamentary authority specifically states that more than a majority is required.**
- **Members have a right to be informed of the work of the organization.** Reading the minutes of the prior meeting allows members to correct inaccurate information and informs the absent members of any action taken. Members have the right to hear reports of board action, committee work, and officers.

IMPORTANT FORMS AND DATES

- **January – *Fire Company Information Updates*** (due January 1st – send to Delaware State Fire School, c/o Sherry Lambertson); ***Delaware Volunteer Fire Service – Annual Statement*** (due within 60 days of the close of the Fire Company Fiscal Year – send to Delaware State Fire School – this is your “audit” report); ***DVFA Report of Fire Prevention Expenses*** (due January 31st – send to the Chair of the DVFA Committee)
- **February – *Pension Information and Payment*** (due February 1st – send to Treasurer of DVFA)
- **March – *DVFA Executive Committee Meeting*** (usually the 2nd Sunday, at Delaware State Fire School in Dover – begins at 9:00 a.m. with Committee Meetings, followed at 10:00 a.m. with the meeting); ***DVFA Scholarship Application*** (due March 31st – send to the Chair of the DVFA Committee); ***FDIC – Indianapolis*** (March 21 – 26, 2011 – is usually last week of March – registration forms will be available through the DVFA Office, when available) – ***Date will change each year***
- **April – *CFSI – Washington, D.C.*** (April 6 –7,2011) – Dinner is April 7, 2011 (registration forms will be available through the DVFA Office, when available) – ***Dates will change each year***

- **May – Delaware Volunteer Fire Service Revolving Loan Fund Application** (due May 15th – deliver to the State of Delaware Director of Finance)
- **June – DVFA Executive Committee Meeting** (usually the 2nd Sunday, at Delaware State Fire School in Dover – begins at 9:00 a.m. with Committee Meetings, followed at 10:00 a.m. with the meeting); **DVFA Fireman of the Year Nomination** (due June 30th – send to the Chair of the DVFA Committee)
- **July**
- **August**
- **September – DVFA Conference** (usually the 2nd full week of the month)
- **October – Fallen Firefighters Memorial – Emmitsburg, MD** (is the beginning of Fire Prevention Week each year) – no forms to send – all are welcome to the Sunday Memorial Service
- **November**
- **December – DVFA Executive Committee Meeting** (usually the 2nd Sunday, at Delaware State Fire School in Dover – begins at 9:00 a.m. with Committee Meetings, followed at 10:00 a.m. with the meeting)
- **Others of Note – National Fallen Firefighters** has several events throughout the year (go to www.firehero.org for all information); **CFSI** sponsors a night at a Major League ballgame -- has been the Washington Nationals or Philadelphia Phillies in the past (check with the DVFA website in the summer months)

All forms for the above are found on the DVFA website (www.dvfassn.com – click the Interact, Documents & Forms section at the left of the home page). This section includes information for the Annual Conference (documents & forms, with due dates for each), Wake Up Delaware (**Remember that it is in the FALL, on the Saturday, when we “change our clocks, change our batteries”**) forms and information, CFSI (go to www.cfsi.org for all information), Cruise info, etc.

If you should need help or information on a funeral or memorial service, contact the DVFA Office directly. There is an available format. If there is something you need that is not found on the website, contact the DVFA Office directly.

PAID EMPLOYEES INFORMATION

Hiring

- Have a written job description for each employee’s position.
- Review the job duties and requirements listed in the job description when deciding which applicants to interview.
- Use a panel of people to conduct the interviews.
- When interviewing for an open position, the same people should sit on the interview panel for each applicant interviewed for that position.
- The same questions should be asked of each applicant.

- Be aware that there are some questions that should not be asked during a job interview. E.g.: Asking a female applicant if she plans to have children. To ask these questions may expose the company to possible legal action. In addition, because the fire companies receive State funds, it is not advisable to take action that may put those funds in jeopardy.
- During the interview, it is possible to state to the applicant the physical requirements of the job and then ask the applicant whether there is any reason(s) that the applicant cannot meet those requirements. This can get out information on any health issues the applicant may have without asking the person directly whether s/he has any health problems.
- Criminal background checks should be done on an applicant prior to a position being offered to that applicant. This should include obtaining a copy of the applicant's driving record.
- Consider conducting a pre-employment drug test.
- When an employee is hired, the fire company is responsible for the payment of all state and federal employment taxes.
- A fire company may also be liable for the payment of unemployment insurance taxes.
- Ensure that the fire company has adequate workers' compensation insurance for the employees.

Employment

- Set out a chain of command for any employees. It is very difficult for an employee to be required to follow direction from many different people; especially when the directions that those people give may be contradictory.
- Establish periodic performance evaluations. The items being evaluated can be taken directly from the job description.
- The person(s) who directly supervise the employee should be the one who completes the evaluation. This supervisor should then meet with the employee and review the evaluation. The employee should have the opportunity to make verbal and written comments about what is in the evaluation. Have the supervisor and the employee sign the evaluation and give the employee a copy of that signed evaluation.
- Have written policies/procedures for employees. Upon hire, give a copy of the policies/procedures to the employee. Have the employee sign a form acknowledging receipt of the policies/procedures and agreeing to abide by them.
- A disciplinary process should be listed in those policies/procedures.
 - Ex: Verbal warning for 1st offense
 - Written warning for 2nd offense
 - Suspension for 3rd offense
 - Termination upon 4th offense

Any step in this disciplinary process can be skipped dependent upon the seriousness of the offense. This should be explained in the policy/procedure manual.

- If disciplinary action is taken with an employee, it should be put in writing. The written warning should be presented to the employee by the employee's supervisor. There should be a place

for the employee to sign the warning. This signature signifies only that the warning was presented to the employee. It does not signify that the employee agrees with the warning.

Normal Procedure for Requesting Legislation

- A letter detailing the proposed legislation is submitted to the County Association of the member company for their consideration and endorsement.
- A submission from the County Association to the DVFA Legislative Committee is made for their review and endorsement.
- A submission to the DVFA Executive Committee is made from the Legislative Committee for endorsement.
- The proposal is added to the DVFA Legislative Priority list.