

# Employment Practices *Update*

Bringing important information to emergency service organizations

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## Human Resources in Emergency Services: *Undervalued and Underutilized?*

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Harassment, discrimination, retaliation and wrongful termination claims and lawsuits could damage the professional and financial integrity of emergency services organizations (ESOs). The ESO's best defense to help protect itself from personnel-related litigation may depend upon the experience of the person responsible for the human resources function within the organization.

To undervalue or underutilize human resources could end up costing an ESO not only dollars, but reputation and morale as well.



It is important for ESOs to assess whether they are taking necessary measures to protect their organizations from personnel lawsuits by getting the most out of the human resources function within the organization. To undervalue or underutilize human resources could end up costing an ESO not only dollars, but reputation and morale as well.

### ***Who is primarily responsible for human resources?***

In the event of a personnel practices lawsuit, an ESO may have to answer several questions related to how it was prepared to deal with human resources issues. Common questions include:

- **Who is primarily responsible for human resources and managing employee or personnel relations?**
- **Has the ESO designated a member who is fully dedicated to human resource management? Is there a human resources director, manager or officer position?**
- **What education, experience and training in personnel relations and human resources does the person bring to the ESO?**

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ESOs may benefit if the party responsible for the human resources function has experience, education or formal certifications/ qualifications in the field of human resource management or employment law.

### ***Benefits of internal human resources professionals***

Because ESOs often report through the traditional chain-of-command, employees or volunteers may be fearful or reluctant to utilize an internal reporting mechanism to resolve personnel relations problems or wrongdoing, such as harassment, discrimination or retaliation.

This fear of reporting may stem from situations where an employee or volunteer's supervising officer or manager is the alleged perpetrator and Members may feel that bypassing a step in the chain-of-command reporting structure is not looked favorably upon in the organization.

However, an ESO could avoid this fear of internal reporting by also offering its members a qualified human resources manager or director as an alternative for reporting and responding to work-related concerns. A human resources professional that sits outside the traditional chain-of-command could be perceived as a friendly option and avenue of internal complaint. Rather than an ESO member feeling that he or she has "nowhere to turn" within the organization, offering a qualified human resources alternative could encourage internal resolution and avoid a lawsuit.

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### ***Authority***

Human resource positions could be additionally beneficial if given authority to receive, investigate and help resolve personnel relations matters and not only limited to an employee benefits coordinator.

### ***Third-party resources***

Not every ESO has the ability to hire a full-time in-house human resources professional. As an alternative, ESOs could consider hiring or contracting a part-time human resources professional to work within the organization for one day a week or even twice per month. It may prove valuable to offer a resource for ESO membership on a limited basis rather than none. A third-party human resources consultant available to ESO Chief Officers, management and to the membership could fill a possible void in risk management.

### ***Human resources / personnel relations compliance program***

ESO leaders typically focus on risk management in the operational and safety aspects of the business. Budgeting, grants, community relations and possible consolidation can also take up a tremendous amount of time. It is important that ESOs proactively manage risk associated with personnel problems, disputes, investigations and potential litigation.

An in-house or third-party professional with education and experience in human resources can help spearhead the many prongs of a personnel relations compliance program. Key personnel practices could be implemented, monitored and enhanced by the ESO's human resources designee.

### ***Training for membership***

Periodically training members on legal liability risks like harassment, discrimination and retaliation helps communicate to employees and volunteers that the ESO is truly committed to preventing, investigating and resolving workplace risk and wrongdoing.

### ***Training for those with supervisory responsibilities***

Employment laws change legislatively and through court decisions on a local, state and federal level. It can be a challenge for human resources professionals and employment attorneys to stay current, much less ESO administrators. Developing an ongoing educational program for those ESO members responsible for managing employees and volunteers and adhering to employment laws may be of value.

### ***Discipline and Terminations***

ESOs often benefit by having a qualified human resources professional serve as a sounding board for those charged with influencing and determining discipline, including termination. Consulting in-house or third-party resources helps build consistency in disciplinary actions and terminations. Before making an emotional or hasty disciplinary decision, human resources can "reign in" officers or supervisors and analyze past ESO practices as well as legal precedent.

### ***Conclusion***

A fully utilized full or part-time ESO human resources professional can help drive implementation and maintenance of a variety of personnel relations programs such as performance evaluations, professional and personal reference checks and exit interviews.

Assessing an ESO's level of human resources knowledge could help lessen costly employment or personnel liability claims in the future.