

First Due News

The Official E-Newsletter of the OAPFF

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IAFF 52nd Convention Comes to the Buckeye State





Ohio Association of Professional Fire Fighters

140 East Town St. Suite 1225; Columbus Ohio 43215

Mark Sanders, President -- Mark Horton, Secretary/Treasurer

614.488.9920 -- www.oapff.org
facebook.com/oapff -- twitter.com/ohio_pro_ffs

Brothers and Sisters:

So much for “summer vacation.” Since the last edition of the First Due News, the officers and staff of the OAPFF have been busy preparing and planning numerous projects that are set to launch soon as well as assisting locals with negotiations, political action, levy campaign advice, and many other important tasks.

It is no secret or surprise that one of those projects is to work with our endorsed candidates to create a statehouse that values the work that fire fighters and paramedics perform on a daily basis. You know that we have endorsed Ed FitzGerald for Ohio Governor. It is easy to portray our endorsement as one only against John Kaisch, and with his support of SB5 and his decimation of the Local Government Funds, that certainly has merit. But, when considering Ed FitzGerald, it is apparent that he is a candidate that our members would support even without his opponent’s contempt for our profession. Ed was a staunch advocate against SB5, and has been a vocal opponent of pending Right to Work legislation. He has gone on record, at the IAFF Convention in Cincinnati, saying that he will veto any Right To Work Bill that may cross his desk as Governor. FitzGerald knows that fire fighters should have a professional voice on the job.

Ed understands the strains we face on and off the job. He has vowed to help pass a fire fighter cancer presumption law because he recognizes the dangers facing our profession go beyond the fire ground.

Speaking of Cancer Presumption: The OAPFF is beginning a strategic campaign to pass a cancer presumption law in Ohio. We are one of only 17 states that do not recognize cancer as an occupation disease for fire fighters. It is our goal to change that. It will be a difficult process, one that will take all of us working together, but I believe it is an objective worth fighting for. Our members are afflicted by cancer rates that far exceed the general population. The atmospheres in which we operate are carcinogen laden and exceptionally dangerous. Your health is too important for this Association to not demand that the state of Ohio recognize the impact of cancer on us all. Cancer Presumptive Legislation will be one of our top legislative priorities in the 2015-2016 General Assembly.

As we enjoy what is left of our summer, take time to spend with family. Know that the OAPFF is standing at the ready to protect your rights and health and safety. Know that we are here for you and our profession.

Stay Safe, Stay United, Stay Informed

Mark A Sanders,
OAPFF President





More Firefighters Battling Cancer; Ohio Takes No Action

FROM: ABC6ONYOURSIDE.COM

COLUMBUS (Brooks Jarosz) -

Firefighters are battling a new killer that's increasingly claiming lives, careers and dreams. Cancer is plaguing firefighters across the country.

More than 30 studies show from the West coast to the East coast, there's a link between carcinogens in a burning home, office or car and firefighters contracting cancer.

However, despite the emerging data, Ohio has taken no action to help those who help us.

Putting on a firefighter uniform is something these brave men and women live for, but it's also something they die for too.

"It was a dream come true," Columbus firefighter Mark Rine said. "It's the manly of manly sports."

Firefighter Mark Rine was 30 years old when his wife noticed something on his back. He didn't think anything of it until doctors told him, it was melanoma.

"There is no cure so constantly every day you're wondering do I have this under control?" Rine said. "There is nothing else that you think about. It is constant every day from the minute you wake up until the moment you fall asleep."

Like Rine's old station, cancer haunts fire house after fire house. He can't work and can only relish his days at Station #8 with his brothers.

Rine isn't alone though. Others, like retired fire lieutenant Rodney Lee, are also fighting a different kind of life and death battle.

"It was like the wind was taken right out of my soul," Lt. Rodney Lee said. "It's the hardest thing I've had to do in my life."

Multiple myeloma cancer has kept Lee home. He's just one of many. The fire union found in one year, 53 new cancer cases, with nearly half being skin related.

It's all following study after study of an increased risk for firefighters contracting eight different types of cancer including testicular, multiple myeloma, non-Hodgkin lymphoma, melanoma, brain, prostate, stomach and colon.

"For almost all chemicals that are absorbed through the skin -- the higher the temperature, the faster they're absorbed," researcher Stuart Baxter, PhD. said. "The presumption was correct -- that the cancer was contracted as a result of their occupation." Since 2006, researchers at the University of Cincinnati have gathered evidence of a link between firefighting and cancer. From the unfiltered clothes they wear, to when and how often it's washed and repeat exposure to more toxic environments.

"These are not the same couches, sofas, carpets, cabinets that our moms and dads used to put in their houses," Rine said.

Firefighters have tried to take more precautions. Lieutenant John Rohr caught his skin cancer early and is still doing what he loves.

"I was very lucky," Lt. John Rohr said. "I thank my lucky stars for that."

No laws are on the books in Ohio acknowledging a link between firefighter and cancer, however, still 33 states have cancer presumption laws. Ohio is not one of those states.

Ohio Senator Tom Patton has tried twice to get a bill passed to help protect firefighters and their families. He says opponents and money kept it from ever getting out of committee.

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IAFF Convention in Cincinnati

More than 2500 local IAFF leaders assembled in Cincinnati this July for the IAFF 52nd Convention. Marking the first time in over 20 years that the Buckeye State has hosted the IAFF's Biennial meeting. Delegates and alternates saw an agenda that would set the course for our union over the next two years and beyond.

Monday started with an impressive opening ceremony honoring the hard work that our members do on a daily basis and honoring the sacrifice of those who have been lost in the line of duty.

Following the opening ceremony, the convention business began. It continued throughout the week with brisk discussion and debate on a number of the resolutions, one resulting in a roll call vote where each represented local rose to the microphone to voice the vote of their membership. It was the first such vote in decades.

In an unprecedented ceremony, 50 Cincinnati Fire Recruits were sworn into the IAFF, OAPFF, and Local 48 on the Convention floor. These recruits were hired using money received from the SAFER Grant. The IAFF has worked diligently to secure funding for SAFER and the OAPFF has been instrumental in ensuring that Ohio Fire Departments are awarded many SAFER grants, keeping our Brothers and Sisters on the job.

OAPFF Endorsed Candidate for Governor, Ed FitzGerald addressed the Convention bringing the delegates to their feet in promising to oppose Right To Work and help pass Presumptive Cancer Legislation when he is in the Governors Office.

During the convention, an exhibit hall gave delegates the opportunity to learn more about options that exist to make our jobs as fire fighters better and safer. IAFF departments were also on hand to assist local leaders in learning what services can be obtained through the International.

Each night of the convention saw great hospitality provided by host local, Cincinnati Local 48. Events included a Pub Crawl, Steamboat Cruise and street reception, all which provided local leaders the opportunity to network and discuss issues facing their jurisdictions and share solutions.

"This was a great opportunity for us to highlight our great state," commented OAPFF President Mark Sanders. "Local 48 did an admirable job showing our Brothers and Sisters the kind of hospitality and camaraderie that we know Ohio Fire Fighters are capable of."

For a detailed account including resolution results, please visit www.iaffconvention2014.org.

Left: 50 Cincinnati Fire Recruits are sworn into the IAFF during the 52nd Convention.

Above: Cleveland Local 93 Secretary Mike Norman stops for a photo with a Sasquatch promoting Seattle as host of the 2018 Convention.



Kasich's Cuts to Local Government Fund Impact More OAPFF Locals

Warren, Findlay, Middletown, Youngstown, Hillsboro and many more have all had the unenviable task of laying off fire fighters. Marion, Bucyrus, Mansfield, Sheffield Lake and others have gone to the voters to increase or create levies. Why? What is one of the biggest causes of reductions in staffing in Ohio? Cuts to the Local Government Fund.

Since the inception of the State Income Tax, Ohio has had a handshake agreement with Local Governments to return some of the collected money to the local communities often times to help fund the very core of public service...public safety. Since taking office less than four years ago, Gov Kaisch and his administration have gutted that promise by nearly \$1.8 Billion dollars. Local Government Funds are only 50% of their pre-Kasich levels. Add to that the abolition of the Estate Tax, which resulted in even deeper reduction to local funding. Where is the tax money going? The money that Local Governments, the entities providing basic safety service that Ohioans rely on, the money that was included in many

Local Government Funds are only 50% of their pre-Kasich levels.

long range budgets, the money allocated for public safety has gone to a "Rainy Day Fund." Sitting idle in Columbus while calls for service have increased for nearly every Fire Department.

Fire Departments have done what fire fighters are best at, they adapted. They sought SAFER Grants from the Federal Government, and with the help of the OAPFF, were awarded them in record numbers. However many of those grants have expired and additional funding is scarce. That means the worst; for our members and for public safety. It means that Cities and Townships are faced with the grim reality of having fewer fighters. The unsafe option of responding to emergencies with too few people to do the job safely and efficiently.

But what can be done? The answer is simple.

Support those who support us. Elect leaders that believe in public safety. Vote for candidates that understand that the State of Ohio made a promise to its people, promise to fund Local Governments to keep the citizens safe. We rallied in 2011 to kick the crap outta SB5, lets rally once again in 2014 to fill the Statehouse with people that understand that they must restore Local Government Funding, that they must **Prioritize Public Safety.**

Firefighters Battling Cancer (cont)

"The right thing to do should never come with a cost," Senator Tom Patton said. "If they're putting their life on the line and suddenly they contract one of those cancers, who are we to ignore their potential widows and orphans and put our heads in the sand and say well maybe we can presume it happened but we choose not to presume it happened... we think it's just bad luck."

As those rushing to our aide fight for us, they're left not knowing who's fighting for them. Rine wonders who will look after his family, He was told he only had five years to live and that was two years ago.

"It's a constant struggle to look my family and think if this doesn't go the way I planned it, who's going to finish my job?" Rine said.

Now younger, healthier firefighters are facing the same struggle with a dream, family and burning desire to help people put on hold.

"I loved being a Columbus fireman," Rine said. "I loved it."

Senator Patton says a bill is ready to go but the Ohio Municipal League and Ohio Township Association both oppose joining the 33 other states with cancer presumption laws.



A Member's Legal Rights to Union Representation

WEINGARTEN In 1975, the U.S. Supreme Court ruled on a case known as the NLRB vs. Weingarten. The principles laid down in Weingarten are important ones which all union members should be aware of.

In Weingarten, the Supreme Court upheld the following interpretation of employees' rights to union representation as outlined by the National Labor Relations Board:

1. An employee has a right to union representation in an interview with the employer, if he or she reasonably believes the investigation will lead to disciplinary action.
2. An employee only has this right if he or she requests such representation before or during the interview. The employee cannot be punished for making this request.
3. After an employee makes the request, the employer must either:
 - a. grant the request and delay questioning until the union representative arrives and has a chance to consult privately with the employee;
 - b. deny the request and end the interview immediately; or
 - c. give the employee the choice of having the interview without representation or ending the interview.

If the employer denies the request for union representation and continues to ask questions, it commits an unfair labor practice and the employee has a right to refuse to answer. The employer may not discipline the employee for such a refusal.

The essence of "Weingarten Rights" is to give employees the opportunity to have a union representative in a situation that may lead to a punitive act against the employee. The rationale behind this as put forth by the Supreme Court is that a single employee being interviewed might be intimidated and, therefore, may not raise facts in his or her defense or favor during the disciplinary interview. On the other hand, a knowledgeable union representative would offer "aid and protection" by helping to guide the interview.

GARRITY ... Every experienced fire fighter, paramedic and fire officer has faced the unsettling prospect of being interviewed as a part of an investigation. One thing that most don't know is that public employees have certain constitutional rights that apply to their employment that may not apply to private employees. For example, in *Garrity v. New Jersey*, the Supreme Court held that statements obtained in the course of an investigatory interview under threat of termination from public employment could not be used as evidence against the employee in subsequent criminal proceedings.

In most departments three principles appear well settled in cases in which the firefighter has been protected from criminal charges:

1. An employee can be ordered to participate in such an investigation;
2. An employee can be required to give a statement, oral or written, at times recorded, transcribed and sworn;
3. Whatever statements are made may be used against the employee in later disciplinary proceedings

If, however, you refuse to answer questions after you have been assured that your statements cannot be used against you in subsequent criminal proceedings, the refusal to answer questions thereafter may lead to the imposition of discipline for insubordination. Further, while the statements you make may not be used against you in a criminal proceeding they can still form the basis for discipline on the underlying work related charge.

Fire fighters in such situations should be informed that they have the right to make a statement protecting their rights. In some departments such a statement has been printed onto the statement form; in others the statement has been printed up on wallet sized cards and carried by individual members. Finally, a number of firefighters have read or written the statement when giving taped interviews, or written on all statements that they sign.

As a condition of employment you are required to abide by the rules and regulations. You must answer questions, give statements, and submit reports at the order of an investigating officer, or become sub-

ject to disciplinary action for refusal to obey. It is suggested that you include the procedure outlined here when making statements or submitting reports concerning complaints from citizens, or when you are suspected of a violation of the law or the rules and regulations. By doing so, you will ensure that your statements and reports cannot be used as evidence against you in any proceedings before any agency bound by the rules of evidence. The procedure suggested is lawful and proper. Each individual firefighter must decide for him or herself if they are going to use it. My advice is that we all use the procedure all of the time. This way there will be no special stigma on its use. Remember that it is better to be safe than sorry, and it is better to have it and not need it than to need it and it not have it.

Brothers and sisters of the OAPFF,

At the 2010 IAFF Convention, delegates passed a resolution for the IAFF to recognize, support, and encourage its affiliates to participate in campaigns to honor women fighting cancer. Each local may create its own union made pink shirt to wear (on duty if approved by its department), and sell to the public throughout the month of October. Each local will donate at least 50% of funds raised to women's cancer organizations of its choice' the remaining funds will be used for our fire fighters and their dependents battling cancer including the "Firefighter Cancer Support Network."

The Ohio Chapter of the FCSN has made great strides throughout our state in the last few years. This is a not only a great chance for both Ohio's fire departments to do a great public activity, but to also help further protect our firefighters from cancer. The funds received from the Care Enough to Wear Pink Campaign will further allow us to educate our members on cancer awareness, prevention, & support.

We would appreciate any of your support and believe that "together we can."

Steve Westcott, MS, EMT-P
Cancer Survivor
Ohio Director
Firefighter Cancer Support Network

Constitutional Protection Statement:

"On _____(date) _____(time) at _____(place) I was ordered to submit this report (give this statement) by _____(name & rank). I submit this report (give this statement) at his order as a condition of my employment. In view of possible job forfeiture, I have no alternative but to abide by this order."

"It is my belief and understanding that the department requires this report (statement) solely and exclusively for internal purposes and will not release it to any other agency. It is my further belief that this report (statement) will not and cannot be used against me in any subsequent proceedings. I authorize release of this report to my attorney or designated union representative."

"I retain the right to amend or change this statement upon reflection to correct any unintended mistake without subjecting myself to a charge of untruthfulness."

"For any and all other purposes, I hereby reserve my constitutional right to remain silent under the FIFTH and FOURTEENTH AMENDMENTS to the UNITED STATES CONSTITUTION and any other rights PRESCRIBED by law. Further, I rely specifically upon the protection afforded me under the doctrines set forth in *Garrity v. New Jersey*, 385 U.S. 493 (1967), and *Spevack v. Klien*, 385 U.S. 551 (1956), should this report (statement) be used for any other purpose of whatsoever kind or description."

Should you have any questions regarding your rights as a OAPFF member, please contact your District Vice President or the OAPFF office in Columbus.



OAPFF



OHIO ASSOCIATION OF PROFESSIONAL FIRE FIGHTERS
REPRESENTING OHIO'S PROFESSIONAL FIRE FIGHTERS SINCE 1918

OAPFF SCHEDULE OF EVENTS

Be sure to check the calendar at www.oapff.org for details on these events

- August 2nd Coshocton Fire Fighters Local 216 5K for MDA – 8 am
- August 9th Norwood Sand Volleyball Tournament – 10 am
- August 10th Coshocton Local 216 Four Man Scramble – 9 am
- August 10th Marc Titus Memorial Motorcycle Ride – 9:30 am
- August 15th Warren Local 204 Golf Outing – 9 am
- August 19th Boardman Local 1176 Golf Outing – 8 am
- August 29th Violet Twp Local 3558 Doug Barr Memorial Golf Outing – 9:30 am
- August 29th Napoleon Local 3363 Dinner and a Movie – 4 pm
- September 6th 9/11 5k Heroes Run sponsored by Westerville Local 3480 – 9 am
- September 15th Peer Fitness Trainer class hosted by West Licking Local 3025
- September 17th Fire in The Hole Golf Scramble hosted by Union Twp Local 3412
- September 19th Dayton Fire Fighters Local 136 Burn Unit Golf Tournament – 8 am
- September 27th Kris Naduad Softball Tournament
- September 27th Chili Cook Off sponsored by Middleburg Heights Local 2018 – noon
- December 12th–13th Springfield Local 333 Education Seminar

OHIO ASSOCIATION OF PROFESSIONAL FIRE FIGHTERS
PROUDLY ENDORSES

Ed FitzGerald
for Governor

Nina Turner
for Ohio Secretary of State

Connie Pillich
for Ohio State Treasurer



Sharen Neuhardt
for Lt. Governor

David Pepper
for Ohio Attorney General

John P. Carney
for Ohio State Auditor