

Fire Guard



Publication of Northern
Illinois Alliance of Fire
Protection Districts

Volume #44
Summer 2008

Letter from the President



Hello everyone, I hope your summer is going well. I would like to start this letter with a thank you to Chuck Vaughn for his hard work on our behalf down in Springfield. Chuck worked very hard to get some of our Legislative issues passed in both houses. It has been a very hard year to get anything done in Springfield, but Chuck has done a wonderful job. Thanks, Chuck, and keep up the good work. If you would like more information on some of these bills contact Kathy Haage or Chuck Vaughn. Chuck also has his report in this issue.

I wanted to send out a very special thank you to the Marge Schofield Family for their continuous support of the NIAFPD. Again this year at our Conference in February they presented us with another \$5000.00 check for our Education Fund. Chief Schofield and his sisters have been so supportive of our efforts to keep Fire District trustees educated in the proper way to run a fire district. I know Marge is looking down from above and she must be very proud of them.

The conference committee is looking for ideas from you on new topics for next years conference. Should you think of anything you would like us to cover, please give Kathy a call. As in the past, if you should have any questions about the NIAFPD or if you might need to find out more about the Fire Service, please don't hesitate to call Kathy Haage or myself and we will try our best to help you. Also don't forget to check out our web site www.niafpd.org.

*Ronald P. Kubicki, President
Northern Illinois Alliance of Fire Protection Districts*

Message From Executive Director



Here we are in the middle of summer and the NIAFPD has been keeping me busy. I had the pleasure of golfing in the Annual Margaret J. Schofield Memorial Fire Service Fund Golf Outing. Contributions to the NIAFPD for educational programs are made possible because of the golf outing.

Plan on attending our General Membership Meeting scheduled for August 9, 2008, at Pleasantview Fire Department. This meeting is timed to submit 2008 Legislative Agenda items. We know summer is a hard time to attend meetings because of vacations and getting children ready for college. If you can't attend the meeting and have legislative items to submit, you can send them to me by email and they will be discussed at the meeting.

The annual NIAFPD Conference will be held at the DoubleTree Hotel Chicago Oak Brook February 5-8, 2009. The committee will begin planning the Conference Program in September. If anyone has suggestions for workshop topics please let us know.

The NIAFPD fiscal year closes at the end of October. Members should receive a request to update our membership directory and salary/benefits survey later this summer. I appreciate our members' quick response in order to be able to send out an updated membership directory before the end of the year. Any future changes can be faxed or emailed to keep our database and mailing lists current.

If I can be of help to anyone please give me a call at 847-945-4120 or email me at khaage@dbfd.org.

*Kathleen Haage, Executive Director
Northern Illinois Alliance of Fire Protection Districts*



2008

Margaret Schofield Memorial



Fire Service Fund Golf Outing

Legislative Update 2008

by Charles R. Vaughn, Vaughn Consulting Services



The rights and duty levels for the larger urban and suburban districts that make up most of our membership were protected in almost every case this session. We have concerns about H2654 which move towards a state-wide building code, H4654 which could (if passed) take the board's foreign fire tax spending authority away, S2162 which grants new skip-annexation rights to

a particular part of the state (but where next?), while we now have house leadership willing to look again at our property tax change notice bill, it will still be a hard climb for us to get it done in the fall session

In terms of trustee compensation we had a win, and we are half way home on a second part. If the Governor signs H4784 you can give a stipend to a trustee that trains to increase his/her competence in a program the ISFM will establish. We passed H4678 in the House, and it would raise the salary level maximum for districts with over 30 employees to \$4000. You will still need a board vote locally to do this, but we are caught in a Senate-House fight that is not really related to our issue. I will keep on this.

We had real success in sending action to the Governor to give you Lemon-law protection when you buy a fire truck, requiring mobile home parks to have adequate water supplies available for fire suppression, giving fire personnel the right to shut down lanes of traffic at an accident site to protect first responders (until law or highway people arrive), allowing time off for appointed trustees for meetings, as elected ones can have now, banning the manufacture, sale, or installation of imitation fire protection devices, allowing districts to give grants to persons who install fire suppression devices, and a new fee structure for non-resident charges that doubles the present limits, and includes a CPI clause. This last one must get concurrence over the summer.

We got a lot done, still have a lot to do, and look forward to more at the November session. To get greater detail on these issues see the report that I did on June 7, 2008 for IAFFPD, NIAFFPD, and IFCA.

Thank you for your confidence in me.





DAVID F. FREY
E-Mail: dfrey@aoc.net



**AIR ONE
EQUIPMENT, INC.**
360 Production Drive
South Elgin, IL 60177-2637

Voice: (847) 289-9000
Fax: (847) 289-9001
Toll Free: (888) 247-1204
Website: www.aoc.net



OTTOSIN BRITZ KELLY COOPER & GILBERT, LTD.

1804 NORTH NAPER BOULEVARD, SUITE 350
NAPERVILLE, ILLINOIS 60563
PHONE 630.682.0085 FAX 630.682.0788

ELBURN 630.363.6441 JOLIET 815.723.0601 WOODSTOCK 815.338.8011

www.obkcg.com

Memories. . .



*If you see a friend without a smile;
give him one of yours."*

2008 IFCA Burn Camp "I Am Me"



The 18th Annual Camp "I Am Me" was held June 15 – 21, 2008. 69 of the children attending camp were between 8 and 16 years old and have experienced a burn injury requiring hospitalization. Camp also provided a Counselor In Training Program for 10 past campers who were between 17 and 18 years old.

More than 57 volunteers attended to make camp a place where young burn survivors could share their experiences while being able to play and not feel self-conscious about how others may react to their scars. Nine past campers served as volunteer counselors for the 2008 camp because they wanted to give to the campers what their past volunteer counselors gave to them!

Camp activities include: swimming, row boating, canoeing, fishing, archery, crafts, climbing tower, high ropes, teams course, and horseback riding.

Staff was asked to give a one word description of Camp "I Am Me" here are some of their words: Recovery, Love, Amazing, Wonderland, Unity, Unique, Opportunity, Outstanding, Exceptional, Inspiring, Unexplainable, Family, Fun, Awesome, Rewarding and Life-changing.

Anyone knowing of a burn survivor who would benefit from IFSA Burn Camp – Camp "I Am Me" or would like to make a donation should contact the Illinois Fire Safety Alliance, at P. O. Box 911, Mount Prospect, Illinois, 60056 or call 1-800-634-0911.





Seventh Circuit Rules on FMLA Leave for Substance Abuse Treatment

by David Zafiratos, Ottosen Britz Kelly Cooper & Gilbert, Ltd.

A recent decision of the United States Seventh Circuit Court of Appeals clarified when an employer must grant time off under the Family and Medical Leave Act for an employee dealing with substance abuse. In *Darst v. Interstate Brands Corporation*, 512 F.3d 903 (7th Cir. 2008), the court interpreted the FMLA and Department of Labor regulations to mean employees may take FMLA leave for the treatment of substance abuse, but not for absences caused by symptoms of substance abuse.

The FMLA entitles employees to up to twelve weeks of leave in a twelve-month period for, among other things, “a serious health condition that makes the employee unable to perform the functions of the position of such employee.” (29 U.S.C. 2612(a)) The Act defines a serious health condition as “an illness, injury, impairment, or physical or mental condition that involves (A) inpatient care in a hospital, hospice, or residential medical care facility; or (B) continuing treatment by a health care provider.” (29 U.S.C. 2611(11)) A Department of Labor regulation explains that employees may take FMLA leave “for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider.” (29 C.F.R. 825.114(d)) That regulation goes on to state that “[o]n the other hand, absence because of the employee’s use of the substance, rather than for treatment, does not qualify for FMLA leave.” (29 C.F.R. 825.114(d))

Darst involved the discharge of a fifteen-year employee of Interstate Brands Corporation for excessive absenteeism. The employee was hospitalized for treatment of alcohol dependency and acute withdrawal syndrome from August 4, 2000 through August 11, 2000. However, he was also absent from work for three consecutive workdays prior to his hospitalization. Those three days did not count as FMLA leave, but were instead counted as absences. The three absences caused the employee to exceed Interstate Brands Corporation’s threshold for termination, and he was fired.

The case centered on the application of the FMLA to both the hospitalization and the three-day absence prior to hospitalization. The question was which days constituted FMLA leave and which days were rightfully considered absences. The court specifically analyzed whether an FMLA “Serious Health Condition” includes substance abuse. Citing the aforementioned Department of Labor regulation, the court stated that “absence because of the employee’s use of the substance, rather than for treatment, does not qualify for FMLA leave.” (29 C.F.R. 825.114(d))

Initially, the employee sought a referral from his physician for in-patient treatment on July 29, 2000. The physician later submitted an affidavit stating treatment for alcoholism begins with the first step towards seeking professional help. If the court had agreed with the physician’s affidavit, the employee’s three-day absence would have been excused as FMLA leave and he would not have been terminated under the excessive absenteeism policy. The court, however, disagreed with the physician and instead held treatment did not begin until the employee actually entered the hospital on August 4th. It did not matter that the physician thought the treatment began prior to the hospitalization – the employee’s treatment did not qualify as an FMLA Serious Health Condition until he was actually under the care of professionals, upon referral by his physician.

It is important for employers to understand the rules established by the *Darst* case before deciding whether an employee’s absence involving substance abuse should be deemed FMLA leave. As the court explained, employees may take FMLA leave for professional treatment, when referred by a physician. That treatment, for FMLA purposes, does not begin until the employee personally receives in-patient or out-patient treatment from a physician. On the other hand, employers are not required to grant FMLA leave for an employee to make plans to enter treatment. Absences caused by the symptoms of substance abuse are likewise not eligible for FMLA leave.





Take a Moment...

Carl Roescher was the first President of the Northern Illinois Alliance of Fire Protection Districts serving in 1989.

An award was named in his honor... "The Carl Roescher Award" which is an exclusive limited award given to persons who show exceptional leadership and have achieved outstanding results in the best interest of the fire service and the NIAFPD.

We have recently learned that Carl is extremely ill and he would love to receive a card or greeting. If you wish to send him a note of encouragement or card please send to the following address:

*Ponbel Hospital
Long Term Care
Holy Family Medical Center
100 North River Road
Des Plaines, Illinois 60016*

WELCOME

New Associate Member of the
NIAFPD

**National Fire Sprinkler Association
Robert Klenheinz**

Chase Bank Business Banking

Patrick Krapec
Relationship Manager
patrick.m.krapec@chase.com

14 South LaGrange Road
LaGrange, IL 60525
Telephone: 708.579.4272
Fax: 708.579.0414

The Illinois Funds Safety • Liquidity • Yield

Join over 2,200 other local government entities from throughout the state by investing in The Illinois Funds. Contact us at (800) 346-7414 or www.illinoisfunds.com.

Administered by Illinois State Treasurer
Alexi Giannoulis



**PARAMEDIC
SERVICES**
of Illinois, Inc.

Earl J. Field
Chairman of the Board

9815 W. Lawrence Ave., Schiller Park, IL 60176
Phone: (847) 678-4900 Fax: (847) 678-2654

**EMERGENCY
SERVICE**



ORGANIZATIONS

INSURANCE AGENCY, INC.

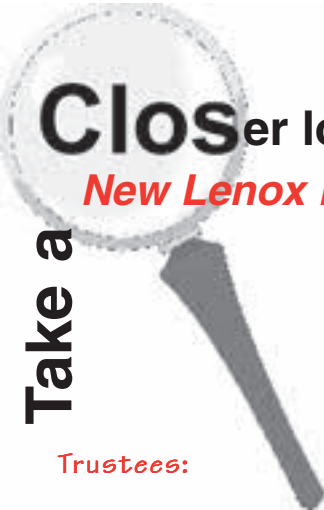
Dave Petro

Regional Representative

Ph: 217-893-1138
Toll Free: 877-ESO-1911
Fax: 217-893-1189
Cell Ph: 815-922-4585

705 Thunderbird
P.O. Box 428
Rantoul, IL 61866-0428
dpetro@esoins.com





Closer look at...
New Lenox Fire Protection District

Take a



Trustees: Robert Fronck, President
 Glen Krohn, Vice President
 Tom Sauter, Treasurer
 Joe Levey, Secretary
 Skip Minger, Trustee

Fire Chief: Jeffrey A. Swanson

Administrative Assistant: Lisa P. Berger

District Covers: 36 square miles

of Stations: 4

Personnel: 40 Active Members / 12 POC
 14 Firefighters
 22 Paramedics
 12 Part-Time Firefighters
 8 Officers
 2 Support Staff

Apparatus: 5 Engines
 1 Trucks
 1 Rescue Squad
 5 Ambulances

Population: 45,000

Budget: \$5,769,600

2007 Total Incident Calls: 2,651

2007 Fire Calls: 154

2007 EMS Calls: 1,413

2007 Fire Loss: \$1,084,920

Metro
 PARAMEDIC SERVICES, INC.

NORCOMM
 Public Safety Communications, Inc.

PARAMEDIC BILLING SERVICES

JAMES E. CLARK
 PRESIDENT

395 WEST LAKE STREET (630) 530-2991
 ELMHURST, ILLINOIS 60126 FAX (630) 530-5099

Can great design save lives?

Yes. There's no limit to what great design can do! With thoughtful design, response times will reduce, your community will be safer and lives will be saved.

Sente-Rubel Bosman-Lee
 ARCHITECTS LTD.

The Power of Promises Kept

847.272.9500
 www.srblarchitects.com





NIAFPD Officers

President	Ronald P. Kubicki ronaldkubicki@comcast.net	708.354.6567
Secretary/Treasurer	Nicholas Kosiara njkosi@comcast.net	630.682.4165
Directors	Bonnie Bayser bbayser@foxvalley.net	847.515.1602
	William Hoffmeister hoffmeister@frankfortfire.org	708.641.9672
	Bob Klein bob@awardemblem.com	630.235.5211
	Zachary Lawrence zhlaw@aol.com	630.968.0755
	Dave Martis widgeonman@sbcglobal.net	
	Jim Monroe jeri1841@comcast.net	
Executive Director	Kathleen Haage KHaage@DBFD.org	847.945.4120

Fire Guard is a quarterly publication of
 NIAFPD
 500 Waukegan Road
 Deerfield, IL 60015
 847.945.4120
 www.niafpd.org

Newsletter design & editing by Bright Ideas
 Marketing Solutions • mbuhr8@sbcglobal.net



Northern Illinois Alliance of Fire Protection Districts
 500 Waukegan Road
 Deerfield, Illinois 60015

