

# Greetings from Hanify

Dear Brothers and Sisters,

Recently I was invited by Local 676 President Greg Yeakel to visit Marion, Indiana. I went to meet the Mayor and participate in the presentation to the City Council of the contract between the City and the Marion Firefighters Local 676. I did not know what to expect. Over the years Labor/Management relations in Marion have not been the best: in fact, they are known for being contentious and difficult. I made the trip hoping for the best but expecting the worst.



What I found was a City leadership that has limited resources, but was willing to listen and a Union leadership that did not trust the city, but was willing to come to the table with solutions. When I met with Mayor Wayne Seybold and President Greg Yeakel, I was impressed by their openness and mutual respect. After a brief presentation, the Council voted unanimously to approve the contract.

Since that meeting I have had the opportunity to talk to the Mayor about his attitude toward the Firefighters and the success they had finding common ground. When Mayor Seybold and his sister Kim were in training to make the 1988 Olympic team in pairs figure skating, the community of Marion supported their efforts. He told me that one of their biggest supporters had been the Marion Firefighters and that now the least he could do was be honest and treat them fairly. I tell you this story because it is a perfect example of reaping what you sow. The Marion Firefighters supported these Olympic hopefuls because it was the right thing to do. They, like the rest of the community, were proud that Wayne and Kim's hard work helped them achieve their goal of becoming Olympians. The Firefighters had no idea that sixteen years later Wayne would be mayor. They just wanted to help two young people from their community. As Firefighters, we are known for being involved in our communities: We not only serve in our profession but also in our personal lives. It is an attitude and tradition that we as firefighters must continue.

At the time of this writing, the 2006 Legislative Session is coming to an end. This is the year of the short session and they will be finished by the middle of March. So far, we have had a productive session but we still have two weeks to go and anything can happen. To get updates on the Legislation we are following, visit our web site at [www.pffui.com](http://www.pffui.com). If you have any questions, please call Vice President Chuck Sosbe or myself. We would also be happy to attend your Local union meeting to give you a personal account of the 2006 General Assembly.

This year's Legislative Conference was a great success. In addition to covering the bills we are supporting, we expanded the Conference by one day, holding our first PFFUI Education Seminar. This seminar was supported by the IAFF's Partnership Education Program. The topics presented were: Preparing for Contract Negotiations; Non-Collective Bargaining Environments; Municipal Financial Analysis; Duty of Fair Representation; and How to Run a Meeting. This was the first of what we hope to be an annual event. Our leadership needs education to handle the increasing challenges our membership faces. I believe this first seminar is a good start. There will be a resolution at the 2006 PFFUI convention in April to determine if we can continue this important program and possibly improve upon it.

Finally, I want to offer my condolences to the family of Tiny Adams. As most of you know, Tiny was a past president of Local 1348 and a champion of firefighter issues for ten years in the General Assembly. Tiny dedicated his life to the working men and women of Indiana. I have known Tiny my entire career as a union leader and have always admired his dedication. Please keep Shawn and his children in your prayers. Tiny, you will be missed.

Stay safe.

Fraternally,

Tom Hanify



# INDIANA

Professional Firefighters Newsletter

# Indiana State Executive Board

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Secretary-Treasurer Emeritus:  
Richard O. Kissel

## Vice President Report

CHARLES SOSBE, JR.

The PFFUI introduced a very good legislative agenda this year and the action at the Indiana General Assembly has been moving quickly during the current session. Here is an update on where this agenda stands with approximately two weeks remaining in the 2006 session.

**HB 1099** is a bill that puts some regulation on fireworks in the State of Indiana. More importantly it puts a four percent public safety fee on the sale of all fireworks, of which, at least one million dollars is earmarked for statewide firefighter training. This bill has passed the Senate with amendments and will be a part of the conference committee process.

**HB 1234** is a bill that will make firefighters working in airport fire departments eligible to receive the \$150,000 Indiana special death benefit. That bill has passed both Houses and is eligible for the Governor's signature.

**SB 1** is the bill that addresses the merger of the Indianapolis and Marion County Township fire departments. This bill has passed the House of Representatives with amendments and is destined for conference committee. A lot of work has gone into working out an agreement on this important issue but a final agreement has not been reached. Hopefully, the final disagreements can be solved in the conference committee.

**SB 55** is the DROP bill. This bill removes the sunset on the DROP plan for the 1977 pension plan. It also ties the continuation of the DROP plan for the "old funds" to the continuation of the State fifty percent matching funds from the pension relief fund. At the present time the sunset for the fifty percent match is addressed in SB 56. SB 55 has passed both houses with amendments. A concurrence (agreement) has been filed in the Senate by the author of this bill, Senator Harrison, and is awaiting final approval of the Senate. When this occurs it will be on the way to the Governor for his signature.

**SB 56** extends the sunset for the State to pay at least fifty percent of a municipalities "old fund" liability through the pension relief fund to December 31, 2008. Because of SB 55, the DROP plan for the old funds is extended to December 31, 2008. This bill has passed both houses and is eligible for the Governor's signature.

**SB 206** is the presumptive bill for heart, lung, and cancer. This bill has passed the House with amendments and the author of the bill, Senator Drozda has filed a concurrence for this bill and is awaiting final approval of the Senate.

**SB 235** is a bill that will allow us to sell the firefighter license plate for motorcycles. It will also allow the BMV to collect the twenty-five dollar fee for that plate. The PFFUI will continue to receive this twenty-five dollar fee. This bill has passed the House with no amendments and is eligible for the Governor's signature.

I will have a final report on the outcome of all these bills at the State Convention in Indianapolis. The State Convention is scheduled for April 18 - 20. I hope to see the representatives from all the locals in attendance.

On February 13 - 14 the PFFUI hosted their first PEP seminar and Legislative Conference. If you did not attend, you missed a great opportunity. The registration fee was thirty-five dollars per individual. This registration fee included all classes, one night stay at the Embassy Suites Hotel, and lunch on the first day. The classes offered were collective bargaining environments, non-collective bargaining environments, municipal financial analysis, duty to represent, and how to run a meeting. The following morning there was a presentation on PAC and our annual legislative conference. Input from all who did attend was very positive, and we look forward to continuing this educational opportunity in the future.

I would like to take this time to announce that I will not be running for re-election for the vice president of the PFFUI at next month's convention. I have truly enjoyed the last ten years as your vice president and the fifteen years I have spent on this Executive Board. As I have said on many occasions, it has been an honor to serve the greatest organization and the bravest individuals: the brothers and sisters of the PFFUI. Be safe out there.

## Secretary-Treasurer Report

MICHAEL PINKHAM

Brothers and Sisters,

We recently concluded a very successful educational seminar which many of your Local Union leaders attended with instructors from the IAFF. We intend to continue to provide your representatives with informative and, hopefully, inexpensive gatherings in the years ahead to increase their knowledge and abilities to provide you the service and representation you deserve as proud members and Professional Firefighters in Indiana.

Our State Union Convention is rapidly approaching. The Convention is scheduled for April 18th through the 20th at the Embassy Suites Hotel in downtown Indianapolis. It is

important that your Local be represented there. Information and credential packets have been mailed to all Local Union Presidents. Anyone not receiving their packet or having questions, please contact me as soon as possible. We will deliberate the significant issues facing our organization this year and the years to come, as well as provide a number of educational opportunities for your representatives to participate in that will better prepare them to lead your Local in the future.

District meetings are being scheduled by the District Vice-Presidents prior to the Convention and it is again very important that your Local is represented there and is able to exchange successes and discuss issues and resolutions for the Convention.

Late this summer, we are planning on holding our 6th Annual Brian Reed Memorial PAC Golf Tournament in conjunction with a Memorial Remembrance at our Indiana Firefighter Memorial across from the Statehouse. District Trustee Mike Whited will be coordinating a motorcycle rally prior to the Memorial on Saturday. Specific information will be distributed in the near future and posted on the website, but please plan on participating and supporting these events on August 18th and August 19th in Indianapolis.

The legislative session is winding down and it appears we will have a fairly successful record with our important issues. Our Indiana Professional Firefighters PAC needs your continued support and we are again using our membership participation incentive program to encourage your support. In addition to logo pins and apparel, we are also offering you the opportunity to select a paid recognition license plate authorization form at the \$100 contribution level.

The Special Recognition License Plate program also continues to be successful. It is very important that you realize that you do need a paid authorization form for renewals as well as initial purchase of the plates. As we currently can only do this through the mail, you must plan ahead of your expiration dates so that you have the forms available to take with you to the BMV or mail in with your renewal. We are mailing renewal reminder postcards to your last known address to remind you to obtain your authorizations in advance.

Please visit our website at [pffui.com](http://pffui.com) for a wealth of information, a calendar of activities, and to update your mailing addresses and please do not hesitate to contact me via email or by telephone if I can be of any service to you or your families.



*Indiana Homeland Security Director Eric Dietz and Fire Marshal Roger Johnson, along with Trustee Dan Gammon and his staff, take time for a picture after touring the Wayne Township training academy.*



*Michigan City retirees: Ed Lomeli and Chuck Sosbe pose for a photo with Michigan City Local 475 President Spencer Walker and past Pension Committee member Randy Novak at their annual Retirees' Dinner*

**Have you Moved?**

**Be sure to let us know!**

**You are welcome to mail, phone  
or E-mail your new info to us.**

**Please contact:**

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## First District

**STEVE WIEGER**  
1st DISTRICT TRUSTEE

Brothers and Sisters:

After six years as your First-District Vice-President and two years as your First-District Trustee, I have decided not to seek re-election. I have had a lengthy union career since 1973, when I joined the South Bend Fire Department.

I have to thank Tom Miller, Brian Reed, Richard Kissel, Lou Covelli, Tom Hanify, Chuck Sosbe, Mike Pinkham, Jansens Rollins, Dave Nondorff, Ed Lomeli and, most of all, the members of the First District, for being both mentors and friends.

I have enjoyed every minute of my involvement in the PFFUI. After fifteen State Conventions and fifteen Mini Conventions, I'd like to hope that my contributions have made a difference.

As I leave office, I wish all of you the very best in your endeavors. I still plan to be active as a union member and of course, I will continue to offer my opinion to anyone who will listen.

## Second District

**JAMES RIDLEY**  
VICE PRESIDENT

Greetings from the 2nd District. I am pleased to report that many Locals within the district have experienced successful collective bargaining agreements with their municipalities. President Steve Shoemaker of Union City Local 4353 was successful in securing the Union's first contract ever. President Orbie Bowles of Carmel Local 4444 was also able to put language together that provided a great package for the membership. However, at the same time, Kokomo has made headlines for different reasons. President Rick Daley Local 396 knows first hand how difficult the demands of running a Local can be.

Their issues are well documented in the LRIS Labor Relations Information System, [www.lris.com](http://www.lris.com).

We held an Executive Board meeting on February 12th with discussion on a variety of topics. The PFFUI will be sending 1st District Vice-president Ed Lomeli and 3rd District Vice-president Mark Mastison to the Alfred K. Whitehead Legislative Conference in Washington DC March 19 thru 22. They will coordinate all of the attendees from Indiana to meet with our respective elected officials during our lobbying efforts. Issues at the forefront of this year's conference:

- Retiree Health Care
- Medical Monitoring
- Funding for SAFER (Staffing for Adequate Fire and Emergency Response)
- Tax Reform
- Federal Firefighter Presumptive Disability

For more detailed information log on to [www.iaff.org](http://www.iaff.org).

The PEP (Partnership Education Program) held on February 13th was a tremendous success. With over one hundred attendees, this event has the potential to be a mainstay at the PFFUI's Annual Legislative Conference. The 2nd District was well represented and all of those in attendance found the training useful. The IAFF instructors were knowledgeable, presented interactive training and provided true scenarios as a learning tool.

On February 14th, we held our Indiana Firefighters Legislative Conference. A few topics that were discussed included remarks from Indiana State Fire Marshall Roger Johnson on the importance of HB 1099 which deals with fireworks sales and discharge.

General Counsel for the PFFUI Leo Blackwell held an open forum answering questions from local presidents throughout the state and Brothers Mastison and Lomeli gave a PowerPoint on the benefit of having a PAC within your Local.

PFFUI Vice-president Chuck Sosbe provided us with a legislative update and IAFF Eighth District Vice-president Tom Miller provided an update on state and national politics as it relates to us as professional firefighters. It is an immense benefit to have Brother Miller as a direct link to the IAFF. He is always a phone call away and provides immediate results.

The 2nd District will hold our spring caucus on March 13th at 6 pm in Noblesville. President Tony Murray will host the meeting and we hope to see a good turnout. Information has been mailed to all 2nd District Local presidents.

Welcome aboard new presidents Jim King Local 1649 Alexandria and Donny Myers Local 363 Peru.

I hope everyone stays safe and to the Brothers and Sisters of the 2nd District, Mike Whited and I are proud and humbled to serve as your PFFUI representatives.

## Second District

**MIKE WHITED**  
2nd DISTRICT TRUSTEE

Sitting here writing this letter about the loss of a true friend, Tiny Adams, has given me a chance to reflect on my own memories of Tiny. My first dealing with Tiny was many years ago, long before I came on the fire department. I had some questions and someone told me Tiny Adams could answer them for me. He was Union president at the time. I had never met nor spoken to him before, but Tiny not only answered my questions: he also treated me as if I were a long lost friend. Now, a few years later, and me with a couple of years on Muncie fire department, I was attending my first state convention with Tiny. While there I was amazed at the respect that this humble man got from local leaders and firefighters attending from across Indiana. This respect followed him to the state house while he was a State Representative fighting for public safety and for the rights of working men and women. This immense respect is a quality that many men strive for but only a few achieve. Even after I became Local president I still found myself calling Tiny with questions and for advice. Tiny would always be happy to give me answers and, of course, still treated me like I was a long lost friend. Tiny also had many loves. He loved helping people, often putting other people's needs above his: Toys for Tots, United Way, and labor. The list could go on and on. But his greatest love was his family.

As I continue to put my memories of Tiny on paper, I have to try to hold back the tears. Knowing Tiny has made an enormous impact on my life. Tiny made me a better person and for that I am grateful. And someday, I hope to see my long lost friend again.

## Third District

**MARK MASTISON**  
VICE PRESIDENT

Brothers & Sisters of the PFFUI,

It is that time of the year once again. Things are heating up across the state as the legislature looks to pass some controversial legislation. Governor Daniels' "Major Moves" bill polarized the state as few others could. This has helped to make this the best opportunity to use our influence to help get our supporters elected statewide. Every firefighter needs to examine the political climate in their area, and do what they can to help get firefighter friendly candidates put where they need to be.

If you have any questions, please do not hesitate to contact any member of the PFFUI Executive Board and tell them what you need from this organization.

The legislative seminar and PEP education seminar held in Indianapolis on February 13th and 14th was an outstanding success. The comments that were turned in by the attendees were nothing but extremely positive. The PFFUI in conjunction with the IAFF has identified the need to continue educating our members so that they can better lead their Local unions. This seminar also gave us the opportunity to be educated on all pending legislation that affects the fire service. Our lobbyists do an outstanding job of testifying on our behalf to keep both sides of the aisle up-to-date on anything and everything that can benefit the fire service.

The 3rd District will meet in caucus in Evansville on March 15th. The caucus will start at noon Evansville time, and we will cover a lot of the issues that will be dealt with at the State Convention. Everyone from across the state is invited to attend. If you cannot attend the 3rd District caucus, check the PFFUI website to see when there will be a district caucus near you. Attendance at these caucuses is a great way to prepare for what is going to happen at the State Convention. You can then take this information back to your Local so you can truly represent them when it comes to voting on their behalf.

The State Convention will be held in Indianapolis on April 18th-20th. This event will be hosted by Local #416 with several events being held in conjunction with this Convention. We will be honoring some of our own at this time, and setting the course of the PFFUI for years to come. We will be discussing the dates for other events, such as the state memorial and the Brian Reed golf outing. Both are great events and are open to attendance by all.

## Fourth District

**TIM MCDONNELL**  
VICE PRESIDENT

Things are quite interesting in the 4th District, also known as Local 416. As many of you have heard, Indianapolis Mayor Bart Peterson has again introduced his 'Indy Works' plan to the State Legislature. This year, however, there has been another bill introduced to combat his plan. Senate Bill 1, introduced by Senator Mike Young, would effectively destroy the Indianapolis Fire Department. This would be accomplished by taking financial control of the department away from the Mayor and the City-County Council and giving it to a nine member

board comprised of Township Trustees and the Mayor. It is not a good thing for anyone except the politicians who evidently want to continue an antiquated system of favoritism and patronage. Not all of our elected officials favor this and, hopefully, their voices will be heard. Local 416's Board is working closely with President Hanify and IAFF 8th District Vice-President Tom Miller to ward off this disastrous legislation.

The 4th District is looking forward to hosting the PFFUI Convention in April. There will be a hospitality event at the Local 416 Union Hall the Monday night before the convention starts. Weather permitting, we will have tee times arranged at one of our city golf courses.

As always, we look forward to hosting the Brothers and Sisters working to ensure a safe, prosperous future for the PFFUI members and their families.

Also coming up is FDIC. This is a wonderful opportunity to learn all that is new in our profession from some of the most forward thinking minds in the fire service all that is new in our profession. On the Friday of FDIC week, Local 416 will again hold its annual Pumper Pull Competition and Open House.

The plans have been finalized for the annual Brian Reed Memorial PAC Golf Outing and the PFFUI Fallen Firefighter Memorial. The Brian Reed Memorial will be held on Friday, August 18th at Winding River Golf Course in Indianapolis. The Fallen Firefighters Memorial will take place the next day at the State Firefighter / Police Officer Memorial located next to the State House. Place them on your schedule now.

## IAFF NEWS

# IAFF Needs Your Wage and Benefit Information

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The IAFF collects and maintains a database of firefighter wages and benefit information that is critical in preparing affiliates for negotiations and arbitrations. The quality of this database and its usefulness as a resource is dependent on the information IAFF locals provide to the International.



To ensure that the IAFF has the necessary information regarding current salaries, longevity pay, uniform allowance and other forms of economic compensation, the Department of Labor Issues and Collective Bargaining is requesting that all IAFF locals submit their most recent salary schedule, MOU or contract, arbitration decisions or any other relevant labor agreement for inclusion in the IAFF database.

Send your information (hardcopy or electronic files) to:

Michele Shaffer  
IAFF Department of Labor Issues and Collective Bargaining 1750 New York Avenue, NW  
Washington, DC 20006 mshaffer@iaff.org  
For more information, call (202) 824-1546 or email mshaffer@iaff.org.

## MDA Grateful to Fort Wayne Firefighters

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February 8, 2006 - Fort Wayne MDA Goodwill Ambassador Halsey Rosbrugh's mother, Heather Rosbrugh, is grateful to Fort Wayne, IN Local 124 firefighters for their support of Halsey, the eight-year-old MDA Goodwill Ambassador for Fort Wayne for the past three years.



"As part of the MDA family, we continue to grow closer to 'our guys' at fire station 1 in Fort Wayne and throughout the city," says Heather Rosbrugh. The firefighters have come to know Halsey and her little brother, Lucas.

The Rosbrugh family is especially grateful to firefighter Randy Zion who has also become a family friend. Zion attends summer camp, visits Halsey at home when she is ill and on her birthday. The family has met hundreds of firefighters across northeast Indiana, including Fort Wayne, Warsaw and Auburn who care for Halsey and Fill-the-Boot for other children like her who suffer from neuromuscular disease.

"My thanks to Randy, Station 1 and the IAFF for caring so much for the cause of curing neuromuscular disease and brightening the life of children like me," says Halsey Rosbrugh.

# FIREPAC Celebrates Milestones in 2005

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FIREPAC, the federal political action committee of the IAFF, continues its track record of eight straight years of increased donations and member participation.

“The results are in and I’m excited to report that FIREPAC retains the distinction as one of organized labor’s top political committees,” says IAFF General President Harold Schaitberger.

Also, for the first time in FIREPAC history, it set two new records in 2005 — surpassing \$1.5 million raised and exceeding 12,000 donors in a single year. Fundraising increased 21 percent over 2004 (and 110 percent over 2003 — the last comparable election year). A total of 12,537 members contributed in 2005 — a 17 percent increase over 2004 and a 39 percent increase over 2003.

Most of the increased participation occurred in two of the FIREPAC donor clubs — Capitol (\$50) and Supporter (\$25). The Capitol Club increase reflects growth of 34 percent, while the Supporter level grew 68 percent.

FIREPAC has been able to sustain this high level of growth due in large part to the increased number of IAFF locals that have established FIREPAC Check-Off programs for their members, allowing contributions to FIREPAC via payroll deduction.

When FIREPAC launched its “Road to 200” campaign last year, General President Schaitberger called on all district vice presidents, state presidents and other IAFF leaders to help FIREPAC reach a goal of 200 participating locals.

With 144 locals currently participating in FIREPAC Check-Off program, the IAFF is confident that it will hit a second goal of raising \$1 million annually through Check-Off — which in turn will help FIREPAC reach its goal of raising \$3.5 million for the 2006 election cycle. “I’ve always believed that a Check-Off program would help FIREPAC raise money,” says Schaitberger, “but it also creates an enhanced sense of political awareness among a larger percentage of the membership, and creates more political activists who participate in campaigns to elect pro-firefighter candidates.

This trend is clearly evident in the growth of IAFF members and spouses running for and holding public elective office. Following the November 2005 elections, more than 325 members or family members now hold office.

This candidate success can also be traced to the IAFF Political Training Academy, which more than 450 members or spouses have attended in the past nine years. While not every Political Training Academy graduate has run for office, many have returned home and developed political action committees in their locals and achieved political success that way.

To learn more about establishing a FIREPAC Check-Off program, visit the FIREPAC section of the IAFF web site, send an email to [firepac@iaff.org](mailto:firepac@iaff.org) or call the IAFF Political Action Department at (202) 824-1582.

## Keys to Homeland Security Funding: Understanding your role in the process

*Reprinted with permission of IAFF*

The Department of Homeland Security (DHS) began providing initial financial assistance to state and local governments to prevent and respond to acts of terrorism in its fiscal year 2003 budget. Since then, DHS has expanded the list of jurisdictions eligible to receive support in combating future terrorist incidents.

To receive this federal financial assistance, each state, territory and designated high-threat urban area must apply for funding through its respective State Administrative Agency (SAA), which has overall responsibility for developing the state homeland security (HS) assessment, strategy supporting the assessment, application and administration of funding.

The selection, appointment and designation of the SAA are determined by the governor of each state. IAFF affiliate leaders must, therefore, know and collaborate with the SAA, as well as build strategic relationships with their governors. These relationships and the related grassroots efforts are critical. They play an integral role in determining which jurisdictions and which disciplines will benefit from homeland security prevention and response funding.

Once the SAA is selected, the designee or agency has significant influence over the first responder agencies represented in the working groups, whether it is the urban area or the state.

**In administering the program, the SAA must meet the following requirements:**

1. Identify Points of Contact
2. Define the Urban Area
3. Establish an Urban Area Working Group (UAWG)
4. Conduct an Urban Area Assessment
5. Develop an Urban Area Homeland Security Strategy
6. Allocate Funds
7. Comply with the National Incident Management System (NIMS)

Both the HSGP and Urban Area Security Initiative (UASI) grants have specific deadlines. Regardless, budgets can be amended by the state or UAWG as they continue to modify their assessments and strategies.

As part of the UASI grant application process, the SAA point of contact must submit a methodology for allocation of the initial funding up to 25 percent of the total award amount. In addition, the core city and core county must provide written concurrence on the SAA’s methodology before submitting the application; otherwise funds cannot be released.

Your local’s direct involvement in this process will go a long way towards securing a fair share of the federal homeland security funding for IAFF members. The IAFF has provided a political model to ensure IAFF affiliates have a voice in the homeland security funding process. If your department already has representation at the state or urban area working group table, make sure the highest priority is the health and safety of the first responder — your IAFF members.

For more information, contact the IAFF Weapons of Mass Destruction Training Department at (202) 824-1534 or the IAFF Governmental and Public Policy Department at (202) 824-1581 or visit [www.ojp.usdoj.gov/odp/whatsnew/whats\\_new.htm](http://www.ojp.usdoj.gov/odp/whatsnew/whats_new.htm)

IAFF affiliate leaders can also review the IAFF Online Job Aid, DHS/ODP Homeland Security Grants: Obtaining Funds for Your Fire Department, at [www.iaff.org/onlinejobaids](http://www.iaff.org/onlinejobaids).

# Employer Gag Orders Violate Free Speech

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The First Amendment to the U.S. Constitution prohibits governmental entities from infringing on the free speech rights of their citizens. Firefighters, as public employees, have the right to speak out about matters of public concern that do not substantially interfere with or disrupt the efficient operations of a fire department.

The courts have broadly defined “matters of public concern” to include subjects such as public and firefighter safety, staffing, adequate stations and equipment, response times and dispatch procedures. (Individual grievances or personal employment disputes are not considered by the courts to be matters of public concern and, therefore, are not protected free speech.) Generally, it is unlawful to retaliate against, and discipline, an employee for speaking out (off-duty, and out of uniform) about an issue of public concern where the employee’s freedom of expression outweighs the fire department’s interest in promoting the efficiency of public services.

In addition to “after-the-fact” disciplinary action for having already engaged in free speech activities, a local government or fire department can violate the First Amendment by prohibiting or restricting its employees’ free speech before it occurs.

Too often, “gag orders” are imposed on firefighters through department policy or a fire chief’s memorandum prohibiting speaking out about department-related issues or operations. Alternatively, there may also be a regulatory restriction that requires personnel to obtain the prior approval of the chief before making verbal or written comments about department matters. Consequently, before a firefighter can communicate with the media, citizen groups or even elected local government leaders, the firefighter must first go to the chief with the proposed speech and obtain the chief’s advance permission.

Such restrictions give the employer or chief absolute discretion to prevent the free speech — effectively imposing a gag order on the firefighter before he or she can speak out.

The courts have recognized that such prior restraints on the right of public employees to engage in free expression are far more serious violations of the First Amendment. Unlike adverse action taken in reaction to a particular statement, imposing broad prohibitions on speech ahead of time, or compelling employees to obtain advance

approval, are generally disfavored because they chill potential speech before it happens.

The threat of punishment for contravening such restrictions and the risk of incurring the displeasure of a chief — act as deterrents against speaking out on department-related topics. Thus, a government employer must carry a much heavier burden of showing a strong justification for banning or limiting free speech before it occurs.

In some circumstances, a government body may have a legitimate interest in preventing or limiting commentary outside of the fire department. For example, it would be inappropriate to disclose sensitive and confidential information that is the subject of an ongoing, internal investigation. Public statements about such matters might undermine or compromise the fire department or the public interest. Also, it would be unacceptable for a firefighter to serve as a spokesperson or official representative of the fire department in issuing statements about departmental subjects where no such authority exists.

In a recent IAFF Guardian Policy case involving Suffolk, VA Local 2801, the fire chief distributed a memorandum barring the local’s president and other personnel from contacting or associating with members of the City Council or the city manager’s office about issues impacting the fire department.

Under pressure from the federal judge, the city replaced the gag order with a new memo recognizing the right of all fire and rescue employees to raise points of public concern with any individual, including city officials.

It is important for local union leaders to exercise their right of free expression involving the media, citizens and elected government representatives. This is especially true in non-collective bargaining states where such communications are vital to protecting the interests and achieving the goals of the membership on a number of significant issues.

For these reasons, protection of the constitutional right of free expression is essential.

*Tom Woodley serves as General Counsel for the IAFF.*

## LEGAL CORNER

# Re-employment Rights of Military Service Members

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The U.S. Department of Labor has released regulations clarifying the Uniformed Services Employment and Re-employment Rights Act (USERRA), the law protecting employment rights of members of the U.S. armed forces. This law allows service members to return to their jobs with the same pay and benefits they would have received had they never been deployed at all.

USERRA mandates that employers promptly re-employ returning service members who are eligible to be re-employed. Regardless of whether a service member’s position has been filled in his/her absence, that individual’s employer may not deny or delay the service member’s re-employment.

If no other position is available or a hiring freeze is in effect, the employer still may not deny that returning service member employment. A service member who is eligible for re-employment must be restored to the job and benefits he or she would have attained — or to a comparable position — had that individual not been absent due to military service.

In addition, employers may not discriminate or retaliate against members of the service by denying members initial employment, re-employment, retention in employment, promotion or any benefit of employment. Nor may an employer retaliate against any non-service member assisting in the enforcement of rights established under USERRA.

USERRA also provides health insurance protection for service members who leave their jobs to perform military service. Such members of the service are entitled to continue their employer-based health plan for up to 24 months while in the military. Even without selection of continuation of the employer’s health plan, a service member has the right to reinstatement in the employer’s health plan when that individual is re-employed.

For a general description of these rules, download the Department of Labor’s workplace USERRA poster at [www.dol.gov/vets/programs/userra/poster.htm](http://www.dol.gov/vets/programs/userra/poster.htm).

*Tom Woodley serves as General Counsel for the IAFF.*

# The People's Champion

JUDY MAYS

Reprinted with permission from *The Muncie Times*

Hundreds of people attended the funeral service for State Rep. Tiny Adams that was held at UAW Local #287, Union Hall, Spring Water Park. Pastor James Lawson, Terrestrial Temple Church officiated.

The highly esteemed state representative for District #34 and a retired Muncie Firefighter, died Dec. 7 following stroke complications.

Family, friends, community and colleagues filled the 600 seat union hall to pay their last respects to the man many called the "people's champion." The union hall reflected a life well lived and worthy of remembrance, with more than 100 floral arrangements many bearing personalized sentiments. As part of the service, Mark Adams recalled how he and his father shared a passion for motorcycling and the many special times they spent together on outings. "I will really miss him," said Mark.



Tiny Adams

Denae Baugh, one of Adams' three daughters, tearfully spoke of lessons learned from her father. "My dad was my best friend and the support system for our family," she said. "Dad always knew how to take a bad situation and make it better...I am a better person because of him. He taught me to always stand up for what I believe in and never back down but to be open minded and fair, willing to listen to the other person."

In the eulogy, Adams was remembered as a great man who loved his family, this community and the state of Indiana.

Lawson said, "Though we are here to celebrate the life of State Rep. Tiny Adams, my heart is heavy, yet rejoicing."

Lawson read Psalm 23 and gave scriptural reference and reading to Luke 15:31. "The parallel I'd like to make is in regard to the older brother in the story of the Prodigal son, who never left home but was always there and just like that older brother, Tiny didn't leave, he was a champion for all. He was concerned about the quality of life in Muncie, Delaware County, and the state of Indiana," Lawson said.

Among State and local leaders were former Gov. Joe Kernan, Muncie Mayor Dan Canan, retired State Rep. and firefighter Hurley Goodall (Muncie), retiring State Sen. Allie Craycraft. Also, State Rep. William Crawford (Indianapolis), State Rep. Vernon Smith and Charlie Brown (Gary) and Ball State University President Jo Ann Gora.

"In my legislative experience I've formed relationships that were based on like work. Tiny Adams was a man who stood out and our relationship moved into the area of friendship because of his belief in 'we must help people,'" said Crawford. The name Tiny needs to be magnified many, many times

in his case for the outpouring of concern he gave to families and the community he represented. He was an incredible man."

Smith, a former educator, city councilman and businessman who is part of the Indiana Black Caucus and on the board of directors for the Commission on the Social Status of Black Males, lauded the integrity of his departed colleague. "He was genuinely a good man who was humble and totally committed to his constituency and the state of Indiana. In times past I called on Adams for assistance and he once helped me with an issue concerning a student attending Ball State University. He was tenacious in getting the problem resolved. We often talked about issues concerning black males and he received and answered letters from inmates. I will miss him. We will definitely have less of a force in the House."

Also remembering Adams was Phyllis Bartleson, executive director of the Muncie Human Rights Commission, who said "We've lost a true friend, a true voice of the people. Tiny was a quiet, behind the scenes motivator with true integrity."

As about 100 Muncie Firefighters, all wearing white corsages, prepared to lead the procession to Adams graveside, Lawson told the congregants to leave with determination and dedication. "Let's not let Tiny or his family down but be prepared to assist his widow for the rest of her life."

Adams became the state representative for District #34 in 1996 and was serving in that capacity at the time of his death. He is survived by his wife, Shawn, children Mark (Jackie), Derek Clark, Denae Baugh, Michelle King and Heather Winters, grandchildren, Gage and Dylan Winters, Alec Sears, Josh King, two brothers, Claude and Allen, his stepmother, Laura Adams, and several nieces and nephews.



Marion Firefighters pose for a picture after a meeting.



# IAFF Partnership Education Program



*Tom Hanify introduces Representative Mary Kay Budak, District 20, from LaPorte.*



*Mike Pinkham, the friendly PFFUI Treasurer.*



*IAFF 8th District Vice President Tom Miller addresses the Brothers and Sisters attending the 2006 PFFUI Legislative Conference.*



*Senator Larry Lutz, retired Evansville Firefighter, addresses the 2006 PFFUI Legislative Conference.*



*Captain Fred Pervine opens the 2006 PFFUI Legislative Conference with a prayer and remembrance of Brother Tiny Adams.*



*1st District Vice-President Ed Lomeli and 3rd District Trustee Larry Zuber set up a room for the PFFUI Education Seminar.*



*3rd District Vice President Mark Mastison opens the Municipal Financial Analysis presentation at the PFFUI Education Seminar*



*4th District Trustee Bonnie Webb reviews the PFFUI Education Seminar participant evaluations.*



*PFFUI Vice President Chuck Sosbe gives a Legislative report during the 2006 PFFUI Legislative Conference.*



*Mayor Wayne Seybold of Marion, Indiana, with Local President Greg Yeakle and Tom Hanify, presents the Fire Contract to the Marion City Council for Council ratification.*



*8th District Congressional Candidate, Sheriff Brad Ellsworth addresses the 3rd District Meeting.*



*8th District Congressional Candidate, Sheriff Brad Ellsworth poses with Evansville Local President Paul Anslinger, Larry Zuber, and Mark Mastison.*



*The 2nd District Meeting, hosted by Hamilton County Local 4416.*

# 2005 Solheim Cup

SUSAN BAUGHMAN, INDIANA SPORTS CORPORATION

Indianapolis and Carmel firefighters played a major role in the success of the Opening and Closing Ceremonies for the international golf event hosted at Carmel's Crooked Stick Golf Club in Carmel.

Televised live on The Golf Channel, these ceremonies were hosted late in the afternoon on two hot September days, beginning and ending the quest for the Solheim Cup. Kelly Tighlman of the Golf Channel hosted the event, introducing the Indianapolis Emerald Society Pipes & Drums to lead in the US and European teams, which kicked off what was later described as a classy and patriotic celebration of international golf competition.

Following the introduction of dignitaries, including Indiana's First Lady Cheri Daniels, the Carmel Fire Department's Honor Guard assisted the American and international golfers as each country's flag was raised. The Indianapolis Children's Choir accompanied by singing every country's national anthem.

The LPGA and Indiana Sports Corporation would like to thank The Indianapolis Emerald Society, the Carmel Honor Guard, The Carmel Fire Department who provided EMS coverage, and all the other representatives of the fire service who provided on site assistance and guidance throughout the event. Firefighters are a huge part of our community, and their expertise is highly valued!



*Above:*

*Lt. Jim Foster, Member of the Carmel Fire Department's Honor Guard is assisting Suznann Pettersen of Norway, a Member of the European Team in raising the Flag of Norway at the opening ceremonies of the Solheim Cup.*



*Above Left and Right: Indianapolis Emerald Society Pipes & Drums lead in the US and European teams for the Solheim Cup.*

# LETTERS TO THE EDITOR

**LETTER FROM ROBERT POLK  
FIRE CHIEF (RET.) & STATE FIRE MARSHAL (RET.)  
COLUMBIA, SC**

I am writing to encourage more firefighters to get involved with the activities of the National Fire Protection Association (NFPA) and the International Codes Council (ICC) that deal with the safety features of newly-constructed buildings. I have been looking for just the right example to drive home this point and it came recently in the form of an email I received from a consultant named Richard Schulte, who makes his living providing developers and companies with advice on building and fire codes.

In response to my efforts before the ICC to push for stronger provisions in the building and fire codes to protect firefighters from collapse, entrapment, burn injuries, and death, Mr. Schulte had the audacity to suggest that further improvements could be made in building construction to provide more protection for firefighters, but such safety measures are not worth it from a financial standpoint.

Mr. Schulte's suggested further that the number of people who die from Tylenol overdoses each year is roughly equivalent to the number of firefighter on-duty deaths. He questioned whether statistics should be used to decide public policy issues such as added protections in building codes to improve safety for firefighters and whether it was appropriate to "spend other people's money on making safety improvements without regard to whether or not the improvements will have any impact?"

Most recently Mr. Schulte, in another public codes meeting, stated that "We need to point the finger at the fire service" when discussing poor installation and lack of maintenance on the many fire safety related building features. Mr. Schulte further stated that the fire services' failure to inspect for the myriad of problems is "a sign they don't really care." This is yet another example of Mr. Schulte's ignorance of the challenges faced by America's fire service.

Mr. Schulte does not understand that not only do too many firefighters die, but that virtually one-third of all firefighters are injured each year. People who ignore the risks firefighters face have no business contributing to standards that are intended to protect firefighters and the public.

Because of all I have personally experienced as a firefighter over the years, I have devoted my "retired" life to fire prevention and safety. It is a fact that there are far too few active and

retired firefighters and fire safety officials, like myself, who are able to participate in the important code-making process. The IAFF, the IAFC, the NVFC, the NASFM and other fire service organizations do an admirable job in getting their members to staff those NFPA and ICC committees that deal directly with their protective equipment, their tactics, their apparatus, their qualifications, and other fire service-related matters, but they cannot do it alone. They can not, and do not, staff many of the committees that deal with the building codes that have a tremendous impact on their safety when they respond to a fire.

I urge you to contact both code organizations to see how you can participate on some of their critical building and fire code committees.

Check out the NFPA website at [www.nfpa.org](http://www.nfpa.org) for available openings on committees and seek guidance from former fire safety officials who now work as regional representatives for the NFPA such as Russ Sanders and Olin Greene.

Visit the ICC website at [www.iccsafe.org](http://www.iccsafe.org) to learn more about their various committees. The ICC is about to launch a campaign to attract more firefighters and fire safety officials. Contact the ICC's Jim Tidwell, a former firefighter and chief, at [jtidwell@iccsafe.org](mailto:jtidwell@iccsafe.org) for more information.

And, finally, I have included the full text of the email sent to me by Mr. Schulte that also contains his email addresses. If you are as offended by Mr. Schulte's email as I was, send him an email and explain the risks and dangers firefighters face everyday and around every corner.

But, most importantly, get involved in the process to protect yourself, your brother and sister firefighters, and the firefighters who will take your place in the future.

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**EMAIL RESPONSE FROM FPESCHULTE@AOL.COM  
TO: ROBERT@FIREMARSHALS.ORG  
SUBJECT: MORE STATISTICS**

Mr. Polk-  
I thought that you would find this statistic interesting:

"The Food and Drug Administration has long wrestled with the liver risk, warning two years ago that more than 56,000 emergency-room visits a year are due to acetaminophen (a.k.a. Tylenol) overdoses and that 100 people die annually from unintentionally taking too much."

In other words, more people die from Tylenol overdoses than from fires in commercial

buildings in 2004. Roughly the same number of Americans die from Tylenol overdoses as the number of firefighter who die while on-duty. Should statistics be used to decide public policy or should we just spend (other people's) money on making safety improvement without regard to whether or not the improvements will actually have any impact?

**Visit our  
website at  
PFFUI.com  
for  
Legislative  
Updates.**

# FDIC 2006 CONFERENCE AT A GLANCE

## SUNDAY, APRIL 23

- 4:00 p.m. - 5:00 p.m. Instructor Registration
- 5:00 p.m. - 7:00 p.m. Attendee Registration

## MONDAY, APRIL 24, 2006

- 6:00 a.m. - 5:00 p.m. Attendee Registration
- 6:30 a.m. H.O.T. Evolutions Staging/ Bus Loading
- 8:00 a.m. - 5:00 p.m. Hands-On Training Workshops and Evolutions
- 1:00 p.m. - 5:00 p.m. Exhibitor Registration
- Courage & Valor Silent Auction

## TUESDAY, APRIL 25, 2006

- 6:00 a.m. - 5:00 p.m. Attendee & Exhibitor Registration
- 6:30 a.m. H.O.T. Evolutions Staging/ Bus Loading
- 8:00 a.m. - 5:00 p.m. Hands-On Training Workshops and Evolutions
- Courage & Valor Silent Auction

## WEDNESDAY, APRIL 26, 2006

- 7:00 a.m. - 5:00 p.m. Attendee Registration
- 7:00 a.m. - 5:00 p.m. Exhibitor Registration
- 8:30 a.m. - 10:00 a.m. Opening Ceremony & General Session
- 10:30 a.m. - 6:45 p.m. Classroom Sessions
- Courage & Valor Silent Auction

## THURSDAY, APRIL 27

- 7:00 a.m. - 7:00 p.m. Attendee & Exhibitor Registration
- 8:30 a.m. - 10:00 a.m. Opening Ceremony & General Session
- 10:30 a.m. - 4:45 p.m. Classroom Sessions
- 2:00 p.m. - 7:00 p.m. Exhibits - Main Halls, Dome booths 4000 - 4536 and 5300 - 5340
- 1:00 p.m. - 7:00 p.m. Exhibits - Maryland St. Lobby West & East, Maryland St. booths 5344 - 5399, Capital Street Lobby, Wabash Ballroom and 500 Ballroom
- 1:00 p.m. - 7:00 p.m. Outside Exhibits and Live Demo Area
- Courage & Valor Silent Auction

## FRIDAY, APRIL 28

- 7:30 a.m. - 5:30 p.m. Attendee & Exhibitor Registration
- 10:30 a.m. - 12:15 p.m. Classroom Sessions
- 9:30 a.m. - 5:30 p.m. Exhibits - Main Halls, Dome booths 4000 - 4536 and 5300 - 5340
- 8:30 a.m. - 5:30 p.m. Exhibits - Maryland St. Lobby West & East, Maryland St. booths 5344 - 5399, Capital Street Lobby, Wabash Ballroom and 500 Ballroom
- 8:30 p.m. - 5:30 p.m. Outside Exhibits and Live Demo Area
- Courage & Valor Silent Auction

## QUALIFYING SATURDAY, APRIL 29

- 8:00 a.m. - 4:00 p.m. Registration
- 9:00 a.m. - 3:00 p.m. Exhibits - Main Halls, Dome booths 4000 - 4536 and 5300 - 5340
- 8:00 a.m. - 3:00 p.m. Exhibits - Maryland St. Lobby West & East, Maryland St. booths 5344 - 5399, Capital Street Lobby, Wabash Ballroom and 500 Ballroom
- 8:00 a.m. - 12:00 p.m. Outside Exhibits and Live Demo Area

# Calendar of Events Spring 2006



## 2006 Scheduled Events of potential interest to Local Officers

Check the PFFUI website at [www.PFFUI.com](http://www.PFFUI.com) for more information.

- 3/19-22, 2006**     **IAFF Legislative Conference**  
Washington, DC
- 4/18-19, 2006**     **PPFUI Convention**  
Embassy Suites, Indianapolis
- 5/7-8, 2006**        **Fire and Police Benefit Motocross**  
Kingsbury, Indiana

**5/7-8, 2006**

### Fire and Police Benefit Motocross

Scott O'Kelley, President of Hobart L1641, and Jason Bush, Portage FD, have joined forces to form The Fire and Police Benefit Motocross, to be held on May 7-8, 2006, at Dirt MX Racepark in Kingsbury, Indiana. The Fire and Police Benefit Motocross is a family oriented event. Proceeds will be donated to the March of Dimes. Spouses and children of INFPMX members are more than welcome to come and join in the racing. We offer race classes for women and kids. Camping is available at the track. The registration form and more information are available on our website at [www.indianafpmx.com](http://www.indianafpmx.com).

Pre-Register before April 15 and receive a free INFPMX shirt!

Questions? Contact Scott O'Kelly at [scott@reasonsmedical.com](mailto:scott@reasonsmedical.com), or Jason Bush at [pfdmx106@msn.com](mailto:pfdmx106@msn.com)



## Indiana Professional Firefighters Special Recognition License Plate

The Indiana Firefighters' special recognition license plate is available to Firefighters, their families and individuals who want to show their support for the career Firefighters in the state of Indiana. The cost for each special recognition plate is \$40.00. You can download the license plate application form from our website at [www.PFFUI.com](http://www.PFFUI.com), or call the State Office at 317-630-1840 to have one mailed to you.

Fill out your application, one for each plate, and mail along with your \$25 check payable to the PFFUI to:

PFFUI  
PO Box 15735  
Ft. Wayne, IN 46885-5735

PFFUI  
623 E. St Clair St.  
Indianapolis, IN 46202

You will then be mailed your authorized form which you will take to the BMV. They will collect the remaining \$15.00 of the fee at that time. To renew by mail, you must first obtain your authorized form which can be mailed in with your renewal.

Reserve yours today!

# Indiana Professional Firefighters PAC

The Political Action Committee of the Professional Firefighters Union of Indiana desperately needs your support.



The successes we achieve in the Indiana General Assembly protecting and enhancing our pensions and other benefits could not be realized without participation in the political process.

Elected officials at the state level of government have the ultimate 'say-so' in the statutes governing virtually every aspect of our careers, particularly our disability and retirement benefits. The state officials we lobby with cross all party lines and we are totally bipartisan in our support of those elected representatives who support professional Firefighters. These are the individuals who control your disability, retirement, and survivor benefits, and who write the statewide statutes governing merit systems, collective bargaining, residency requirements, disciplinary procedures, and countless other issues affecting you and your family as an active or retired Professional Firefighter .

The Indiana Firefighters PAC relies solely upon voluntary contributions. The PFFUI is requesting each member dedicate a minimum of \$1.00 per paycheck to build an effective political action committee.

To find out how your Local can start a PAC, contact your District Vice-President.

These contributions are not deductible for income tax purposes. Fill out the form below and mail it in today. Let us know that we can count on your support.



FIREPAC Windshirt



FIREPAC Polo shirt



FIREPAC T-shirt

## Sign Up Now!

### Indiana Firefighters PAC Contribution Form

Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Zip \_\_\_\_\_

Phone \_\_\_\_\_

Shirt Size (circle one) XXXL XXL XL L M S

*Mail to:*  
Indiana Firefighters PAC  
P.O. Box 15735  
Ft. Wayne, IN 46885-5735

**PRESIDENT CLUB LEVEL**  
\$200 or more per year  
(\$8.00 per paycheck)  
Receive an  
Indiana FIREPAC Windshirt

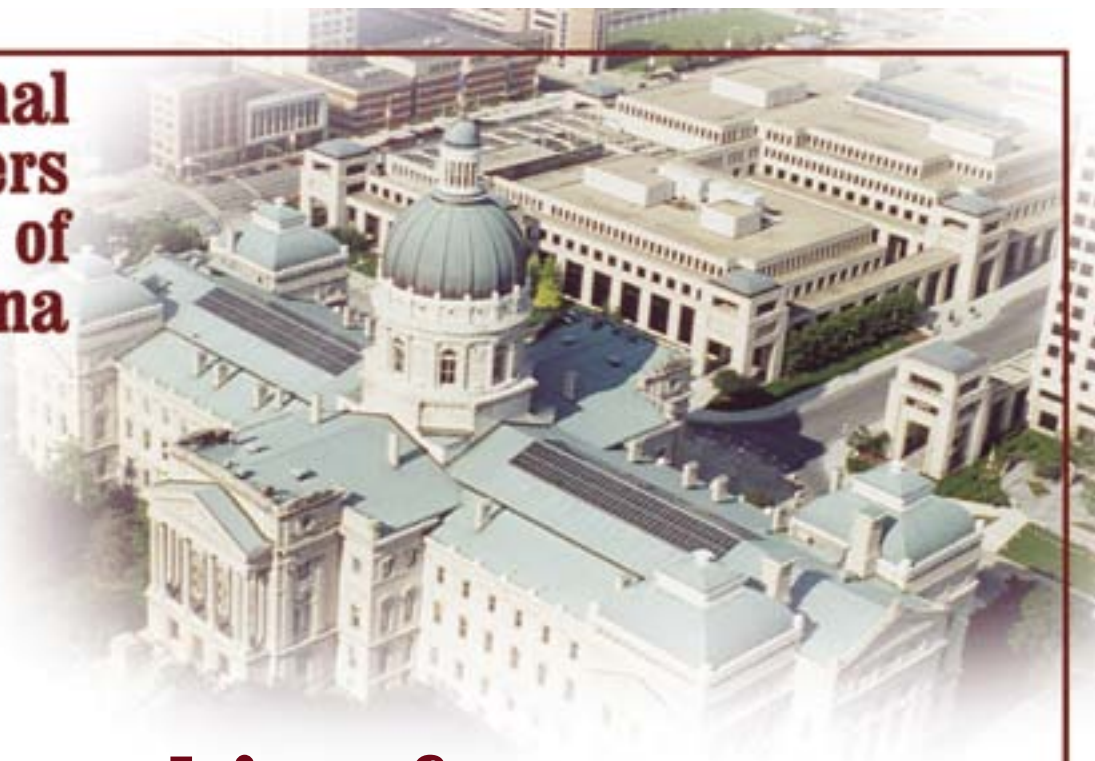
**CAPITOL CLUB LEVEL**  
\$100 or more per year  
(\$4.00 per paycheck)  
Receive an  
Indiana FIREPAC Polo Shirt  
**OR Newly Offered —**  
Receive an Authorized  
Indiana Firefighters  
License Plate Form

**LEADERSHIP LEVEL**  
\$50 or more per year  
(\$2.00 per paycheck)  
Receive an  
Indiana FIREPAC T-Shirt

**MEMBERSHIP LEVEL**  
\$26 or more per year  
(\$1.00 per paycheck)  
Receive an  
Indiana FIREPAC Pin

Photo courtesy of Nancy Flanigan

# Professional Firefighters Union of Indiana



## We're working for you...

**Spring 2006**  
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