

CONSENT CALENDAR

November 2, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Labor, Industrial and Rehabilitative Services to which was referred HB 182-FN,

AN ACT prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. William Infantine

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Labor, Industrial and Rehabilitative Services
Bill Number:	HB 182-FN
Title:	prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment.
Date:	November 2, 2023
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2023-2404h

STATEMENT OF INTENT

This bill will allow firefighters and volunteer firefighters to stop at an emergency scene and provide services in their capacity as a firefighter or volunteer firefighter while on their way to a scheduled shift at their place of work. If they are late to their scheduled shift or unable to attend the shift they cannot be fired or reprimanded. The firefighter or volunteer firefighter must inform their employer as soon as possible when they know they will be late for their shift or unable to make their scheduled shift. The firefighter or volunteer firefighter will be required to submit a statement signed by the chief or such fire department and certifying the time and date that the employee responded to and returned from the emergency. The employer is not required to compensate the employee for any time the employee failed to report to work.

Vote 19-1.

Rep. William Infantine
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Labor, Industrial and Rehabilitative Services

HB 182-FN, prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Infantine for Labor, Industrial and Rehabilitative Services. This bill will allow firefighters and volunteer firefighters to stop at an emergency scene and provide services in their capacity as a firefighter or volunteer firefighter while on their way to a scheduled shift at their place of work. If they are late to their scheduled shift or unable to attend the shift they cannot be fired or reprimanded. The firefighter or volunteer firefighter must inform their employer as soon as possible when they know they will be late for their shift or unable to make their scheduled shift. The firefighter or volunteer firefighter will be required to submit a statement signed by the chief or such fire department and certifying the time and date that the employee responded to and returned from the emergency. The employer is not required to compensate the employee for any time the employee failed to report to work. **Vote 19-1.**

Original: House Clerk

Cc: Committee Bill File

Amendment to HB 182-FN

1 Amend the bill by replacing section 1 with the following:

2
3 1 New Section; Protective Legislation; Discrimination in the Workplace; Volunteer Firefighters
4 and Emergency Medical Technicians. Amend RSA 275 by inserting after section 41-d the following
5 new section:

6 275:41-e Volunteer Firefighters and Emergency Medical Technicians.

7 I. No employer shall discharge or take any other disciplinary action against any employee by
8 reason of failure of such employee to report for work at the commencement of such employee's
9 regular working hours where the failure is due to the employee's responding, in his or her capacity
10 as a volunteer member of a fire department or ambulance department, to an emergency they witness
11 or come upon while en route to a place of employment; provided, however, that no such employer
12 shall be required to compensate any such employee for any period of such employee's normal
13 working hours during which for such reason the employee fails to report for work and at the request
14 of an employer shall submit a statement signed by the chief of such fire department or ambulance
15 department certifying the date and time such employee responded to and returned from the
16 emergency. Such employee shall inform his or her employer or immediate supervisor of the reasons
17 for the failure to report.

18 II. As used in this section, "volunteer member" shall mean a volunteer, call, reserve, or
19 permanent-intermittent firefighter or emergency medical technician, but shall not include any
20 person who received compensation for over 975 hours of services rendered in such capacity over the
21 preceding 6-month period.

22 III. Any employee who is terminated or against whom any disciplinary action is taken in
23 violation of the provisions of this section shall be immediately reinstated to such employee's former
24 position without reduction of pay, seniority, or other benefits, and shall receive any lost pay or other
25 benefits during any period for which such termination or other disciplinary action was in effect.

26 IV. An action to enforce the provisions of this section shall be commenced within one year of
27 the date of the alleged violation, in the superior court within any county wherein the action occurred
28 or wherein the employer resides or transacts business.

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 182-FN

BILL TITLE: prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment.

DATE: November 2, 2023

LOB ROOM: 301-303

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Infantine Seconded by Rep. Seaworth AM Vote: 20-0

Amendment # 2023-2404h

Moved by Rep. Avellani Seconded by Rep. B. Sullivan Vote: 19-1

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Kristina Schultz, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

10/20/2023 3:16:00 PM
Roll Call Committee Registers
Report

2023 SESSION

Labor, Industrial and Rehabilitative Services

Bill #: 182 Motion: OTF AM #: 2909 Exec Session Date: Nov. 2, 2023

Members	YEAS	Nays	NV
Infantine, William J. Chairman	✓		
Seaworth, Brian Vice Chairman	✓		
Avellani, Lino M.	✓		
Prout, Andrew J.	✓		
Love, David C.	✓		
Boyd, Stephen E.	✓		
Mason, James L. Cole, substituting	✓		
Colcombe, Riché	✓		
Drago, Mike	✓		
Granger, Michael E	✓		
Sullivan, Brian M.	✓		
Baroody, Benjamin C.	✓		
Cahill, Michael D.	✓		
DiSilvestro, Linda A.	✓		
Soucy, Timothy A.	✓		
Bouchard, Donald J.	✓		
Mackenzie, Mark S.	✓		
Schultz, Kristina M. Clerk	✓		
LeClerc, Daniel J	✓		
Staub, Kathy	✓		
TOTAL VOTE:	20	0	



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

2023 SESSION

10/20/2023 3:16:00 PM
Roll Call Committee Registers
Report

Labor, Industrial and Rehabilitative Services

Bill #: 182 Motion: OTPA AM #: _____ Exec Session Date: Nov. 2, 2023

Members	YEAS	Nays	NV
Infantine, William J. Chairman	✓		
Seaworth, Brian Vice Chairman	✓		
Avellani, Lino M.	✓		
Prout, Andrew J.	✓		
Love, David C.	✓		
Boyd, Stephen E.	✓		
Mason, James L. <u>Cole</u>	✓		
Colcombe, Riché	✓		
Drago, Mike	✓		
Granger, Michael E		✓	
Sullivan, Brian M.	✓		
Baroody, Benjamin C.	✓		
Cahill, Michael D.	✓		
DiSilvestro, Linda A.	✓		
Soucy, Timothy A.	✓		
Bouchard, Donald J.	✓		
Mackenzie, Mark S.	✓		
Schultz, Kristina M. Clerk	✓		
LeClerc, Daniel J	✓		
Staub, Kathy	✓		
TOTAL VOTE:	19	1	

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON HB 182-FN

BILL TITLE: prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment.

DATE: January 26, 2023

LOB ROOM: 305-307 **Time Public Hearing Called to Order:** 10:00 a.m.

Time Adjourned: 10:30 a.m.

Committee Members: Reps. Infantine, Seaworth, Schultz, Love, S. Boyd, Colcombe, B. Sullivan, M. Cahill, DiSilvestro, Soucy, Bouchard, Adjutant, MacKenzie and LeClerc

Bill Sponsors:

Rep. Wolf
Rep. Damon

Rep. B. Boyd
Sen. Prentiss

Rep. Bordes

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- Rep. Wolf - similar to a bill which passed the house but died in the senate. As a way to attract volunteer firefighters.
 - o What is protocol? Most are paid for those hours.
- **There is a packet of recruitment and detention that the sponsor will get to us from the commissioner of safety. Will get to Chair Infantine.**
- NHSFA, NH State Fireman's Association - Thomas Green - The organization supports this bill. North Country in small towns we are having a very hard time recruiting.

Respectfully submitted,
Representative Schultz, Clerk

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 182-FN Date 1/26/23
Committee Labor

**** Please Print All Information ****

[illegible]

House Remote Testify

Labor, Industrial and Rehabilitative Services Committee Testify List for Bill HB182 on 2023-01-26

Support: 0 Oppose: 4 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Creem, Jeffrey	Nashua, NH jeff@thecreems.com	A Member of the Public	Myself	Oppose	No	No	1/22/2023 10:41 PM
Medeiros, Jesse	Plainfield, NH bgtrck458@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/23/2023 11:46 AM
Karney, Stephen	Amherst, NH stephenakarney@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/23/2023 1:27 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/25/2023 12:07 PM

RECRUITMENT & RETENTION

Report and
Recommendations

2022

Fire and
Emergency Medical Services
Ad-Hoc Committee

Ad Hoc Committee Members

Tina Sharby, Chair
Chief Human Resource Officer, Easter Seals

Senator Suzanne Prentiss
NH Senate

Representative Brodie Deshaies
NH House of Representatives

Representative Peter Varney
NH House of Representatives

Shawn Riley
NH Ambulance Association

Cassie Chamberlain
Professional Firefighters of NH

Kirk Beattie
NH Association of Fire Chief's
(Career Chief)

Henry Thomas
NH Association of Fire Chief's
(Call/Volunteer Chief)

Thomas Blanchette
NH State Fireman's Association

Lisa Drabik
NH Municipal Association

Jason Grey
President, NH Association of EMT's

Eva Castillo
Director, NH Alliance for Immigrants and
Refugees

Ahni Malachi
Executive Director, NH Commission
For Human Rights

Joe Doiron
NH Director of Workforce Development

FIRE & EMERGENCY MEDICAL SERVICES RECRUITMENT AND RETENTION AD HOC COMMITTEE

August 3, 2022

Robert. L Quinn
Commissioner
Department of Safety
33 Hazen Drive
Concord, New Hampshire

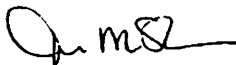
Dear Commissioner Quinn:

On behalf of the entire committee I am honored to present you with our report outlining recommendations to help fire and emergency medical service organizations throughout New Hampshire in their efforts to recruit and retain members to serve in these vital roles. This report is the culmination of the committee's work over the last three months and stands as our consensus ideas on both changes and new initiatives that will benefit the entire state. The diverse group that you assembled to tackle this challenge brought a depth of expertise and level of professionalism that was ideal to accomplish the goals set for us.

We have divided these recommendations into three areas; state level, local level and general recommendations. It is our hope that our work will assist you and local leaders in developing a comprehensive strategy moving forward.

We appreciate the confidence you placed in us to study this issue and determine the most successful path forward to aid in reversing the trend of declining candidates to serve in the roles. It was an honor to serve in this capacity.

Respectfully,



Tina Sharby
Chair

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Introduction

On February 23, 2022 NH Commissioner of Safety, Robert L. Quinn, established the *Fire and EMS Recruitment and Retention Ad Hoc Committee* under his authority as outlined in New Hampshire RSA 153-A: 7, III. Fourteen members were appointed and were tasked with developing recommendations to the Commissioner directed at State and Local changes or improvements that can be made to assist fire and emergency medical response organizations throughout New Hampshire in their efforts to recruit and retain members. The preliminary objectives for this group were to:

- Collect the necessary data to define the problem of recruitment and retention of firefighters and EMS providers in New Hampshire.
- Identify and recommend ways in which the State can support local and community efforts to improve recruitment, hiring and retention of firefighters and EMS providers.
- Review and analyze New Hampshire laws, administrative rules, regulations, agency policies and procedures, and recommend changes or amendments, where necessary, to advance the recruitment, hiring, and retention of a more diverse and inclusive workforce.
- Identify and recommend short and long term strategies and actionable items for the State, Legislature and local communities to increase the statewide workforce available to serve as firefighters and EMS providers.
- Review any other subject matter and systems issues which the Committee deems relevant to improving recruitment and retention of firefighters and EMS providers in New Hampshire.

The Committee met eleven times beginning with the first meeting on March 16, 2022. Ten subject matter experts presented information to the Committee and they deliberated extensively throughout the process. Presentations were received from Max Dodge and Jessica Coploys as firefighters and emergency medical service personnel, Jeffery Beard from the NH Department of Education Career and Technical Education Bureau, Joe Doiron from the NH Office of Workforce Development, Leo Roy from the Manchester Career and Technical Training Center, Epping Fire Chief Don DeAngelis on the multigenerational workforce, Director John Marasco from the NH Division of Motor Vehicles on recruiting a diverse and inclusive workforce, American Medical Response Northeast Regional Director Chris Stawasz on regulatory rules and reimbursement for emergency medical services, state Director Lauren Smith of the U.S. Department of Labor, Education and Training Office of Apprenticeship and Attorney John Wilson, President of Goff Wilson Immigration Law on international recruiting.

Each of these meetings were held in public at the Richard M. Flynn Fire Academy on Smokey Bear Blvd. in Concord, NH. Members of the public did attend and minutes were taken and published on the Division website.

New Hampshire's fire and EMS organizations are dependent on sufficient trained personnel to provide emergency services and they are experiencing a shortage. This shortage affects all organizations across the

state, regardless of size, including career, on-call and volunteer and was heightened by the COVID-19 pandemic. Properly trained firefighters and emergency medical personnel are essential to the quality of life in New Hampshire and the safe, effective delivery of fire and emergency medical services.

In the fall of 2021 the Department of Safety, Division of Fire Standards and Training and Emergency Medical Services applied for, and was granted, funds through the American Rescue Plan Act and the Governor's Office for Emergency Relief and Recovery. The funding is being used to assist New Hampshire's fire and EMS organizations with a statewide recruitment and retention effort. The development of a statewide dashboard tracking workforce data elements and the overall ability of departments to respond to and handle emergencies is needed. Recruitment is a widespread problem and many national level organizations have acquired grant funding to research the issue and develop solutions. A full-time temporary Statewide Recruitment Coordinator has been hired to evaluate this research and these programs to identify what would work in our state. Additionally, this coordinator is a resource to aid communities by working collaboratively with fire and EMS leaders to develop plans for their community on recruitment and retention. Additional funding will be used to offer more emergency medical responder courses over the next four years at no cost to New Hampshire residents to add additional new providers, primarily in rural parts of the state. As the current recruitment and retention dilemma is addressed, one strategy to promote a safer community for our residents and visitors is to increase the number of existing responders that are better positioned to assist in a medical emergency. By focusing on members of fire departments, especially in rural departments, that may not currently hold an EMS license at any level, we can expand the number of individuals that can perform basic level interventions until more definitive help can arrive, as well as assist with transportation from the scene to the appropriate medical facility when suitable staffing is not available.

Fire and Emergency Medical Service Organizations

In New Hampshire there are four main types of fire departments including career, on-call, combination and volunteer, and four types of emergency medical services (EMS) organizations including municipal, government third service, private and hospital based. Career organizations employ firefighters and EMS personnel as full-time employees. The staffing levels vary greatly depending on the size of the community or response area, level of service provided, volume of work being performed and financial resources of the community or service. Work hours generally consist of between forty and fifty-three hours per week for each employee. The firefighters and EMS personnel may work a traditional Monday through Friday shift, day and night shifts, twenty-four hour long shifts on a rotating basis, or some other variation. Each community in New Hampshire has the ability to structure their fire and EMS systems based on their own needs. On-call fire departments or EMS services have members that serve only when they are needed for emergency or non-emergency incidents. These members often have other careers but choose to serve their community in this way. If an incident occurs, they are notified through a paging system or cell phone application. Once notified, they respond from home or workplace, to either the scene of the incident or to the station to staff the apparatus. These members are paid for the hours they work or through a stipend based on the number of incidents they respond to over a period of time. Combination fire departments use both career and on-call members. In these departments the on-call staff provide additional personnel needed when handling incidents. Volunteer fire and EMS departments work similarly to call departments except their members receive no compensation as they are truly volunteering their time.

Privately owned and operated EMS companies are sometimes hired by a community to provide emergency medical response services in place of municipally operated departments. Hospital based EMS can include emergency, non-emergency and advanced life support services.

The duties of firefighters have changed over time. Fire suppression is the primary responsibility of most departments however needs from within communities have expanded the role to include emergency medical care and transportation, hazardous materials incident mitigation, technical rescue, fire prevention, disaster response and any other event where life, property or the environment are at risk. All firefighters work in hazardous conditions often involved in dangerous work. It is a physically demanding job and often done while wearing protective equipment that is heavy, hot and restrictive.

Emergency medical service provider's responsibilities have also evolved in the last two decades to include higher level advanced care and treatments, increased low acuity calls and higher standards and expectations of the providers themselves.

The process to become a firefighter or EMS provider is defined by each fire department, municipality or other service type. Many departments and services post open positions for applicants on municipal websites, commercially available employment service sites, through professional associations and when requested, on the New Hampshire Division of Fire Standards and Training and Emergency Medical Services web page. They routinely perform a review of applications or resumes, interviews, additional physical ability testing, written testing or other requirements that meets their needs.

Data

There is currently no collection of data on statewide firefighter or emergency medical technician positions that need to be filled. Staffing levels of all departments and services can vary based on many factors. These organizations may set goals for the number of members however, the turnover, retirement and level of involvement of those members change. The difficulty in recruiting and retention is based largely upon feedback from department leaders who routinely report that at one time departments had higher numbers of potential candidates that competed for openings through the hiring process. On-call and volunteer department leaders report increased difficulty in recruiting members as well. This is consistent with a national poll showing almost 70% of rural EMS providers report having difficulty in recruiting volunteers to adequately meet staffing needs.

There are 228 fire departments in New Hampshire and 270 licensed Emergency Medical Service Units of which 195 are fire departments, 34 are governmental, non-fire based, 5 hospital based and 36 private, non-profit.

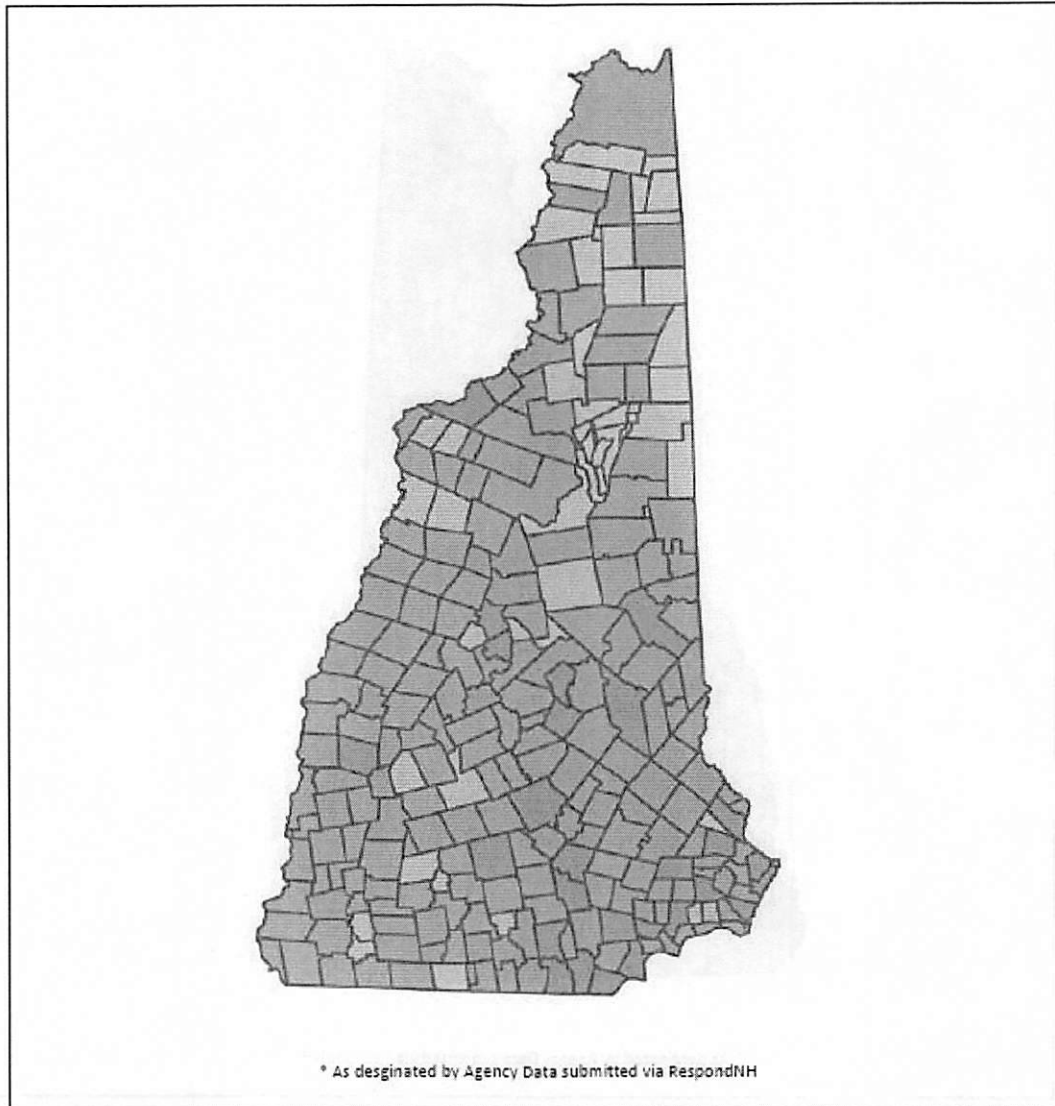
The New Hampshire Retirement System *Summary Annual Financial Report* identifies 1,704 full-time career firefighters active and contributing to the system, with an average age of 41.3, average service time of 13.1 years and an average annual pay for all contributing members regardless of rank and longevity at \$79,949. Benefit levels are also determined on a local level with the exception of the New Hampshire

Retirement System where participation is required for full-time career firefighters. As of July 2022 there are 4,256 on-call or volunteer members of fire departments throughout the state.

As of July 2022, there are 5,375 licensed Emergency Medical Service Provider's in New Hampshire. This includes 211 Emergency Medical Responders, 2,605 Emergency Medical Technicians, 1,374 Advanced Emergency Medical Technicians and 1,185 Paramedics. These numbers included many of the total firefighters identified above and are not in addition too.

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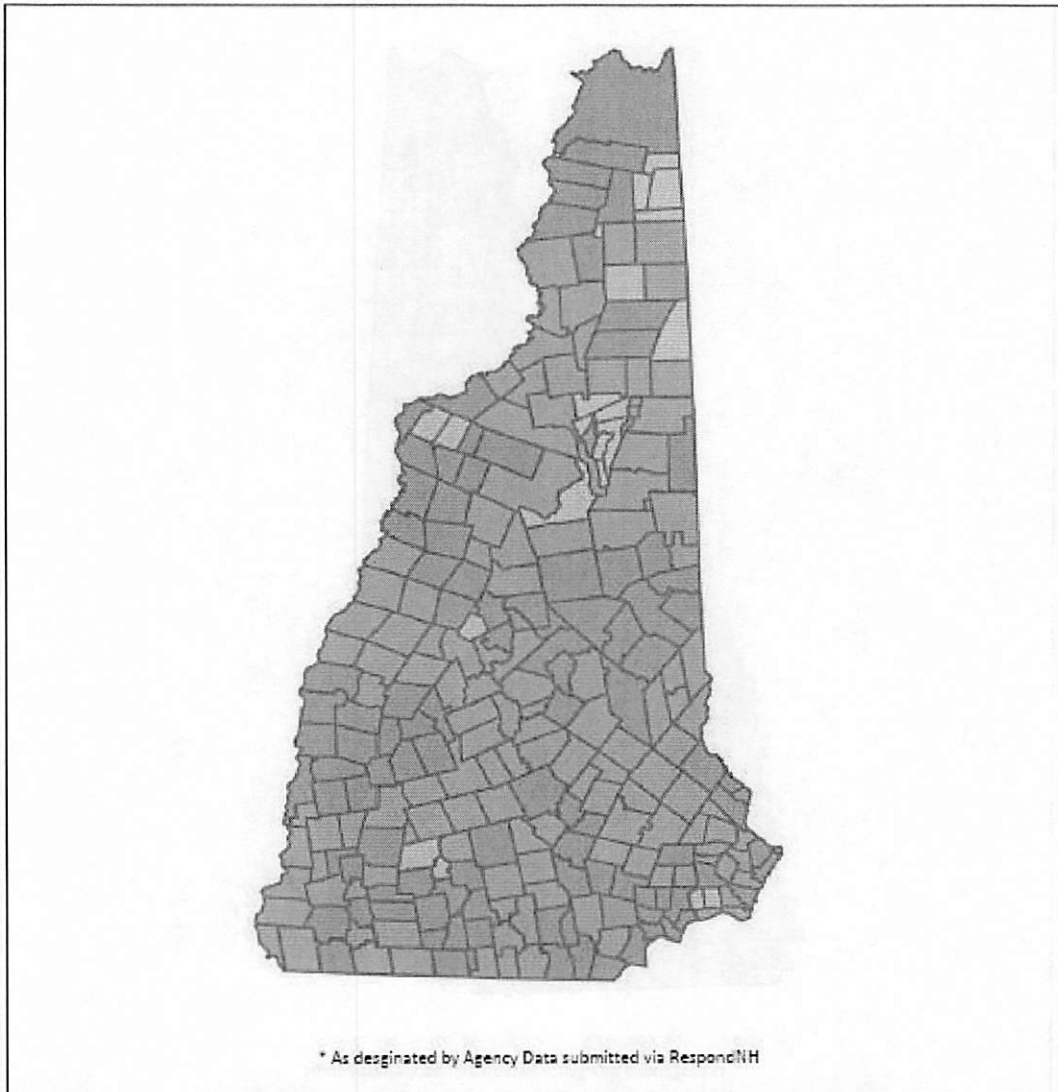
2022 New Hampshire Fire Department Organization Type



Department Organization Type

Combination	Volunteer	
Career	Call	Covered By Other Agency

2022 New Hampshire Transporting EMS Agency Organization Type



Department Organization Type

 Career	 Call	 Combination	 Volunteer	 Covered By Other Agency
--	--	--	---	---

2022 Fire Department Agency Organization Type (Agency Defined)

Organization Type	# of Agencies	% by Type	% Population
Career	27	10%	12%
Combination	94	36%	41%
Call	20	8%	9%
Volunteer	87	34%	37%
Covered By Other Agency	31	12%	2%

2022 EMS Transport Agency Organization Type (Agency Defined)

Organization Type	# of Agencies	% by Type	Population %
Career	108	42%	45%
Combination	105	41%	43%
Call	8	3%	3%
Volunteer	24	9%	8%
Covered by Other Agency	14	5%	0%

2022 EMS Transport Agency Service Classifications (Agency Defined)

Service Classification	# of Agencies	% by Type	Population %
Covered by Other Agency	14	5%	0%
EMS Transport - Private/Third Service	104	40%	40%
EMS Transport by Fire	141	54%	60%

*Agency data from RespondNH, population from 2020 census

The Candidate Physical Ability Test (CPAT) is a product of the Fire Service Joint Labor Management Wellness-Fitness Initiative, The International Association of Firefighters (IAFF) and the International Association of Fire Chiefs (IAFC). The State Eligibility List (State List) is sent to those NH Departments who hold a CPAT license. A license is required to hire candidates who have successfully completed CPAT. There is no cost to the departments to receive a license. The Division holds a Limited License which is a requirement for those third party agencies hosting, and conducting, the CPAT events. There is an annual fee of \$5,000 for this license. Once an individual has successfully completed the CPAT their name is included on the State List. Their name stays on the list for twenty six months, the length of CPAT certification. The list is not updated based on who gets hired. The list gets generated after each CPAT event based upon the data included on the registration application and within the certification database.

In 2017 the Division began having multiple CPAT events during the year. The Laconia Ice Arena, now Merrill Fay Arena, is the primary location for the event from April thru June. The fall event is held on the NH Fire Academy campus. Since 2017, there have been four events each year; April, May, June and September. In 2020 the number of CPAT events decreased because of the Covid-19 pandemic.

Diversity and recruiting is an integral component of the CPAT, Second Edition. After a review of the poor success rate for women, the Division had two “Woman in the Fire Service” seminars. The program consisted of several successful women in the NH fire service telling their stories. The Division also reviewed the CPAT fitness training program, the CPAT Orientation video and provided those present an opportunity to use the stepper machine and perform the rescue drag while wearing the weighted vests. These events were held in Concord in August 2018 and February 2019. Also, the Division conducted four “CPAT on the Go!” seminars. This was not targeted to women but to the general population interested in learning more about CPAT. Like the “Women in the Fire Service” Seminar, this consisted of a brief classroom presentation where the fitness training program and orientation video was reviewed and then those present were given the opportunity to use the stepper and perform the rescue drag while wearing the vests. These events were held in Concord, Durham, Keene and Littleton.

There were three years the State Eligibility List did not include the gender of the candidate. Also, the data portrayed did not include those who registered but failed to show for the event. In some years this was a significant number. There are also several data elements where there is no value recorded. For instance, in some data sets, there were blank entries for fire certification, EMS level or gender. Because of this, simply adding or subtracting values might lead to incorrect assumptions.

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Below is a review of the State list from 2012-2021:

	Total	Male	Female	FF2 & EMS	FF2 & Paramedic	Paramedic Only
2021-October	416	384	31	256	27	1
2021-June	393	361	31	219	22	1
2020-December	340	310	23	223	22	4
2020-November	398	362	29	236	26	5
2020-August	332	305	24	197	24	4
2019-October	395	373	22	200	23	5
2019-July	388	368	19	205	20	6
2018-Sep	378	362	16	205	21	5
2018-July	453	440	12	281	25	3
2017-October	347	340	7	223	22	1
2017-July	445	431	12	302	28	0
2016	473	n/a	n/a	361	29	2
2015	483	n/a	n/a	356	26	3
2014	499	n/a	n/a	361	21	3
2013	492	486	5	350	17	3
2012	512	503	8	344	18	6

Below is the CPAT Event Data from 2007-2022:

	Registered	Total Pass	Total Fail	Male Pass	Female Pass	Paramedic Pass
2021	232	157	75	144	13	13
2020	216	169	36	89	8	2
2019	224	153	60	143	9	11
2018	297	201	83	188	12	16
2017	264	153	97	149	3	10
2016	313	191	61	187	3	15
2015	288	161	74	156	5	9
2014	337	211	68	209	3	14
2013	352	199	56	193	5	15
2012	407	224	73	224	0	12
2011	385	207	56	205	2	10
2010	459	257	77	251	6	19
2009	548	234	88	232	2	14
2008	535	231	108	225	5	17
2007	556	246	69	241	5	14

New Hampshire Laws and Administrative Rules

New Hampshire State RSA 21-P: 25 authorizes the creation of the NH Fire Standards and Training Commission and directs them to establish minimum educational, training and selection standards for full-time firefighters. These requirements are outlined in the New Hampshire Code of Administrative Rules, Chapter Fire 700. The requirements include the need for candidates to have a high school diploma or equivalent, no felony convictions, be a citizen of the United States and be at least eighteen years old. The hiring authority shall also conduct a background check of all candidates to ensure that they meet additional requirements written in these rules. The candidate must also pass a physical ability test, undergo a pre-employment physical and participate in an oral interview prior to being employed. Each candidate must complete an acrophobia test and the minimum program of study adopted by the Commission that includes becoming certified in Firefighter II within one year of their hiring. Currently there are no minimum requirements in state laws or administrative rules to become an on-call or volunteer firefighter. Each fire department and their governing body have the ability to define their own standards and pre-requisites.

All licensed Units that provide emergency medical response and care are held to the same standards because New Hampshire RSA 153-A Emergency Medical and Trauma Services, and New Hampshire Code of Administrative Rules Chapter Saf-C 5900, Emergency Medical Services Rules, define the requirements to be a licensed emergency medical care provider regardless of department, agency or organization type.

New Hampshire Code of Administrative Rules Chapter Saf-C 6200 Administrative Fees defines the calculation of expenses, tuition fees for courses, certification examination fees, reciprocity examination fees, entrance examination fees and a process for the Commissioner to waive fees in certain circumstances.

Training

There are four primary type EMS licenses in New Hampshire approved by the Division of Fire Standards and Training and Emergency Medical Services; Emergency Medical Responder (EMR), Emergency Medical Technician (EMT), Advanced Emergency Medical Technician (AEMT) and Paramedic. The approximate minimum length of each training program is 48 hours for EMR, 150 for EMT, 200 for AEMT and 1200 for Paramedic. In 2021 there were 15 EMR, 63 EMT, 19 AEMT and 3 Paramedic programs held in New Hampshire. In 2019 and 2020 a similar number of each were also held across the State. The average costs for each program was estimated to be between \$750-\$1,000 for EMR, \$1200-\$1700 for EMT, \$1500 for AEMT, \$12,000 for a Paramedic certificate program and \$22,000 for an Associate's Degree in Paramedicine. All course fees vary depending on what is included with the course.

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The National Registry of EMT's reports the following numbers of NH candidates per year, by level, as completing the first attempt at the computer adaptive test recorded as pass or fail.

EMR	Total candidates	Pass #	Fail #	Average Pass Rate
2019	66	44	22	67%
2020	44	32	12	73%
2021	38	30	8	79%
EMT	Total candidates	Pass #	Fail #	Average Pass Rate
2019	720	481	239	67%
2020	502	323	179	64%
2021	661	430	231	65%
AEMT	Total candidates	Pass #	Fail #	Average Pass Rate
2019	181	117	64	65%
2020	173	105	68	61%
2021	195	120	75	62%
Paramedic	Total candidates	Pass #	Fail #	Average Pass Rate
2019	51	48	3	94%
2020	42	37	5	88%
2021	48	40	8	83%

Firefighter training consists of numerous programs offered at the Richard M. Flynn Fire Academy in Concord and at the Raymond S. Burton Fire and EMS Training Facility in Bethlehem. Additionally, approximately seventy-five percent of Firefighter I and Firefighter II programs are held around the state at host departments. The firefighter programs are delivered based on approved curriculum by the Fire Standards and Training Commission and taught by state certified instructors or fire academy staff instructors. These instructors have the same qualifications to teach, the difference being staff instructors are employees of the Division of Fire Standards and Training and Emergency Medical Services. Within the current Division budget enough funding is available to conduct eight Firefighter I and five Firefighter II classes which are primarily held on nights and weekends. Once per year a recruit school is hosted at the Concord campus. Recruit school is a ten week, full-time offering, held Monday through Friday, that consists of Firefighter I and II. Each delivery of both programs has between twelve and twenty-four students.

The annual fiscal year costs of all firefighter training programs offered by the Division are published on the Division website no later than May 1st. The 2022 cost of Firefighter I is \$135 for affiliated students and \$4,000 for non-affiliated students. Affiliation means New Hampshire emergency service personnel which is defined by Saf-C 6201.07, and more specifically "fire service personnel" as defined by RSA 21-P:25, II (c) and "emergency medical care provider" as defined by RSA 153-A:2, V.

The current Firefighter I and II curriculum is based on the National Fire Protection Association 1001 standard, 2019 edition, and was approved by the Fire Standards and Training Commission in November of 2019. The Covid-19 pandemic stopped or delayed the delivery of training programs for a period of time, however courses resumed in late 2020. The most recent analysis of test scores reveal an average written score of 82.13% for Firefighter I and 75.08% for Firefighter II and a 100% pass rate for practical exams for each of these curriculums. As of July 2022, approximately 62% of active firefighters in New Hampshire that are affiliated with departments are certified in Firefighter I.

Conclusion

Firefighter and emergency medical service provider recruitment in New Hampshire is a problem that most departments and services face. Local control is important, however there are ways that communities can work both individually and together to increase the number of people to serve in these roles. Adequate staffing, quality training and effective response and control of emergencies directly relates to and impacts the quality of life in New Hampshire. The health and well-being of our citizens, the protection of their property and the environment, as well as the impact to the overall economy, are affected by the emergency responders. Recruitment and retention is a complex issue that New Hampshire is not alone in seeking solutions for. There is no single measure that can positively change the current course although many strategies combined together create the best path forward. The successful resolution of this requires effort, collaboration and partnerships from all involved in order to solve it. As these recommendations are implemented continuous evaluation is necessary to measure the impact and adapt when needed.

COMMITTEE RECOMMENDATIONS

The committee makes the following recommendations to aid in improving recruitment and retention of firefighters and EMS providers throughout New Hampshire.

State Level Recommendations

Recommendation 1: Create a database to provide semi-annual reports on statewide staffing capabilities, recruitment and retention metrics.

Recommendation 2: Develop a statewide marketing campaign to increase awareness on recruitment and retention.

Recommendation 3: Improve diversity and bias training for fire and EMS personnel at all levels.

Recommendation 4: Increase diversity (gender, race, age, etc.) of firefighters and emergency medical service providers throughout the state through comprehensive recruitment strategies targeted at woman and minorities.

Recommendation 5: The Fire Standards and Training Commission should reevaluate minimum state training standards, the minimum program of study and other entry requirements for firefighter personnel. Specific consideration should be given to extending the requirement of Firefighter II certification within one year to two years, or creating a waiver process due to unavailability of classes. Further, reevaluate reciprocity standards for fire and EMS providers from other states.

Recommendation 6: Explore the creation of an apprenticeship program for emergency medical service providers and firefighters.

Recommendation 7: (a.) Provide state level funding to subsidize training costs for non-affiliate individuals and (b.) EMS training.

Recommendation 8: Provide and utilize scholarships, workforce development grants and student loan options to assist candidates in obtaining the necessary training.

Recommendation 9: Increase the number of available training opportunities throughout the state thereby increasing the number of trained individuals and reducing travel time for students.

Recommendation 10: Continue to fund the Recruitment and Retention Coordinator position at the Division of Fire Standards and Training and Emergency Medical Services to facilitate efforts between all state, county and local fire and EMS agencies.

Recommendation 11: Eliminate the citizenship requirement to be a full-time fire service member and amend necessary administrative rule language to allow candidates with the unrestricted right to work in the United States.

Recommendation 12: Increase the number of fire academy recruit school offerings through current or future funding methods or by the use of American Rescue Plan Act funds. New programs that pay wages to students while enrolled should be considered.

Recommendation 13: Develop a mentor training program to educate fire and EMS leaders.

Recommendation 14: Expand CPAT testing and investigate ways to reduce candidate costs.

Recommendation 15: Continue to offer training on mental health and resiliency, a healthy lifestyle and work-life balance.

Recommendation 16: Encourage mutual aid groups to develop recruitment and retention committees.

Recommendation 17: Expand RSA 72 to include optional tax incentives for fire and EMS personnel, similar to the Veteran's credit.

Recommendation 18: Develop a recruitment and retention toolkit for local organizations to use.

Recommendation 19: Create pathways for retiring military members and high school students.

Recommendation 20: Develop a strategy to ensure Fire Standards and Training & EMS Fund solvency.

Recommendation 21: Support legislation that would allow New Hampshire Retirement System retirees to work as on-call firefighters and emergency medical service providers in emergency situations without those hours counting towards the annual hour limitations for part-time employment.

Recommendations for Local Fire and EMS Organizations

Recommendation 1: Develop a plan to actively recruit people of different races, ethnicities and gender.

Recommendation 2: Engage in community relationships to develop local programs aimed at high school age students highlighting emergency services careers.

Recommendation 3: Use national standards and best practices to create policy guidelines on the following topics:

- Diversity and Inclusion

- Workplace Discrimination, Harassment, Respect and Civility

- Recruitment and Retention Efforts

- Community Outreach Programs

- Pregnancy in Emergency Services

- Promotional Practices

Recommendation 4: Create explorer programs for community youth.

Recommendation 5: Develop relationships with community groups, specifically those of underrepresented groups within the community.

Recommendation 6: Develop a mentor program for new members.

Recommendation 7: Develop outreach and recruitment marketing materials for community members outlining the roles, responsibilities, expectations, time, and training requirements of becoming a member.

Recommendation 8: Develop an active social media presence.

Recommendation 9: Evaluate all local entry requirements for firefighters and emergency medical service providers to ensure that all minimum standards, tests and interview processes are reflective of the skills, abilities and traits necessary to do the job.

Recommendation 10: Ensure each member has adequate, and properly fitted, personal protective equipment.

Recommendation 11: Provide annual training to members on leadership, generational differences, motivators and retention strategies.

Recommendation 12: Assign recruitment and retention responsibilities to a specific member of the department or organization.

Recommendation 13: Develop an annual recruitment and retention plan.

Recommendation 14: Ensure adequate mental health and resiliency resources are available to all members.

Recommendation 15: Develop a member recognition program.

Recommendation 16: Develop an effective orientation program for new members.

General Recommendations

Recommendation 1: Support initiatives and legislation that ensure retirement security for members of the New Hampshire Retirement System, such as, but not limited to, returning the New Hampshire Retirement System benefit structure to the pre-2011 levels.

Recommendation 2: Support initiatives that increase the availability of affordable housing in New Hampshire.

Recommendation 3: Evaluate the length of service award program under RSA 100-B that provides a tax-deferred retirement income to active call and volunteer members of municipal groups as organized under RSA 154:1, I(a)-(c).

Jeffrey Creem

While the bill is well intentioned, it places a mandatory 'volunteer' burden on small businesses who now need to absorb impacts of volunteer service without having chosen or agreeing to do so. This may have unintended consequences of causing an small employer to avoid hiring a volunteer for certain positions, knowing that regardless of the level of impact to the business of repeated failure to appear, the state will prohibit the employer from taking action necessary to prevent the business from failing as a result of repeated no-shows.

HB 182-FN - AS INTRODUCED

2023 SESSION

23-0389

05/04

HOUSE BILL ***182-FN***

AN ACT prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment.

SPONSORS: Rep. Wolf, Merr. 7; Rep. B. Boyd, Hills. 12; Rep. Bordes, Belk. 5; Rep. Damon, Sull. 8; Sen. Prentiss, Dist 5

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill prohibits an employer from discharging or disciplining an employee who is a volunteer firefighter or emergency medical technician and whose failure to report for work was due to such employee responding to an emergency.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Protective Legislation; Discrimination in the Workplace; Volunteer Firefighters
2 and Emergency Medical Technicians. Amend RSA 275 by inserting after section 41-d the following
3 new section:

4 275:41-e Volunteer Firefighters and Emergency Medical Technicians.

5 I. No employer shall discharge or take any other disciplinary action against any employee by
6 reason of failure of such employee to report for work at the commencement of such employee's
7 regular working hours where the failure is due to the employee's responding to an emergency in his
8 or her capacity as a volunteer member of a fire department or ambulance department; provided,
9 however, that no such employer shall be required to compensate any such employee for any period of
10 such employee's normal working hours during which for such reason the employee fails to report for
11 work and at the request of an employer shall submit a statement signed by the chief of such fire
12 department or ambulance department certifying the date and time such employee responded to and
13 returned from the emergency. Such employee shall inform his or her employer or immediate
14 supervisor of the reasons for the failure to report.

15 II. As used in this section, "responding to an emergency" shall mean responding to, leaving
16 work to respond to, or working at the scene of or returning from a fire, rescue, emergency medical
17 service call, hazardous materials incident, or a natural or man-made disaster in the good faith belief
18 that the action is necessary to prevent the imminent loss of life or property, where the emergency
19 occurs during a period other than normal working hours of the employee. As used in this section,
20 "volunteer member" shall mean a volunteer, call, reserve, or permanent-intermittent firefighter or
21 emergency medical technician, but shall not include any person who received compensation for over
22 975 hours of services rendered in such capacity over the preceding 6-month period.

23 III. Any employee who is terminated or against whom any disciplinary action is taken in
24 violation of the provisions of this section shall be immediately reinstated to such employee's former
25 position without reduction of pay, seniority, or other benefits, and shall receive any lost pay or other
26 benefits during any period for which such termination or other disciplinary action was in effect.

27 IV. An action to enforce the provisions of this section shall be commenced within one year of
28 the date of the alleged violation, in the superior court within any county wherein the action occurred
29 or wherein the employer resides or transacts business.

30 2 Effective Date. This act shall take effect 60 days after its passage.

HB 182-FN- FISCAL NOTE
AS INTRODUCED

AN ACT prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment.

FISCAL IMPACT: ☒ State ☐ County ☒ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	☒ General	☐ Education	☐ Highway	☐ Other

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill prohibits an employer from discharging or disciplining an employee who is a volunteer firefighter or emergency medical technician and whose failure to report for work was due to such employee responding to an emergency.

The Judicial Branch states the bill would authorize an action to enforce the provisions of the new section to be commenced within one year in Superior Court. The Branch assumes the changes to the law would result in additional litigation which would require additional judicial resources, but the additional number of cases that may be filed if this bill goes into effect, if any, cannot be predicted.

The Department of Labor does not anticipate this bill would have any appreciable impact on expenditures at the state, county or local levels. Additionally, in terms of state costs, the Department does not anticipate the bill would impact the operational costs to the Department of administering RSA 275. The Department indicates it is unlikely that the bill would have a material impact on revenue at the county or local level. It is possible that there could be indeterminable increase in fines levied by the Department against employers acting in violation of the provision.

The New Hampshire Municipal Association indicates municipal employees frequently serve as volunteer firefighters or EMTs in their home communities. As such, it is reasonable to assume that some indeterminable percentage of the municipal workforce would be covered by this legislation. However, the Association states it is impossible to determine the frequency with which volunteer firefighters or EMTs may be called into service prior to the start of their workday and not report to work at their regularly scheduled time or need to leave a work shift as the types of emergencies that they respond to would not be reasonably foreseeable.

It is assumed that any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

Judicial Branch, Department of Labor and New Hampshire Municipal Association