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THESIS

**A MODEL STRATEGY AND POLICY FOR SCREENING
FIREFIGHTER CANDIDATES**

by

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March 2006

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CANDIDATES**

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ABSTRACT

Critical to the homeland security mission success of the fire service in the United States is a sound workforce mentally and physically prepared to manage the new challenges they will confront and motivated by the desire to serve their community and country. Reasons for and evidence of the need for a new firefighter candidate screening strategy to support this new mission are addressed in this thesis. Scientific evidence on the validity of certain screening elements is evaluated, smart practices are identified and reviewed, and a new model firefighter candidate screening policy supported and driven by a formal strategic plan is proposed.

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This thesis is only opening a door into a subject that requires much more research and effort. I endeavor to continue the work and can only hope those recognized above also remain willing to continue this journey.

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I. THE NEED FOR BETTER FIREFIGHTER CANDIDATE SCREENING POLICIES

A. INTRODUCTION

Critical to the homeland security mission success of the fire service in the United States is a sound workforce mentally and physically prepared to manage the new challenges it will confront and motivated by the desire to serve its community and country. Firefighters have taken on the new responsibility of responding to major acts of domestic and foreign-led terrorist incidents in the United States, including the World Trade Center Bombing in 1993, the Murrah Building Bombing in Oklahoma City in 1995, the Atlanta Olympic Park Bombing in 1996, the 9/11 attacks in Pennsylvania, Washington, D.C. and New York City; and the introduction of Anthrax spores into the United States Postal System in October of 2001.¹ Since September 11, 2001, public safety organizations have responded to more than fifty additional major acts of terrorism on US soil.² As a consequence, firefighters now must be capable of serving the new mission needs identified in the Department of Homeland Security's Target Capabilities List.³

Mission metamorphosis requires the re-examination of the attributes necessary to perform the essential functions of new job duties. Firefighter screening processes have not changed, however, and evidence suggests that they must. While billions of dollars are spent buying new homeland security equipment to enhance response and training the workforce to use it, little time and attention has been paid to whom we are choosing to perform the mission. The fire service must refocus its strategic priorities and redirect more effort to the selection process. Fighting the war on terror on the domestic front with personnel chosen for a completely different mission could lead to poor mission outcomes.

¹ Claire B. Rubin, "Major Terrorism Events and Their US Outcomes," *Natural Hazards Research And Applications Information Center*, March 2003, <http://www.colorado.edu/hazards/wp/wp107/wp107.html#nineties/> (accessed January 13, 2006).

² National Memorial Institute for the Prevention of Terrorism, "MIPT Terrorism Knowledge Base," <http://www.tkb.org/Incident.jsp?incID=14256/> (accessed January 13, 2006).

³ U.S. Department of Homeland Security, "Target Capabilities List," May 23, 2005, http://www.ojp.usdoj.gov/odp/docs/TCL1_1.pdf. (accessed January 12, 2006).

Law enforcement agencies experienced less-than-stellar mission outcomes in New Orleans following Hurricane Katrina. Contributing to those negative outcomes was the fact that 120 New Orleans police officers separated from employment (by abandoning their posts, resigning, retiring or resigning in lieu of investigation) in the aftermath of the major destruction of their city.⁴ A recent survey (subsequent to Katrina) of a major U.S. city police department reveals that twenty-seven percent of the officers in that department would consider leaving their positions in a “major hurricane” and thirty percent would refuse to return to work in an off-duty recall. Percentages of officers who would consider leaving their post were even higher for certain terrorist scenarios.⁵ Is the fire service equally vulnerable? Regardless of whether the incident is a natural disaster or terrorist event, responders must be reliable and capable of functioning in disaster environments.

Fear for one’s personal safety and concern about one’s family members have been identified as two factors contributing to the failure of some law enforcement officers to return to duty in a disaster situation.⁶ While family concerns can be addressed by deploying forces specifically to care for first responders family members, that alone will not address the personal fear factor. It is through more thorough screening procedures that public safety agencies will identify personnel better suited to handle prolonged disaster situations fraught with exposure to hazardous chemicals, ordnance, biological agents and other natural and human-made threat environments.⁷

⁴ Warren J. Riley, Superintendent Terminates NOPD Officers (: New Orleans Police Department, News Release, October 28, 2005), <https://secure.cityofno.com/portal.aspx?portal=50&load=~PortalModules/ViewPressRelease.ascx&itemid=3221> (accessed January 8, 2006).

⁵ Thomas Nestel, "First Responders: Will They Be There When You Need Them?" (working paper, United States Naval Postgraduate School, Monterey, CA, 2006), 9.

⁶ Ibid., 13.

⁷ While the Nestel Study and the Riley memo speak clearly to law enforcement personnel and "abandoning one’s post," there is a lack of literature or evidence related specifically to the fire service in similar situations. Research in this area is needed. Regardless, this thesis pursues a remedy of improving screening procedures because evidence suggests the existing system, prior to any concerns about homeland security, was already broken. Further evidence is presented in chapters I and V to suggest that the fire service shares many of the same concerns of law enforcement with respect to the ability of first responders to function in the new homeland security response role.

B. EXTERNAL THREATS

Homeland Security concerns extend far beyond just the worries of public safety personnel abandoning their posts in a disaster, but include the possibility of hiring individuals into public safety agencies who are themselves intent upon committing a terrorist act. Foreign national or domestic terrorist groups may seek to infiltrate the ranks of first responders to facilitate committing these acts, to increase the damage potential by hampering response efforts, or to gain inside knowledge that will later facilitate in the planning or execution of an attack.

Specific concerns about first responders include the possibility that terrorist insiders could use public safety vehicles as a weapon delivery system or that they could use their public safety position to gain access to critical infrastructure and security information. Warnings related to these types of threats have been issued to domestic public safety agencies through several means. In most cases they have been issued by the Department of Homeland Security and the Director of Central Intelligence.⁸

An October 2004 U.S. Department of Homeland Security memo addressed to state homeland security advisors stated, "...Several terrorist groups, including al-Qaeda cells in Saudi Arabia, have built [vehicle-borne improvised explosive devices] (VBIED) from ambulances...painted to resemble official vehicles." ⁹ In April of 2005 a red fire truck was used as a VBIED during an attack on a Marine outpost near the Syrian border.¹⁰ The question remains whether al-Qaeda or other terrorist groups would use such a tactic in the US. In testimony before the United States Senate Select Committee on Intelligence, Admiral James Loy, then-Deputy Secretary of the Department of Homeland Security testified that detailed "casing reports" from captured operatives overseas indicated that the preferred tactic of terrorists was the use of VBIEDs on high-

⁸ Terrorist Threat Integration Center Memo, "Homeland: Al-Qa'ida VBIED Threat", (September 15, 2004), 1.

⁹ Department of Homeland Security Memo, "Intelligence Community Terrorist Threat Assessment-Homeland: Al-Qaida VBIED Threat, (October 4, 2004), 1.

¹⁰ Steve Fainaru, "Attack on Marine Outpost in Iraq: Fire Truck Used as Suicide Bomb," *IAFC On Scene* 19, no. 9 (May 15, 2005): 1.

profile targets.¹¹ Given their willingness to use commercial aircraft as a weapon in the United States and their ability to infiltrate United States government organizations, it is reasonable to conclude that this is a possibility.

Concerns within the Federal government are significant enough that the Terrorist Threat Integration Center provided responders in the United States unclassified information detailing blast models, including data for 1,000kg, 7,000 kg and 18,000 kg VBIEDs: enough information to assist local planners concerned with such a domestic urban assault. The conclusion one must draw is that the standard medium-duty-type rescue vehicle (or ambulance) is clearly capable of carrying enough explosives to, "...cause surrounding buildings within 100 meters (approximately a city block) to collapse..."¹²

In New York City an intra-departmental fire department memo referred to as a "buck-slip" provided this intelligence to local fire commanders, who use the information to reinforce to their firefighters that security of fire department apparatus is more critical now than ever.¹³ Such reinforcement is effective unless the fire department has been infiltrated by people intent upon using such terrorist measures to commit harm.

To date there has not been a situation in the United States where a fire department vehicle or any public safety vehicle has been used as a weapon of mass destruction. Rental vans were used in the first World Trade Center incident and at the Murrah Building bombing. Rental trucks work well for committing destruction to public buildings to which there is easy access, but a nuclear power plant or military facility would require more than a Ryder rental truck. In such cases a marked fire department vehicle would clearly have better access.

¹¹ Admiral James Loy, "Prepared Statement of Admiral James Loy, Deputy Secretary, U.S. Department of Homeland Security," testimony delivered to Select Committee on Intelligence, United States Senate, February 16, 2005, Washington, D.C, http://www.fas.org/irp/congress/2005_hr/shrg109-61.html. (accessed January 13, 2006).

¹² Terrorist Threat Integration Center Memo, "Homeland: Al-Qa'ida VBIED Threat", (September 15, 2004), 1.

¹³ New York City Fire Department Bronx Borough Command Memo, "Vehicle-Borne Improvised Explosive Devices", Buckslip BXBC04-10-26, (October 15, 2004), 1.

One must look no farther than the military to find parallel examples of the infiltration of terrorists into their organizations; since the U.S. military has been infiltrated by terrorists, it is certainly feasible that fire departments and law enforcement agencies may also be targeted by terrorists for infiltration.¹⁴ A 2002 article by Tom Knowlton outlines concerns for military infiltration by Jihadists.¹⁵ Confiscated al Qaeda manuals direct recruiters to target “low visibility” recruits. Knowlton points out that low-level military personnel are at higher risk for such recruitment: “While all military personnel undergo background screening when entering the service, heightened and continuous scrutiny is generally only paid to those in occupations that require enhanced levels of clearance.”¹⁶ Two important points arise from this observation: First, that there are varying levels of scrutiny and second that apparently once a person “passes muster” on a screening or background check they are often considered acceptable forever.

Knowlton cites several examples of U.S. military infiltration, including the case of Abdul Raheem Al Arshad Ali, a suspected terrorist in the Dar-us-Salaam mosque incident in Seattle. Arrested because of ties with al Qaeda, he is a Marine who served in the first Gulf war. Other examples include Semi Osman, a construction mechanic 3rd class in the U.S. Navy Reserve who operated large fuel trucks similar to those used by al Qaeda in previous bombing incidents, and former Army Sergeant John Muhammad, the Washington D.C. area sniper.

Two additional cases may represent even more serious incidents of infiltration of the United States Military. On July 23, 2003, Senior Airman Ahmad I. Al Halabi, from the 60th Logistical Readiness Squadron was apprehended and subsequently charged with four counts of espionage, nine charges of making false statements, and four other

¹⁴ For the purposes of this discussion, “infiltration” shall mean a suspected or known terrorist is inside an organization regardless of whether it was clear that their membership in that organization was intended to further their terrorist activities.

¹⁵ Thomas Knowlton, “Jihadists Infiltration of the U.S. Military,” *Soldiers for the Truth*, November 13, 2002, <http://www.sftt.org/dwa/2002/11/13/3.html>. (accessed November 10, 2004)

¹⁶ Ibid.

violations of the United States Code related to espionage and other crimes.¹⁷ While assigned to the Jacksonville, Florida Naval Air Station, Halabi is alleged to have passed or attempted to pass classified information about detainees at Guantanamo Bay to a third party with the intent it would be taken to Syria. In another case, Army Captain Yousef Yee has been charged with mishandling classified information while serving as a chaplain at the Navy Prison at Guantanamo Bay.¹⁸

In testimony before a United States Senate Judiciary Sub-committee, John Pistole, Assistant Director of the Counter-Terrorism Division of the F.B.I., spoke of both of these cases and a third case involving Warith Deen Umar, the Administrative Chaplain for the New York State Department of Corrections. Umar, a radical Muslim, was accused of inciting prisoners against the United States by suggesting that the 9/11 hijackers were martyrs and heroes and by preventing inmates from having access to more mainstream imams while incarcerated.¹⁹ This was part of a new nationwide pattern of terrorist recruitment within the prison system inside the United States. Pistole reported that the F.B.I. is working with the Department of Defense and the Federal Bureau of Prisons on screening mechanisms for prison officials who are translators and chaplains. While it is remarkably shortsighted of them to focus only on these two employee classifications, it is important to note that these government organizations are reviewing their vetting procedures, and considering further use of the polygraph in seeking better employees.

Foreign examples abound of terrorist organizations gaining access to government agencies. These, in tandem with the federal government's warning to first responders here in the United States of the possibility of terrorist infiltration, begs the question of whether fire service agencies are doing enough to protect themselves and others from

¹⁷ Donna Miles, "Military Investigates Guantanamo Bay Cases," *American Forces Information Service News Articles*, September 24, 2003, http://www.defenselink.mil/news/Sep2003/n09242003_200309245.html. (accessed February 18, 2006).

¹⁸ John Mintz, "Guantanamo Spy Cases Evaporate," *Washingtonpost.com*, January 25, 2004, <http://www.washingtonpost.com/ac2/wp-dyn/A44930-2004Jan24?language=printer/> (accessed February 18, 2006).

¹⁹ John S. Pistole, "Testimony Of John S. Pistole, Assistant Director, Counterterrorism Division, FBI Before The Senate Judiciary Committee, Subcommittee On Terrorism, Technology, and Homeland Security October 14, 2003 'terrorist Recruitment In Prisons And The Recent Arrests Related To Guantanamo Bay Detainees'," *Federal Bureau Of Investigation- Congressional Testimony*, 2003, <http://www.fbi.gov/congress/congress03/pistole101403.htm>. (accessed February 18, 2006).

such infiltration. The answer appears to be “no.” A sound screening and selection strategy will ensure that personnel assigned to the fire service can be trusted to carry out the mission.

C. INTERNAL WEAKNESSES

Concerns extend beyond the need to protect fire service organizations from infiltration and other external threats. In fact, the existing internal weaknesses are so significant that they alone justify a complete revamping of the firefighter screening process. Evidence from a national survey suggests that fire chiefs are dissatisfied with current vetting systems and another survey conducted recently in New Hampshire suggests existing screening procedures are inconsistent and that many fire departments in that state do not meet adopted standards. Other recognized but largely ignored problems include firefighter arson and the economic consequences of negligent hiring.

Finally, the federal government is calling for unprecedented levels of cross-jurisdictional and cross-functional collaborations, which require all homeland security disciplines to trust each other. Public safety first responders must be trusted by the communities they serve, as well as by law enforcement personnel with whom they share sensitive information necessary to ensure the readiness of first responders and to prevent and mitigate acts of domestic terrorism. If law enforcement personnel or others with sensitive information do not have confidence in the screening procedures used to select fire service personnel, they may be less than forthcoming in the sharing of critical information. They may even be reluctant to develop the business relationships and teamwork necessary to develop a joint public safety approach to managing homeland security. Such a joint approach is now a priority of the federal government. The Office of Domestic Preparedness’ new challenge requiring, “...integration and collaboration across all mission areas...” means that organizations must function as a team regardless of the color of their uniform and in so doing must be able to trust each other.²⁰

²⁰ Acting Executive Director Matt A. Mayer, *Updating State and Urban Area Homeland Security Strategies* (Washington, D.C.: Department of Homeland Security, Office of State and Local Government Coordination and Preparedness), GPO, ODP Information Bulletin No. 183 (July 22, 2005), 2, <http://www.ojp.usdoj.gov/odp/docs/info183.pdf>. (accessed January 15, 2006). Note that as of the beginning of 2005, ODP is now the Office of Grants and Training.

No better example exists than the August 2005 FEMA call-up of 1,000 two-person firefighter teams from across the United States in response to Hurricane Katrina. In its official request for assistance, FEMA sent a memo directed at every fire department in the U.S. with full-time career personnel, asking them to commit two-person teams to the federal response to Katrina. The official government request required the fire chief of each participating agency to sign a document verifying that each member of his or her department had, "...passed [the] department's employment background check..."²¹ Now more than ever, personnel decisions made on a local level can impact neighboring communities, states and other regions far from home as fire departments are called upon to respond to homeland security operations such as the Katrina rescue and recovery effort.

Two surveys have drawn attention to problems associated with the screening of firefighter candidates. Following the terrorist attacks of 9/11 the International Association of Fire Chiefs (IAFC) conducted an on-line survey to assess the types and degree to which background checks were being conducted by US fire departments.²² The IAFC report executive summary stated, "With current new issues of homeland security at the forefront of the world's consciousness, additional and potentially troubling issues have recently arisen regarding how [fire] departments determine exactly who [sic] they select to provide first responder services in their local communities..."²³ The report concluded that one hundred percent of career fire departments use some type of background check; there was no consistency in how departments conducted those checks, however, and many departments questioned the reliability of the information they received. More than fifty percent had no written policy delineating when they would deny employment to a candidate.²⁴ Such findings demonstrate that fire departments themselves are dissatisfied with and concerned about screening practices.

²¹ Federal Emergency Management Agency, *Request For Assistance From the United States Fire Service in Response to Hurricane Katrina* (2005), 2, <http://www.usfa.fema.gov/training/nfa/about/attend/nfa-abt1c.shtm/> (accessed September 1, 2005).

²² The International Association of Fire Chiefs (IAFC) is the professional association representing chief fire officers from North America.

²³ International Association of Fire Chiefs, "Membership Survey Results Background Checks" (Washington, DC: IAFC, 2001), 2.

²⁴ Ibid.

A more recent study is cause for even greater concern. A 2005 study on how firefighter background checks are conducted in New Hampshire provides further evidence that citizens are receiving an inconsistent “value proposition.”²⁵ Screening elements are applied in a myriad of ways during the hiring process, resulting in uneven outputs and outcomes. Results of this study suggest that New Hampshire fire departments utilize background check processes inconsistently from city to city, insufficiently to meet state requirements and in some cases inconsistently from candidate to candidate within the same department. Since reviewing these results, New Hampshire officials have taken steps to examine the issue and seek recommendations for changing state firefighter hiring rules.²⁶ Such inconsistencies are likely widespread throughout the fire service in the United States; the issue should thus be addressed nationally.

Further evidence supports scrutiny of firefighter screening strategies at a national level. In January of 2003 the United States Fire Administration (USFA) published a report calling for action in curbing the nation’s firefighter arson problem.²⁷ It concluded that the most serious problems associated with firefighters setting fires, beyond the potential for killing citizens and fellow firefighters, is the loss of public trust. A key finding of that report is the importance of screening firefighter recruits including the use of criminal history and reference checks.²⁸ While firefighter arson is mostly committed by young males new to a fire department, cases implicating fire chiefs have been reported.²⁹ While specific threat data of firefighter arson are unavailable, the USFA, the FBI and numerous fire service organizations are calling for action to address the problem. Improved screening procedures must be a part of the solution.

Another internal threat to fire departments is the monetary consequence of negligent hiring (i.e., hiring individuals who cause harm when the organization knew or

²⁵ Christopher Pope, "NH Fire Service Firefighter Background Check Survey" (US Naval Postgraduate School, 2005, draft). The survey results are presented in Chapter II.

²⁶ Richard Mason, *Directors Report* (Concord, N.H.: New Hampshire Department of Safety, Division of Fire Standards and Training and Emergency Medical Services), #95, November 3, 2005.

²⁷ FEMA, U.S. Fire Administration, *Firefighter Arson Special Report* (Washington, D.C., January, 2003), 33, <http://www.usfa.fema.gov/downloads/pdf/publications/tr-141.pdf>. (accessed October 22, 2005).

²⁸ *Ibid.*, 2.

²⁹ Shannon M. Quinlan, ed., "Arson by Firefighters," *Legal Briefings for Fire Chiefs* 18, no. 6 (June 2005): 8.

should have known of the potential for that person to cause the harm). While data specific to fire departments are not available, jury awards in negligent hiring cases in the United States average 2.2 million dollars.³⁰ The highest award to date is 26.5 million dollars in a case where the jury found that the burden of conducting a background check did not outweigh the need to conduct it.³¹ In addition to the financial costs to the fire department and community, other losses include the damage to public trust and the loss of that agency's good reputation.

D. DISCUSSION

The reasons for and evidence supporting an improved strategy for screening firefighter candidates can be grouped into two categories: external threats and internal weaknesses. The new homeland security mission of the nation's fire service calls for public servants willing to serve during times of great national crisis. Fire departments must recognize that terrorist groups, both domestic and foreign, have used infiltration as a means to access critical infrastructure and information key to the security of our nation, and that it is only a matter of time before those threats impact public safety agencies.

Internal concerns are reflected by two studies that identify problems with existing firefighter screening systems. Both recognize that firefighter arson is already a major problem and that no community can afford the consequence of negligent hiring. For too long our strategies in the war on terror have focused exclusively on the tools and procedures necessary to improve our ability to serve the nation's security needs. Now we must broaden our focus to include the most important resource of all - the personnel responsible for delivering homeland security. Our nation's fire departments must insist on excellence in personnel selection. Organizational performance is directly linked to effective staffing practices.³² In order to ensure optimal fire service performance, we must link the staffing practices to include consideration of that new added mission.

³⁰ William B. Nixon, "What You Don't Know Can Hurt You," *SecurityManagement.com*, <http://www.securitymanagment.com/library/001215.html>. (accessed June 19, 2005).

³¹ Teresa Anderson, "Legal Reporter," *SecurityManagement.com*, <http://www.securitymanagement.com/library/000527.html>. (accessed June 19, 2005).

³² Peter V. Marsden, "Selection Methods in US Establishments," *Acta Sociologica* 37 (1994): 287.

E. SOLUTION

A new firefighter selection process must incorporate the “whole person” standard, which takes into account both the positive and negative aspects of the person’s background and personal characteristics, the specific position or assignment for which the person is being considered (the possible and likely benefits and harm that could result if the person is given that position or assignment and the person’s suitability for that specific job), and the probability that the individual’s positive and negative behaviors will continue.³³

Individuals recruited for the position of firefighter should be as capable as possible of carrying out both existing duties and the new homeland security duties. Firefighter candidates should be eliminated from consideration if they might impede the mission, or even worse participate in activities that support domestic terrorism. This revised process will seek to match the person performing the mission more closely with the new homeland security threat environment. It will further enhance the ability of firefighters to accomplish their existing missions of providing fire suppression, inspection, special operations and emergency medical services by re-establishing a connection between the individuals performing the job and the essential functions of the job.

F. LITERATURE REVIEW

The literature relevant to this project can be divided into four categories: scientific research (studies, surveys, meta-analyses and scholarly reports); published standards; government reports; and general references related to the development of strategic plans and policies. There is a paucity of literature directly applicable to the specific problem addressed in this paper of identifying recommended screening procedures for fire service personnel.

³³ Howard W. Timm and Kenneth E. Christian, *Introduction to Private Security* (Pacific Grove, California: Brooks/Cole Pub. Co., 1991).

Scientific research supporting or condemning particular screening practices is plentiful. Full attention is given to this subject in Chapter III, where the evidence supporting various screening elements is reviewed in detail. In many cases studies conducted on the same issues reach contrary conclusions; this necessitates a focus on meta-analyses in order to develop more reasonable conclusions about various screening elements. Particular attention will be paid in Chapter III to the scientific evidence on the efficacy of integrity testing and polygraph testing, two of the most controversial screening processes. Both topics are the subject of strong support and rejection by the scientific community over the past twenty years, but this review focuses on the value of the scientific evidence in identifying the screening elements relevant to the fire service.

Published standards also provide evidence of the importance of specific screening elements: several from the National Fire Protection Association (NFPA), others from recognized law enforcement organizations, and finally, legal standards. All of these sources contribute to the development of both a new strategy and a new model policy for screening firefighters. The standards in particular help to identify critical job attributes of the firefighter and what similar disciplines consider relevant screening processes.

Government reports and congressional testimony identify areas where other disciplines have encountered problems in screening employees, and which particular screening processes are supported by governmental agencies. This includes three excellent reports by the United States General Accounting Office and testimony from Admiral James Loy (RET) former Deputy Director of the Department of Homeland Security and FBI Assistant Director for Counter Terrorism, John S. Pistole. One report from the Federal Emergency Management Agency provides evidence of the national firefighter arson problem and its support for improved screening mechanisms to counter it.

There is a dearth of literature regarding screening processes for fire department employees. Many resources exist to suggest how fire departments should screen firefighter candidates, but most of these devote just a few pages to the topic, perhaps list out several steps, and provide little rationale and evidence supporting their conclusions. In at least one case, a reference gives a secondary reference to a study that is not cited in

the original source. A large segment of the literature in this field focuses more on either equal employment and discrimination issues or recruitment rather than screening. Given evidence introduced later, such a lack of scholarship in such a critical area is surprising. Even literature published subsequent to 9/11 by the government that focuses on deterring terrorism falls short: the Department of Homeland Security's Office of Domestic Preparedness, in its seminal work *The Universal Task List* (UTL) – which mentions every conceivable task related to the prevention of and response to terrorist events – does not even mention the screening of first responders. There is only one reference to the screening of safety officials, and that is to people working in the transportation sector.³⁴ Thus, while the UTL provides much needed and valid information on tasks that are critical to the response to terrorist incidents, it ignores evidence and signals that suggest improved screening mechanisms for first responders is more important now than it ever was.

Despite a lack of scholarly work in this area, a preponderance of evidence suggests the need to improve our screening capabilities. Scientific evidence helps to identify which screening techniques appear to have the greatest validity, and existing practices provide valuable evidence of the utility of certain procedures. All of these data are useful in building a new screening strategy and model firefighter candidate screening policy.

G. FORMAT

Chapter II presents data from a recent study conducted in New Hampshire that specifically identify what screening procedures are used in that state, reveals inconsistencies that must be corrected, and provides insights into the screening procedures fire chiefs believe are the most important and feasible. This research focuses more on New Hampshire than other states. This is because the author has served in the New Hampshire Fire Service for almost thirty years and hopes to share survey results with the State Fire Standards and Training Division in an effort to improve screening procedures there. Because of the relatively small size of the state, the researcher was able

³⁴ U.S. Department of Homeland Security, *Universal Task List: Version 2.1* (Washington, D.C.: Office of State and Local Government Coordination and Preparedness), 32, US Government Printing Office.

to survey all fire departments that employ full-time career personnel, which resulted in findings constituting a population distribution rather than just a sample. The proposed strategic plan (Chapter V) is based in part on evidence from the aforementioned survey and supports a new policy (for the new proposed policy see Appendix A) designed for the New Hampshire Fire Service. Since the fire service mission expectation is generally consistent throughout the U.S., however, it is reasonable to expect that the proposed strategy (Chapter V) will be relevant and applicable throughout the fire service nationally. Specific policy (such as that proposed in Appendix A) may need to be adjusted to account for mission nuances that vary slightly from region to region.

Chapter III explores scientific evidence on the validity of certain screening procedures, including those that are controversial, specifically the use of integrity tests and polygraph examinations, as well as areas where scientists agree, disagree or have not yet reached a conclusion.

Chapter IV examines two operational practices. The first is the screening procedures used by law enforcement in the state of New Hampshire. This model has been used for many years, follows accepted industry standards, and provides a time-tested system. The second model is documented in the federal government's Adjudicative Desk Reference developed by the Personnel Security Research Center (PERSEREC) in Monterey, California. This system is strongly recommended by the Government Accountability Office because it applies fair standards to the process of "adjudication" or the actual decision process of "hire/no hire." Very few model adjudication systems exist and while many provide good procedures, few provide guidance in the actual decision-making process.

Chapter V constructs a new strategy by linking the essential functions of the firefighter's job to the screening procedures needed to identify them; identifies the necessary objectives of a screening process; enumerates the inputs and outputs necessary to accomplish the objectives; performs an analysis that identifies internal strengths, weaknesses and external threats important to the implementation process; and finally recommends a performance measuring tool to verify the efficacy of the new system.

Multiple appendices are provided: Appendix A is the new model policy and procedures for screening firefighter candidates. It is provided with the understanding that some fire departments may choose to use it in its entirety or that pieces of it may be taken and added to existing practices. In every case a fire department must seek its jurisdiction's legal opinion regarding its applicability to local, state, tribal and federal laws.

Appendix B is the survey instrument used in the New Hampshire Firefighter Background Check Survey and tables presenting the returned consolidated data. It is presented in four sections: fire chiefs' opinions regarding confidence, feasibility and importance of the background steps and the actual screening elements used by New Hampshire fire departments.

Appendices C and E are a sample firefighter class specification and performance evaluation report, respectively. They are provided in their full format because specific information in them supports the central premise of this paper.

Appendix D is the Strategic Analysis Chart: this is a series of diagrams used to establish the link between the legal requirements, the essential functions of the job and the inputs (screening procedures) necessary to achieve positive outcomes (quality employees).

Appendices F and G (Sample Benchmark Plan and Threat Analysis) provide supporting documentation that support the strategic plan presented in Chapter V. The threat analysis contains two charts that list out internal organizational strengths and weaknesses and external opportunities and threats, which is critical to the implementation of the new strategy.

Appendices H through L are five sample forms (Authorization to Release Personal Information and Credit History, Personal History Form, Candidate Tracking Form, Voluntary Withdrawal Form, and Contact Interview Form) that support the proposed new policy and that fire departments might find useful as they move to improve their own screening processes.

The new policy, the recommendations for its implementation and the supporting reference material are designed specifically for New Hampshire, but again most if not all of the elements should be relevant to other regions of the country.

II. THE NEW HAMPSHIRE FIREFIGHTER BACKGROUND CHECK SURVEY AND STATE RULES

A. INTRODUCTION

Chapter I identified a number of internal and external factors supporting the need to develop a new strategy for screening firefighter candidates. This chapter reports on current screening practices in New Hampshire Fire Departments, the opinion of New Hampshire fire chiefs relative to specific screening elements, and the state rules that govern firefighter entrance and screening requirements. By identifying this baseline we will further understand the need to fix current screening systems and better understand how to implement the proposed changes. Evidence suggests that the issues identified in the New Hampshire survey exist throughout the fire service nationwide.

In the summer of 2005, a survey instrument was delivered to fifty-nine fire chiefs in the state of New Hampshire to determine current screening practices and what level of confidence, feasibility, and importance fire chiefs placed on various screening elements. The findings are based on the first such formal survey ever administered to this population. The survey results reveal a substantial lack of consistency from one department to another; a lack of consistency within departments from candidate to candidate; and background check practices that omit certain elements identified by fire chiefs as important. Additional results show that nearly one-third of the fire departments surveyed perform pre-employment processes that do not conform to rules adopted by state law. The results of the survey make it clear that, regardless of the mission-related reasons for developing a more thorough and standardized process, the current system is broken and should be fixed. To date, no formal survey had been conducted from which to determine exactly what process fire departments use in conducting background checks (BGCs). Further, anecdotal evidence suggests that fire chiefs in New Hampshire are looking for guidance on how to improve their pre-employment screening processes and

establish a more consistent approach from one department to another.³⁵ All of these concerns require a better understanding of exactly what current practices are in New Hampshire and what state rules require.

B. RULES PERTAINING TO FIREFIGHTER ENTRANCE REQUIREMENTS

New Hampshire law establishes rules for the New Hampshire Fire Standards and Training Commission, which oversees the recruitment of firefighters state-wide. Once a candidate passes a physical ability test administered by the state, it is left up to individual departments to complete the pre-employment hiring process by following these state rules. The fifty-nine fire departments in New Hampshire must then apply the rules to those employees who meet the definition of “full time career fire personnel.” The definition applies to those for whom the job is their principal source of income, or those who receive more than twenty thousand dollars per year in income, or those who work a full workweek as a firefighter as defined by the hiring authority.³⁶

Some of the rules include firm benchmarks; others require processes to be completed. The benchmark requirements are:

- Must be at least eighteen years old;
- Must possess a high school diploma or General Educational Development (GED);
- Shall not have been convicted of a felony;
- Shall receive written authorization from a physician in order to take a physical ability test;³⁷
- Shall pass the physical ability test;
- Shall pass a pre-placement medical examination.³⁸

³⁵ At least six New Hampshire Fire Chiefs had been in contact with the author prior to the survey to discuss how different departments conducted background checks and in particular what Concord Fire Department’s experience had been using polygraph as a pre-employment tool.

³⁶ State of New Hampshire, *Chapter Fire 100 Organizational Rules*, <http://www.gencourt.state.nh.us/rules/fire100-900.html>. (accessed June 19, 2005).

³⁷ This medical clearance allows the candidate to take the physical ability test and is separate from the required medical exam prior to employment.

³⁸ This physical exam must follow the requirements of the National Fire Protection Association's Standard 1582, Comprehensive Occupational Medical Program for Fire Departments. National Fire Protection Association, "Standard 1582 Comprehensive Occupational Medical Program for Fire Departments," in *American National Standards*, (Quincy, Massachusetts: NFPA, 2003).

The process requirements in the state hiring rules are:

- A thorough background investigation to include a criminal and motor vehicle record check;
- Must pass a written exam given by the jurisdictional agency;
- Must take an oral interview.

The benchmark requirements are clear and subject to little interpretation. The candidate does or does not meet the benchmark and therefore is or is not eligible to be hired. Even the medical examination process is clarified by National Fire Protection Association Standard 1582, entitled *Comprehensive Occupational Medical Program for Fire Departments*, which provides specific guidance to the physician regarding what medical conditions clearly make a candidate ineligible and what conditions require closer scrutiny.³⁹

The three process requirements, on the other hand, provide little assistance; they require the department to perform a process but do not provide guidance on deciding the outcome or adjudicating the issue. For example, if a candidate has an extensive non-felony arrest record, multiple motor vehicle violations, is a chronic legal gambler, a heavy drinker and has lost his or her license multiple times for driving under the influence, he or she could legally be hired by the municipality so long as he or she is eighteen years old and meets the other benchmark requirements. Common sense might indicate that the candidate will be a risk and some city insurance carriers might not allow the candidate to be hired, but the state rules would allow it. Fire chiefs are left to figure out how many negative behaviors are acceptable, or even to decide whether to seek information pertaining to that element at all. They may not even be familiar with how to conduct a pre-employment background check.

The process requirements include taking a written and an oral exam. Some departments view an oral exam as an informal discussion with the chief; others conduct formal oral boards and assessment centers. The rule does not provide guidance on how to

³⁹ National Fire Protection Association, *American National Standards*, ed. , *Comprehensive Occupational Medical Program for Fire Departments* (Quincy, Massachusetts: 2003), 1582-8.

conduct the oral interview; no scoring system, for example, or objectives on which to base the scoring is provided.

Written exams are of similar concern. While the state offers a written testing service, it does not require fire departments to use its test. Written exams should meet strict validation standards, but it is unclear whether most communities use validated exams and how passing and failing grade thresholds are established.⁴⁰

Confusion will continue to plague the process because the term “background check” is not defined in the rules.⁴¹ This lack of a definition means that participatory agencies are operating from different perceptions of the rules. In general, the rules that guide New Hampshire fire departments in conducting background checks are few, with some specific and others rather vague and subject to interpretation. Of greater concern is that there is no system for verifying that a fire department has performed any of the required elements. While local rule is heralded by communities in New Hampshire, it may be time to revisit the way local fire departments conduct background checks. Results from the New Hampshire Fire Service Firefighter Background Check Survey confirm many of these concerns.

C. THE NEW HAMPSHIRE FIREFIGHTER BACKGROUND CHECK SURVEY

1. Methodology

At the beginning of this project a Delphi Study was planned for the purpose of identifying an objective screening process for firefighters. In May of 2005, a Delphi Design Team was selected and briefed. At its first meeting the design team strongly recommended a change in the research direction and proposed instead conducting a survey of all New Hampshire fire chiefs who employ “full time career fire personnel.” The Delphi Design Team believed that a clear baseline should be established to determine what departments were doing before asking a group of subject matter experts

⁴⁰ Society for Industrial and Organizational Psychology, Inc, *Principles for the Validation and Use of Personnel Selection Procedures* (Bowling Green: American Psychological Association, 2003), 3.

⁴¹ For the purposes of clarity when the term “background check” or “pre-employment screening process” is used in this thesis its definition shall be: all of the investigation, verification and adjudication procedures necessary to determine that a candidate fulfills the legal and operational needs and requirements of the State of NH and the hiring fire department.

to propose new policy ideas. The Team and the thesis committee further believed that this same survey could establish opinions chiefs had about the feasibility, importance and confidence in certain background check elements. This fundamentally changed the direction of the research.

The Delphi Design Team then became a “focus group.”⁴² At this point it established key objectives for the new survey, which had two parts.⁴³ Section One contained questions related to three objectives: the importance fire chiefs place on various elements of a background check; the confidence fire chiefs have in certain elements of a background check; and their opinion regarding the feasibility of using the various elements. Section Two of the survey assessed how fire departments currently conduct background checks. The opinion questions (importance, feasibility, and confidence) were placed in Section One and the factual questions (how they actually conducted background checks) were placed in Section Two so respondents’ “opinion” answers would not be skewed by their “fact” answers.

The plan used well-accepted practices for conducting surveys, relying on good response rates (89%), questions, survey design and data collection protocols.⁴⁴ While permissions were not required, the Director of New Hampshire Fire Standards and Training, the Managing Director of Academic Programs for the Center for Homeland Defense and Security at the United States Naval Postgraduate School, and the Information Technology Department for the City of Concord, New Hampshire all endorsed and approved the project. Survey objectives and questions were reviewed by the thesis committee prior to sending out the survey instrument. No on-going political issues should have skewed the data.

2. Participants

At the recommendation of the Delphi Design Team, the survey included all fifty-eight fire chiefs who supervise “full-time career fire personnel.” There was therefore no need to pick a sample group. New Hampshire is small enough to enable a survey all the

⁴² Louis M. Rea and Richard A. Parker, *Designing and Conducting Survey Research* (San Francisco: Jossey-Bass, 1997), 28.

⁴³ Floyd J. Fowler, Jr, *Survey Research Methods* (Thousand Oaks: Sage Publications, Inc, 2002), 105.

⁴⁴ Ibid.

chiefs. The database of departments was provided by the New Hampshire Department of Safety, Division of Fire Standards, Training and Emergency Medical Services and initially included more than fifty-eight departments. The study eliminated those departments where the only “full-time career personnel” was the chief, because this would put the chief in a position of assessing the importance and confidence in a system used to conduct a background check on himself, which is a conflict of interest and could have led to skewed data.

In a few cases the fire chief delegated the task of completing the survey to a subordinate chief fire officer; it is assumed that in so delegating the fire chief maintained confidence that the subordinate’s opinion reflected the opinion of the fire department as a whole. Fifty-one departments, representing eighty-nine percent of those surveyed, responded to the survey

3. Apparatus

The survey instrument was a Microsoft Excel spreadsheet (for a sample of the instrument, see Appendix B) sent via e-mail to all participants with an introduction to the process and was self-administered.

4. Procedure

A “field pre-test” was conducted to ascertain the clarity of the questions, the average amount of time it took to complete the survey, and the effectiveness of the order of the questions. A number of modifications were made based on feedback from the field test subjects. The e-mailing system was checked to determine the ease and functionality of self-administering the survey and then e-mailing it back.

For Part I, fire chiefs were asked to rate background check procedures or character assessments in the hiring of only their “full-time career personnel.” For each procedure or character assessment they were to rate the importance of the element, their confidence in the validity of the technique, and the feasibility of using that screening element. Ratings of +2, +1, 0, -1 and -2 were defined so the respondent could place the appropriate numeric value in the corresponding cell on the excel spreadsheet.

For Part II, respondents were asked to indicate the extent to which they used certain background check techniques that were either required by state rule or were

considered accepted business practices used by many fire service, law enforcement and federal agencies.⁴⁵ There were five choices for each background element: “[o]ur fire department or community always uses this method of check in hiring a full-time career firefighter,” “[w]e use this parameter most of the time,” “[w]e rarely use this parameter or only if we suspect a problem,” “[w]e never use this parameter,” or finally, “I am unfamiliar with this parameter.” The respondent placed a numeric value next to the category that most accurately reflected his department’s existing practice.

5. Survey Results

a. What New Hampshire Fire Departments are Doing

As with many surveys, some results were expected while others were surprising (For full results of survey Part I and Part II see Appendix B). The return data demonstrated a substantial lack of consistency from department to department in most of the background check categories. The categories on the survey included those required by the state: written exam, physical ability, oral board, motor vehicle record check, criminal record check (which includes a state and national criminal check), and a medical exam. Other background check categories on the survey included local police check, military form DD-214, credit check, personnel file review from previous employers, citizenship verification, birth certificate check, educational transcripts and records, fingerprints, polygraph examination, and drug screening.

The areas of greatest consistency in applying specific background check requirements were determined by establishing what percentage of departments said they “always” used a particular parameter. Table 1 demonstrates that the areas of greatest consistency for inclusion of the element were written exam, physical ability, oral board interview, motor vehicle record check and medical examination. There was greater than eighty percent compliance on those categories. Criminal record checks were greater than seventy percent for checking state databases but much lower compliance for checking national databases.

⁴⁵ Accepted practices are discussed in Chapter IV.

	% Always Uses This Method	% Use it Most of the Time	% Rarely Uses	% Never Uses	% Respondent Unfamiliar
Written Exam	84	15	0	1	0
Oral Exam	92	6	2	0	0
Physical Ability	86	12	0	2	0
Motor Vehicle Check	94	4	2	0	0
Medical Exam	92	4	0	2	2

Table 1. Background Check Elements with High Compliance Rate

The greatest consistency where departments lack inclusion of the screening element as part of the background check process were for use of polygraph, fingerprint identification, personnel file review from previous employers, and credit checks. Table 2 indicates that while results varied in these categories, most fire departments rarely or never used the parameter.

	% Always Uses This Method	% Use it Most of the Time	% Rarely Uses	% Never Uses	% Respondent Unfamiliar
Polygraph	10	2	10	66	12
Fingerprint ID	10	6	10	60	14
Personnel File Review	14	18	16	50	2

Credit Check	12	8	12	58	10
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Table 2. Background Elements Consistently Least Used

There was dramatic inconsistency for the remaining categories: drug screening, educational record verification, birth certificate verification, citizenship verification, analysis of military service, conducting local police checks, checking national criminal records, and having the candidate fill out a form documenting employment and residency history, supervisors, landlords and schools.

Fire departments were also inconsistent in their application of certain screening elements from candidate to candidate within their own department. This was assessed by examining those departments that indicated they sometimes performed a certain background check element. In other words, if the respondent marked a +1 or a -1 on the survey for the category, it indicated that they did not always use or not use the procedure. Thirty-nine of fifty-one departments, or seventy-six percent of the respondents indicated that they inconsistently used one or more of the parameters. This means that some background check techniques were applied to certain candidates and not to others who were applying for positions within the same department.

Survey responses indicate that twenty-nine percent or fifteen of fifty-one departments responding do not always follow the state rules outlined above when hiring a candidate. Required areas that were ignored included requiring medical exams, performing criminal record checks, and verifying that other required elements had been completed. It is likely that the number of non-compliant departments is even higher because twenty-seven of the fifty-one or fifty-three percent do not always, or are unfamiliar with, a national criminal record check. This suggests that most fire departments are not determining if candidates actually have felony convictions.

Other important findings of the survey include:

- Seven fire departments or fourteen percent do not always conduct or are not familiar with how to conduct a state criminal check.

- Forty-two of fifty-one departments or eighty-two percent indicate that they do not check or are unfamiliar with military form DD-214. This military form is a report of separation which indicates the type of separation and character of service.⁴⁶ The survey did not determine how many candidates have military experience but anecdotal information suggests the number is significant.
- Forty-five of fifty-one or eighty-eight percent answering the survey indicate they do not use polygraph yet all but two of the departments indicated that it is important to verify truthfulness on the application.

b. Fire Chief Opinion on Importance of and Confidence in Background Check Elements

While Part II of the survey (analyzed above) examined what departments were doing, Part I of the survey (analyzed below) examined the chiefs' opinions regarding what importance they placed on certain background check elements and how confident they were in those same elements. While the results of Part I show a substantial amount of agreement, it identifies some areas of disagreement regarding the importance of, and their confidence in, various elements. This sheds some light on the issue of lack of consistency, but generates additional questions.

Data show substantial agreement among fire chiefs on their confidence in and the importance of the following screening measures:

- Have candidate fill out a form documenting employment, places lived, supervisors, landlords, schools, etc. (personal history form),
- Assess:
 - driving record,
 - military service,
 - criminal activity,
 - education history,
 - candidate's ability to relate to others,
- Conduct:
 - local police checks,
 - medical examination,
 - drug screening,

⁴⁶ The National Archives, "DD Form 214, Discharge Papers and Separation Documents," www.archives.gov/veterans/military-service-records/dd-214.html. (accessed October 2, 2005).

- Verify truthfulness on application,
- Review and verify previous employment history,
- Utilize a test to assess candidate's integrity, leadership ability, or personality.

While New Hampshire fire chiefs agree that alcohol and drug use history are important considerations (see Table 3), there is lack of agreement in their confidence in these two parameters (see Table 4). Further, illegal drug use appears to be of greater concern than alcohol use.

	% indicate it has a direct bearing on how the candidate may perform	% indicate it is relevant but a second order priority	% indicate it would not be a determining factor in deciding whether to hire	% indicate it would not be considered and may be an invasion of privacy	% indicate they are not familiar with this background check method
Importance of Alcohol History	43	37	6	0	14
Importance of Drug Use History	60	24	2	0	14
Importance of Drug Screening	84	10	0	0	6

Table 3. Importance of Alcohol/Drug Use History

	% indicate most inferences drawn from this dimension will be true	% willing to make a decision using this factor but in some circumstances inferences may be wrong	% indicate many incorrect inferences can be drawn	% indicate great risk of being a bad predictor, of little to no use	% not familiar with this background check method
Confidence in Alcohol History	22	34	20	2	22

Confidence in Drug Use History	35	33	16	2	14
Confidence in Drug Screening	78	16	0	0	6

Table 4. Confidence in Alcohol/Drug Screening Parameters

There is significant disagreement among chiefs in both their confidence in and the importance they place on several additional screening elements:

- Financial Status;
- Review of personnel files from previous employers;
- Pre-employment polygraph examination;
- Gambling history;
- Allegiance to the United States.

Of particular note is the level of importance fire chiefs place on being able to verify truthfulness on an application. Seventy-six percent indicated that their ability to verify this has a direct bearing on how the candidate may perform. An additional fourteen percent suggested that while it is a second-order priority they still believed it to be relevant. Thus, an overwhelming ninety percent believed this to be important. Chiefs placed a much lower level of importance, however, on screening elements that might assist them in verifying truthfulness, such as reviewing personnel files from previous employers and conducting pre-employment polygraph examinations.⁴⁷

Similarly, eighty-six percent of chiefs believe it is important to determine a firefighter candidate's ability to "relate to others." They placed a much lower value of importance on screening elements that might assist them in making the determination, which again might include reviewing the candidate's previous employment file, and assessing their military service record.

⁴⁷ The utility of pre-employment polygraph examinations is the subject of much debate. It is addressed in Chapter IV.

6. Discussion

The lack of consistency from department to department is demonstrated by the inconsistent use of different background check elements. Even individual departments are inconsistent in their own approach to conducting background checks, and concerns now emerge that nearly one third of New Hampshire fire departments appear not to comply with the minimum legal requirements. This calls into question whether departments are fairly applying hiring standards, exposing communities to legal challenge, hiring firefighters who might be prone to negative behavior, failing to use best practices, and failing to take advantage of the scientific validity of certain screening instruments.

Fire chiefs' opinions regarding the importance of, and their confidence in the various background check elements, while consistent in many areas, are varied in others. In some cases fire chiefs are not using screening processes they believe to be important, implying other reasons for the inconsistencies. The results of the study suggest more questions need to be answered. If fire chiefs feel certain screening processes are important but they are not using them, is this because they cannot afford to do so? Are mayors, city managers, city councils and boards of selectmen overriding fire chiefs' decisions on how to screen candidates? Are fire departments having difficulty attracting good candidates, and therefore reluctant to apply thorough screening standards? Do senior fire managers simply not have the staff time to conduct thorough screenings? Is there a knowledge vacuum in the fire service on the best practices and science related to conducting background checks? Does the fire service need training in this discipline?

7. Conclusion

This survey clearly does not answer those questions, but it does provide clear evidence that the existing system, as established by state rule in New Hampshire, is dysfunctional. Regardless of the new first responder homeland security mission needs, the current system must be fixed.

This inconsistency exists not just in New Hampshire but in the nation as a whole. The International Association of Fire Chiefs (IAFC) Background Check Survey, referred to in Chapter I, certainly indicates a concern among our nation's fire chiefs. Many of the results mirror the New Hampshire survey. The IAFC concluded that there was little

consistency in how background checks were being conducted and that fire chiefs had a low confidence in the reliability of the information received during a background check. While the New Hampshire survey was far more detailed than the national IAFC survey, the similar findings support the general conclusion that this is not a local New Hampshire problem but rather a national one.

With an understanding of the existing firefighter screening system problems comes a better opportunity to develop a strategic approach to the hiring of firefighters in New Hampshire and the intention that these lessons can be applied to the fire service nation-wide. If we are committed to fixing the problem, then we should build a new strategy based on the new mission needs of the twenty-first century.

Now that we understand the status of the current system and recognize the need to fix it, it becomes important to establish where to turn to find answers in developing a new strategy. In Chapter III we shall investigate scientific evidence on the validity of various screening techniques. This will provide a foundation on which to build the new strategy.

III. SCIENTIFIC EVIDENCE OF THE VALIDITY OF EMPLOYEE SCREENING PROCEDURES

A. INTRODUCTION

Chapter II provided evidence that New Hampshire fire departments are inconsistent in the application of methods to screen firefighters. A survey conducted as part of this study indicated many do not follow state rules and many chiefs are not familiar with certain background check procedures. The state rules themselves lack specificity and provide little guidance on adjudication procedures. This means that the screening systems that many fire departments use may be extremely inefficient in finding the best candidates.

Before investigating best practices and evaluating what job attributes are critical to determining the screening processes fire departments should use, it is necessary to establish what the scientific literature indicates about background check procedures. Is there scientific evidence that various screening practices work? In order to be fair and to ensure efficiency it is important to establish whether there is any scientific basis to the standard means that employers use to screen candidates.

This chapter will review general scientific findings with respect to the validity of investigative background check procedures.⁴⁸ The reviews address the use of drug and alcohol history information, integrity tests, and polygraph examinations as pre-employment tools. Finally, evidence related to the economic benefit of conducting background checks is examined.

This chapter is not meant to be an exhaustive or meta-analysis of all the literature related to background checks. Rather, it is intended to demonstrate areas where scientific findings are generally conclusive, where significant controversy remains and where little evidence exists either to support or to refute the use of particular screening elements.

⁴⁸ Investigative background check procedures include checking references, obtaining and verifying personal history information and interviewing acquaintances and contacts.

These results must then be factored into the overall process of developing a new and more efficient strategy and policy because it helps to assess validity, an underlying principle in the fairness of selection tools.⁴⁹

B. GENERAL SCIENTIFIC FINDINGS

The greatest consensus for the validity of background checks is the general finding that organizations that conduct some sort of check reduce organizational misbehavior, decrease the potential for future discipline problems, and that by identifying individuals with a history of employment misbehavior, they at the same time identify those prone to future job misbehavior.

One of the first significant studies on the effectiveness of screening procedures was reported by the New York City-RAND Institute in 1973. This report cited a study of over 2,000 New York City police officers who entered the department together in 1957 and revealed that a history of prior employment disciplinary incidents was a strong predictor of future disciplinary problems.⁵⁰ This study further showed that a discipline record while the candidate was in the military indicated a stronger likelihood of future discipline problems.⁵¹

A 2003 report by the National Academy of Sciences cites several studies relating to the value of background check investigations, including one meta-analysis by Schmidt and Hunter in 1999 that revealed a “modest correlation” between background checks and job performance.⁵² While this meta-analysis did not provide overwhelming evidence, it at least indicates that even a rudimentary consultation with references is better than no check at all. In general, the National Academies Report was cautious in its support of background check techniques.

⁴⁹ Society for Industrial and Organizational Psychology, Inc, *Principles for the Validation and Use of Personnel Selection Procedures* (Bowling Green: American Psychological Association, 2003), 4.

⁵⁰ Bernard Cohen and Jan M. Chaiken, *New York City's Police: The Background and Performance of the Class of '57* (New York: The New York City-RAND Institute), 17.

⁵¹ *Ibid.*, 22.

⁵² The National Academy of Sciences, *The Polygraph and Lie Detection* (Washington, DC: National Academies Press, 2003), 171.

Vardi and Weitz cite four models that suggest organizational misbehavior can be reduced by applying "thorough selection scanning procedures" to the hiring process.⁵³ They define organizational misbehavior as "...any intentional action by members of organizations that defies and violates the shared organizational norms and expectations and/or core societal values, mores, and standards of proper conduct."⁵⁴ The four studies suggest that it was identifying the relationship between personality traits and organizational misbehavior that made this a successful screening strategy.

Heuer's findings in 1993 support the New York City RAND report by suggesting that past criminal behavior predicts future criminal behavior.⁵⁵ Further reinforcement that past criminal behavior is important is Boes, Chandler and Timm's findings in their 1997 report indicating that a police officer's past history of on-the-job acts of misconduct was the "best predictor of violator status."⁵⁶

Thus, a majority of scientific findings generally concludes that by performing some level of background investigation a company can reduce the likelihood of hiring individuals prone to some type of workplace misbehavior.

C. SUBSTANCE ABUSE

Heuer in a 1994 report suggested significant links between substance abuse and decreased work performance, increased absenteeism, higher health costs, increased numbers of accidents, and greater work place theft.⁵⁷ His research also suggests that alcohol and drug use are related to a large portion of criminal activity.⁵⁸ Schmidt,

⁵³ Yoav Vardi and Ely Weitz, *Misbehavior in Organizations* (Mahwah, NJ: Lawrence Erlbaum Associates, 2004), 246.

⁵⁴ Ibid., 3, 242.

⁵⁵ Richards J. Heuer, Jr, *Crime and Security Risk: Background Information for Security Personnel* (Monterey: Defense Personnel Security Research Center), 21, PERS-TR-93-005.

⁵⁶ Jennifer O'Connor Boes, Callie J. Chandler and Howard W. Timm, *Police Integrity: Use of Personality Measures to Identify Corruption-Prone Officers* (Monterey: Defense Personnel Security Research Center), 43, , PERS-TR-97-003.

⁵⁷ Richards J. Heuer, Jr, *Drug Use and Abuse: Background Information for Security Personnel* (Monterey: Defense Personnel Security Research Center), PERS-TR-94-003.

⁵⁸ Heuer, *Crime and Security Risk*, 26.

Viswesvaran, and Ones in 1997 reported on five studies that linked substance abuse with poor job performance.⁵⁹ They cite additional studies that reported a link between alcohol and drug use and decreased work productivity and effort expenditure.⁶⁰ In April of 2001, Bosshardt published a report indicating he was unable to find any studies that determined the utility of background checks in identifying alcohol and drug abuse.

Despite a lack of evidence in this area one can easily surmise that documentation in a personnel file from a previous employer indicating workplace substance abuse, multiple failed workplace drug tests, or self-admitted drug use would be credible evidence. Schmidt, for example, argues that the use of integrity tests will reduce the amount of workplace alcohol and drug abuse.⁶¹

Despite the contradicting reports, one might reasonably conclude that drug use history in the presence of a significant body of scientific studies linking drug and alcohol use with negative behaviors would validate this as a criterion for screening candidates.

D. INTEGRITY TESTS

There has been much discussion on the validity and utility of integrity tests as a means to screen employees. Because of the complexity of the subject and the presence of contradicting conclusions, this analysis will focus primarily, though not exclusively, on those studies conducted by scientists who have reviewed the literature from a meta-analysis perspective.

There are two types of integrity tests: overt tests, designed to assess attitudes related to dishonest behaviors and personality-based measures, designed to predict the potential for employee misbehavior at work.⁶² Almost all of these tests refer to an

⁵⁹ Frank L. Schmidt, Vish Viswesvaran, Deniz S. Ones, "Validity of Integrity Tests for Predicting Drug and Alcohol Abuse: A Meta-Analysis," in *Meta-Analysis of Drug Abuse Prevention Programs*, ed. NIDA (1997), 69-70, <http://www.drugabuse.gov/pdf/monographs/monograph170/download170.html>. (accessed November 26, 2005).

⁶⁰ Ibid.

⁶¹ Ibid., 85.

⁶² Schmidt, *Integrity Tests*, 73-74.

individual admitting to illegal or questionable behavior, the individual's opinions regarding such behavior, and the personality traits and thought patterns related to dishonesty.⁶³

Several reviews of studies on integrity tests have been published; most notable are a 1990 U.S. Office of Technology Assessment report which draws a generally negative conclusion; the Ones 1993 dissertation, with a generally favorable opinion; and a 2003 National Research Council report with a generally favorable opinion. Schmidt, Viswesvaran and Ones performed a meta-analysis of integrity tests' ability to predict drug and alcohol abuse. Their monograph, reporting favorably on efficacy of integrity tests to predict alcohol and drug abuse, was published in 1997. A 1997 study by Boes, Chandler and Timm reports retrospectively on police integrity which may have a direct bearing on the use of such tests in the fire service. Their study calls into question the ability of police integrity tests to predict police corruption.

Ones' dissertation established that, "...integrity may be the most important non-cognitive individual differences variable predicting and explaining job performance as well as work-place counterproductive behaviors."⁶⁴ She performed a meta-analysis using more than eight thousand correlation coefficients which was believed to be the largest meta-analytic database to that date.⁶⁵ This analysis clearly showed that integrity tests in general are valid and refutes concerns by other scientists that people can falsify answers in such a way as to skew the results. Ones concludes that concerns about false positives are not valid.⁶⁶ Her research identifies the crux of the screening problem for employers: that two of the goals should be to reduce the probability of rejecting qualified applicants and reduce the probability of accepting an unqualified applicant. Ones claims integrity tests do just that.⁶⁷

⁶³ The National Academy of Sciences, *The Polygraph and Lie Detection* (Washington, DC: National Academies Press, 2003), 172.

⁶⁴ Deniz S. Ones, "Establishing Construct Validity for Integrity Tests" (PhD diss., University of Iowa, Iowa City, IA, 1993), 99.

⁶⁵ Ibid., xv.

⁶⁶ Ibid., 50.

⁶⁷ Ibid., 51.

The Office of Technology Assessment (OTA), at the request of the U.S. Congress, published a report in 1990 that drew two major conclusions: OTA could not support or dismiss the validity of integrity tests, and that there may be concerns over discrimination and violations of privacy in their use.⁶⁸ Others have been critical of the OTA report (including both Schmidt and Ones) because it relied on very few studies on which to base its findings and ignored much of the available literature.⁶⁹

The National Research Council reported on integrity testing as part of its larger work on the use of polygraph testing. In 2003, its review of the literature revealed a "...substantial body of evidence showing that integrity tests have some validity for predicting a variety of criteria that are relevant to organizations."⁷⁰

Schmidt, Viswesvaran and Ones' study in 1997 focused primarily on the value of testing for counterproductive alcohol and drug use behaviors. It concluded that the tests were valuable, but suggested further testing was necessary.⁷¹ As previously reported, Schmidt was critical of the OTA report, but he reported positively on the American Psychological Association's position that also supported the use of integrity testing.

Mumford's 1996 report focused on findings from a nationwide collection of data from law enforcement agencies examining officers punished for acts of public betrayal. The Mumford study concluded that police agencies should not rely on particular integrity screening instruments such as the Minnesota Multiphasic Personality Instrument (MMPI) and other single-domain measures (the MMPI is the most widely-used personality assessment instrument.)⁷² Rather, Mumford proposes tests that cover a broader range of non-pathological behaviors.⁷³

⁶⁸ U.S. Congress, Office of Technology Assessment, *The Use of Integrity tests for Pre-Employment Screening* (Washington, DC: U.S. Government Printing Office, 1990), 8-10.

⁶⁹ Schmidt, *Integrity Tests*, 73.

⁷⁰ The National Academy of Sciences, *The Polygraph and Lie Detection* (Washington, DC: National Academies Press, 2003), 172.

⁷¹ Schmidt, *Integrity Tests*, 69,

⁷² James N. Butcher and Kirsten Hostetler, "Abbreviating MMPI Item Administration: What Can be Learned From the MMPI for the MMPI-2," *Psychological Assessment: A Journal of Consulting and Clinical Psychology* 2, no. 1 (March 1990), <http://www1.umn.edu/mmpi/Reprints/Abbreviating%20MMPI%20item%20administration.html>. (accessed December 8, 2005).

The 1997 report by Boes, Chandler and Timm is of particular importance. While this report was neither a meta-analysis nor a literature review it did focus on personality testing for law enforcement personnel. Later in this thesis we will explore the similarities between the job attributes of firefighters and police officers. Those similarities include the expectations of and demands placed on these two groups. Thus, a study that retrospectively evaluated the efficacy of personality tests to predict later acts of corruption for law enforcement personnel may have validity in its application to fire service personnel.

Boes' study analyzed the results of personality tests that had been administered to actual police personnel and then examined the employment record of those same personnel in an attempt to relate test findings with actual career history.⁷⁴ Her results showed no indicators that reliably predicted violating or non-violating police officers.⁷⁵ Because this study used actual police officers and their official records, its findings are important and seriously challenge the results of many other studies, at least in terms of how personality tests apply to law enforcement. New research conducted by Breckenridge at Stanford University is expected to be published soon and will also call into question the validity of integrity testing.⁷⁶

The pendulum continues to swing regarding what science says about the validity of integrity and personality tests and their use as a screening tool: Much of the early evidence refuted their validity, in the 1990s evidence strongly supported their use, and more recently they have again been called into question. It appears that with each additional study and the subsequent meta-analyses further attention is paid to the minutia of the study itself. Barrett, in his 2001 paper on integrity testing, concurred with the general belief that integrity testing is valid, but he encourages users to refocus their attention on the properties of the evidence and the "strategic organizational use" of the

⁷³ Michael D. Mumford, Jennifer O'Connor, Theodore L. Gessner, Edward P. Meiman, and Michelle A. Maher, "Rationally Constructed Measures for Predicting Security Risks: a Construct Approach" (Washington, DC: American Institutes for Research, 1996), 101.

⁷⁴ Jennifer O'Connor Boes, Callie J. Chandler and Howard W. Timm, *Police Integrity: Use of Personality Measures to Identify Corruption-Prone Officers* (Monterey: Defense Personnel Security Research Center, 1997), PERS-TR-97-003, iii.

⁷⁵ Ibid., 42.

⁷⁶ James Breckenridge, interview by author, October 4, 2005.

instruments.⁷⁷ This may be wise advice. As scientists hone in on the means of discovery of validity, it is easy to lose focus on the mission of the organization and the purpose of the test.

E. POLYGRAPH TESTING

Similarly to the science of integrity tests, an equal if not greater amount of controversy surrounds the use of polygraph examinations as a pre-employment tool. Compared to integrity tests, there is far less scientific research on the utility and validity of this instrument. Polygraph examinations (also known as psychophysiological detection of deception examinations, or PDDs) have two principal uses: specific-issue testing (such as in a criminal investigation) and general uses (such as a pre-employment screening tool). When used as a pre-employment screening tool the test has several segments: an explanation of the process, a lengthy oral pre-test, a review of the actual questions that will be asked while the subject is hooked up to the instrument, the test itself and a follow-up interview. The entire test process is designed to determine whether answers to questions were truthful or not. Pre-test questions are highly intrusive and often cover specifics regarding the individual's criminal history, driver records, gambling habits, sexual issues, financial responsibility, employment history, familial relationships and drug and alcohol use. The instrument measures physiologic responses believed to be linked to the human body's "fight or flight" syndrome. In theory, there is no "fight or flight" response if no risk is felt when answering a question; this might not be the case if a candidate hooked to the machine fears that answering in the affirmative to a question about drug use would cost them employment. The individual might therefore feel compelled to lie. If they lie, they fear being "caught" by the examiner or the machine. A lie might then elicit a "fight or flight" response, which could trigger the release of adrenalin. This adrenalin release can cause the body to breathe faster, the heart to beat

⁷⁷ Paul Barrett, "Pre-Employment Integrity Testing: Current Methods, Problems, and Solutions" (University of Liverpool, 2001), 9, http://www.pbarrett.net/integrity_doc.pdf. (accessed December 3, 2005).

faster and the sweat glands to activate: These are the physiological factors (e.g., respiration, blood pressure, and electrodermal activity) that are measured by the polygraph instrument.⁷⁸

Three major works analyzing the validity of polygraph examinations as a screening tool will be addressed in this section: a 1999 study by a sub-panel of Sandia's Senior Scientists and Engineers (Sandia Scientists); a 1983 report by the Office of Technology Assessment (OTA); and a 2003 report by the National Academy of Sciences (NAS). All three groups are generally critical of the use of polygraphs. Their approach is to first assess the validity of the studies they are evaluating and then to comment on the findings. All three agree that there are two uses of polygraphs as described above.

The Sandia Scientists' review of the scientific literature reveals a ninety percent accuracy rate for adequately-controlled, incident-specific tests and in general finds that polygraphy, "...can be useful."⁷⁹ They further note, however, that there are few data points to suggest a similar accuracy rate for general uses such as pre-employment screenings. The Sandia Scientists' study suggests that because the examinee is not naïve and because there is so much more at stake, general screening applications are far less accurate. They forward no proof or evidence of this claim; because there are few studies on the general uses of polygraph, Sandia contends that it is impossible to establish error rates (false negatives and false positives).

Further concerns are raised regarding the ability of those with access to the internet to learn countermeasures and thus fool the test (Gaschler in 2001 refutes this claim by citing Honts, Amato, and Gordon's 2001 study.)⁸⁰ The Sandia Scientists make the case that using polygraphs as a screening tool could actually increase the potential for hiring subversives.⁸¹

⁷⁸ James A. Matte, *Forensic Psychophysiology Using the Polygraph* (J. A. M. Publications, Williamsville, N.Y., 1996), 9.

⁷⁹ Subpanel of Sandia's Senior Scientists and Engineers, "Polygraphs and Security: a Study by a Subpanel of Sandia's Senior Scientists and Engineers" (1999), 2-9, <http://www.fas.org/sgp/othergov/polygraph/sandia.html>. (accessed December 4, 2005).

⁸⁰ W. J. Gaschler, J.P. McGettigan, P. M. Menges, and J. F. Waller, "Review of Polygraph Screening Assessment Method," *Polygraph*, no. 30 (2001).

⁸¹ Sandia's Senior Scientists, *Polygraphs and Security*, 2.

The Sandia Scientists published this paper in response to the Department of Energy's increased use of polygraphs as an employee screening tool and thus focus on the use of polygraph as a tool to protect national security. The basis for their case is the lack of scientific evidence in support of polygraph as a screening instrument and theories as to why it would likely provide inaccurate results. So while their claim for a lack of evidence seems clear, their lack of scientific evidence to support their theories as to why the instrument will not work is similarly deficient.

The Office of Technology Assessment's 1983 report, while dated, contains a reasonable review of the literature available at that time. Its findings are consistent in many respects with the 1999 Sandia Scientists' report, including the validity findings with respect to specific-use polygraphy.⁸² OTA also concludes that there is a lack of evidence to support its use in screening situations and that scientific validity should be assessed in the context of the use of the instrument.⁸³

Perhaps the most comprehensive report to date on the scientific evidence related to polygraphy is the 2003 National Academy of Sciences report. Its focus was to examine scientific evidence first from the perspective of the validity of the study and then to determine how a particular study might apply to an actual situation. The NAS found seven studies that specifically looked at polygraphy and screenings. Four of the studies they found to be valid and three they found not to be valid.⁸⁴ NAS makes a very important point in explaining the standards it applies to its assessment of validity: to be scientifically valid the instrument in a study must not only detect that a person has been deceptive but it must show deception only when deception has actually occurred. In other words, a practitioner may find it useful to determine that, during the course of an entire exam, a candidate was deceptive. But from a scientific analysis perspective, it must be demonstrated that readings indicate deception occurred exactly at the moment the deception was attempted.⁸⁵

⁸² U.S. Congress, Office of Technology Assessment, *Scientific Validity of Polygraph Testing: a Research Review and Evaluation* (Washington, DC: U.S. Government Printing Office, 1983), 2.

⁸³ Ibid.

⁸⁴ The National Academy of Sciences, *The Polygraph and Lie Detection* (Washington, DC: National Academies Press, 2003), 130.

⁸⁵ Ibid., 131.

NAS found that the four valid studies did not provide “strong evidence” of the validity or utility of polygraphy as a screening tool. NAS did find, however, that “...the results do shed some light on the possible accuracy of screening polygraphs.”⁸⁶ This is a curious conclusion because while previous analyses (Sandia Scientists and OTA) found a clear lack of evidence, here we begin to find optimism on the part of a scientific organization with regard to its perspective on polygraphs. NAS specifically uses the term “strong” in reference to the evidence and “possible accuracy” in reference to the findings. This represents a change in the opinion of the scientific community. While OTA did not have the benefit of the seven studies cited by NAS (all were published after 1983), Sandia Scientists would have had access to all but one of the studies yet cite only one of them. This suggests the Sandia Scientists’ report may have been lacking in its thoroughness.

NAS also identified a concern that countermeasures could impact the validity of polygraphs and discusses the various countermeasures found in the literature.⁸⁷ Yet it reports that it is “widely believed” that countermeasures are ineffective as a means for deceiving the examiner.⁸⁸ No scientific data were presented to support or refute this claim.

F. ECONOMIC BENEFIT

Because a new strategy to develop more efficient and effective firefighter candidate screening programs are a matter of public policy, the analysis in forming it should include cost-benefit data and scientific data to support the validity of any claimed cost-benefit advantages.

Ones establishes that integrity tests are a good investment because their use can minimize unnecessary surveillance costs.⁸⁹ A screening program may require additional

⁸⁶ The National Academy of Sciences, *The Polygraph and Lie Detection* (Washington, DC: National Academies Press, 2003), 133.

⁸⁷ Countermeasures are techniques used by those taking polygraphs to cause similar physiologic responses to control questions as they would get when lying in response to non-control questions. It has been reported in the literature that biting one’s tongue or hiding a tack in one’s shoe are examples of such techniques.

⁸⁸ National Academy, *Polygraph*, 141.

⁸⁹ Deniz S. Ones, "Establishing Construct Validity for Integrity Tests" (PhD diss., University of Iowa, Iowa City, IA, 1993), 98.

internal and external resources, may increase the ratio of prospective candidates to hired employees and increase the expense side of a fire department's budget. Positive economic gains can occur by increased productivity, fewer disciplinary cases and other factors examined below. And expense savings can occur by reducing negligent hiring claims.⁹⁰

Bosshardt's 2001 report investigates the economic impact of background checks. He specifically looked at investigative and employment interviews; background questionnaires (personal history forms); reference checks; integrity tests; and credit checks.

Six studies were examined to determine benefit to a company from conducting employment interviews. While overall the studies showed considerable benefit, none clearly proved an economic benefit. Bosshardt believes that anecdotal and indirect evidence suggests interviews clearly do have an economic benefit.⁹¹

Personal history forms (or background questionnaires) are cited in a large number of studies as being one of the most efficient tools used for pre-employment screening. Bosshardt cites two studies that reveal a positive economic benefit from their use.⁹² He was unable to locate any studies that found direct economic benefit to conducting credit checks or reference checks, but he suggests there may be some economic utility. He further cites data from the insurance industry that suggest credit information is directly related to insurance loss.⁹³

On the other hand, Bosshardt identifies sixteen studies that estimate the economic impact of hiring procedures on job performance. He reports that in many cases the gains are substantial due to increased productivity.⁹⁴ While studies reflect positive outcomes due to increased productivity, no studies were identified that demonstrated the costs of

⁹⁰ Stefan Keller, "Employee Screening: A Real-World Cost/Benefit Analysis," *Risk Management* 51, no. 11: 28.

⁹¹ Michael J. Bosshardt, "Does the DoD Personnel Security Program Have Economic Benefits for Participating Companies? A Review and Conceptual Analysis" (Minneapolis, MN: Personnel Decisions Research Institutes, Inc, 2001), 14.

⁹² *Ibid.*, 14.

⁹³ *Ibid.*, 16

⁹⁴ *Ibid.*, 20.

counterproductive behavior. Background checks have already been proven to reduce turnover, absenteeism, lawsuits, workers compensation claims, accidents, crime, workplace violence, health care costs and substance abuse, yet only the use of background checks to reduce turnover has been connected to economic gain.

If studies have linked certain background check procedures to such positive outcomes as reduced sick leave, and other studies prove less sick leave reduces costs, then one might conclude that the background check can save a company money in that area. This may be the case with many of the parameters where Bosshardt was unable to locate studies that established the direct evidence of economic benefit.

G. LACK OF CONSISTENCY IN CONDUCTING BACKGROUND CHECKS

The research reviewed thus far has encompassed studies of background checks in the public, private and non-profit sectors. It appears from that literature that there is an inconsistency in conducting background checks both within organizations and from company to company within employment sectors. Fuss and Snowden's 2004 survey of 2,000 police and sheriff's departments and the 2005 New Hampshire Firefighter Background Check Survey (Chapter II) provide further evidence of this inconsistency in the public safety sector.⁹⁵

H. DISCUSSION

The scientific evidence clearly supports the conclusion that background checks in general can be effective in reducing employee misbehavior. Some evidence even suggests that merely checking references is beneficial to an organization. More thorough checks that include personal history forms and interviews of candidate contacts may further benefit organizations. There is no evidence to indicate that background checks in general harmed an organization.

There is considerable evidence linking alcohol and drug abuse to a number of employee misbehavior and discipline issues, but there is a lack of evidence to suggest

⁹⁵ Timothy Fuss and Lynne Snowden, "Importance of Background Investigation," *Law & Order* 52, no. 3 (2004):58-61.

that specific background check techniques will prevent the hiring of people engaging in substance and alcohol abuse. Because of evidence linking a history of past employment misbehavior to future misbehavior and the high recidivism rates of alcohol and drug abuse, it is reasonable to conclude that by identifying those with recent, frequent, and/or substantial histories of inappropriate behavior one might also be identifying people with the highest potential for future misbehavior. Such indirect links are supported by several of the references previously cited in this chapter.

It is also reasonable to conclude that there can be substantial economic benefit from conducting background checks, and while much of the evidence is indirect, some direct evidence supports this claim.

The greatest degree of controversy surrounds the use of integrity tests and polygraphs as pre-employment screening tools. For integrity testing the scientific pendulum seems to swing back and forth between initially doubting its usefulness in the 1980s to greater support in the 1990s to new evidence once again calling into question the validity of these instruments. The most recently published meta-analyses, however, support their use.

Regarding polygraph testing, the sub-panel of Sandia Scientists and the OTA report failed to find any supporting scientific evidence on the validity of using polygraphs as a pre-employment screening tool. They did report laboratory evidence suggesting substantial validity in specific-use circumstances. The National Academy of Sciences' study reported slightly more optimistic findings in its review of four recent studies, which was insufficient evidence of validity for the Academy to endorse the use of polygraph for general screening purposes.

While on the one hand scientists either condemn or are at best neutral in their opinion of the validity of polygraph exams, practitioners overwhelmingly support the use of polygraph in certain public safety and security situations. The OTA reports that the

Central Intelligence Agency found polygraphs to be “...the most productive of all background investigative techniques.”⁹⁶ The NSA and DOD also believe the polygraph to be a useful screening tool.⁹⁷

Heuer’s 1993 report suggested that in the absence of complete records, polygraphs may be the only way to uncover criminal behavior.⁹⁸ Indeed, the New Hampshire Firefighter Background Check Survey (Chapter II) revealed that chiefs in departments that used polygraph as a screening tool had a much higher level of confidence and placed a higher value on its importance than did the chiefs of departments that did not use polygraph. While such survey information does not prove that screening polygraphs is either important or that fire chiefs should be confident in them, it does show that practitioners with experience in their use often value them greatly.

The controversy surrounding the contradiction between scientific validity and practical utility must be explored given the consequences of employee misbehavior, its impact on the mission readiness of first responders, and the need for cost effective, risk-based screening procedures. For concerns related to polygraphs it appears the crux of the scientific problem is the failure of scientists to believe in a machine that relies on the subject of the test to be confident that the machine will do what the operator says it will do. In other words, the subject of the test must believe that the machine is more accurate than the data suggest it is: bad science. Practitioners know there are circumstances in which an individual will admit to conduct that renders them unsuitable for employment when there may be no other means for determining the information: good practice.

It is clear that further study is necessary. In the meantime, some new technologies show modest signs of promise, including brain imaging, facial and body movement, linguistic analysis, and graphology.⁹⁹

⁹⁶ U.S. Congress, Office of Technology Assessment, *Scientific Validity of Polygraph Testing: a Research Review and Evaluation* (Washington, DC: U.S. Government Printing Office, 1983), 2.

⁹⁷ Ibid.

⁹⁸ Richards J. Heuer, Jr, *Crime and Security Risk: Background Information for Security Personnel* (Monterey: Defense Personnel Security Research Center), PERS-TR-93-005, iv.

⁹⁹ National Academy, *Polygraph*, 154-170.

Some of the scientific evidence is clear (background checks reduce employee misbehavior), other evidence is inconclusive (integrity tests reduce employer costs and increase profit), and still other scientific evidence is simply nonexistent (do polygraphs identify bad candidates?). Yet many law enforcement, federal and fire service organizations rely on screening elements that have not been scientifically proven.

Ultimately, this report will recommend the use of various screening techniques (in Chapter V and Appendix A) by evaluating the advantages and disadvantages of those techniques based on the scientific evidence provided in this chapter, smart practices presented in Chapter IV, conclusions from surveys of fire chiefs as to what screening processes they feel are important, and the new mission needs of the fire service, explored in Chapter I. The scientific evidence reviewed in this chapter supports reviewing the firefighter candidates personal and employment history; evaluating their educational, motor vehicle, criminal and military records; and assessing their gambling, alcohol and illegal drug use histories. Evidence provided in this chapter alone does not support the use of either polygraph tests or integrity/personality tests. Further analysis, however, will lead this author to conclude ultimately that, despite a lack of scientific evidence of the validity of polygraphs, long-demonstrated utility of the instrument supports its use for screening firefighter candidates.

IV. EXAMINATION OF TWO SMART PRACTICES

A. INTRODUCTION

The focus of this chapter is the examination of two excellent screening systems in use today and culling from them elements that will bring value to a new proposed screening policy for firefighter candidates in New Hampshire (described more fully in Chapter V). This chapter is not intended to provide a full assessment of all screening processes used in the United States. Rather, it will identify two reliable systems with positive track records that may enhance the implementation, efficiency, and usability of a new model.

This is referred to as a “smart practice” approach, which utilizes the elements that bring value. Simply copying good or smart practices – strict replication – rarely works because of local issues that impact implementation. Policy analyst Eugene Bardach describes the valuable elements to be borrowed for the new model as “contingent features;” each of these two systems offers a number of contingent features.¹⁰⁰

The two systems are the screening policy applied to law enforcement personnel in the state of New Hampshire (NHPS), and the screening policies and practices reflected in the federal government’s Adjudicative Desk Reference (ADR). Elements of the NHPS are useful in developing the investigation steps in the new model, while the ADR is useful in building the adjudication steps.¹⁰¹ There are three distinct stages in the screening process: the pre-investigation stage (determining essential functions of the job, recruiting candidates, etc); the investigation stage (collecting information about the candidate); and the adjudication stage (deciding whether the candidate will fit well into the position).¹⁰²

¹⁰⁰ Eugene Bardach, "Presidential Address- The Extrapolation Problem: How Can We Learn from Others?," *Journal of Policy Analysis and Management* 23, no. 2 (2004), <http://www.puaf.umd.edu/faculty/reuter/CCJS%20720/Bardach%20JPAM.pdf>. (accessed December 10, 2005).

¹⁰¹ The focus of this chapter is on the investigative phase and the adjudication phase. Pre-investigation stage issues are discussed in detail in Chapter V where the link between the essential functions of the job and the screening procedures used to verify suitability are established.

¹⁰² United States General Accounting Office, *DOD Personnel Clearances* (Washington, DC: US Government Printing Office, May 2004), 7.

B. NEW HAMPSHIRE LAW ENFORCEMENT SCREENING RULES

The NHPS is a rule adopted by state law that guides New Hampshire Law Enforcement agencies in the hiring and screening of police, corrections, parole and probation officers.¹⁰³ It details multiple steps that must be performed by the investigating agency during the screening process and includes the applicant filling out a detailed personal history form (education, certifications, employment) and medical history form; fingerprinting the candidate; conducting a personal interview; seeking criminal and motor vehicle record checks; verifying U.S. citizenship; retrieving military records and conducting psychological screening (integrity testing). There are a number of automatic disqualifications, including any felony conviction, certain misdemeanor convictions, a dishonorable discharge from the military, certain drug offenses, recording a false statement in the application process, and discharge from duties for moral turpitude or a generally poor character or reputation. An automatic disqualification will also occur if, after the integrity testing, a psychologist indicates the candidate has a propensity for a lack of impulse control, anger management, “assaultive” behavior, or illegal sexual behavior.

The use of police screening procedures as a comparative model is relevant for two reasons; first, because law enforcement has a long and generally successful experience with screening candidates; and second, because the essential functions of the job are substantially similar to those of a firefighter. Both reasons will be addressed in greater detail in the sections that follow.

One of the desirable features of police screening models is the extensive track record applicable to performing these types of background checks. According to a 1997 United States Department of Justice survey ninety-eight percent of all police departments in the U.S. hiring full-time police officers conducted a background investigation; ninety-nine percent conducted a criminal record check; ninety-eight percent conducted driver record checks; ninety-seven percent performed medical exams; ninety-one percent used psychological screening instruments; and eighty-four percent used aptitude tests in

¹⁰³ State of New Hampshire, "Pol 300 Application and Qualification," <http://www.gencourt.state.nh.us/rules/pol300.html>. (accessed November 20, 2005).

screening police officer candidates.¹⁰⁴ With more than 500,000 local police personnel in the United States, law enforcement has a long history of screening candidates. This is significant because it means that various screening measures have been tested, challenged, adapted and improved. The FBI, the National Consortium for Justice Information and Statistics, the directors of state repositories of criminal record information, and personnel in local law enforcement have all played a part in significantly improving, automating and integrating police screening processes.¹⁰⁵

The second reason law enforcement provides a relevant model to examine is that the essential functions of the police officer's job are similar in many ways to those of a firefighter. This includes personnel having a significant physical capability such as that needed to subdue criminals; the ability to operate motor vehicles at high speeds and under duress; the use of good judgment in stressful situations; the ability to give and receive verbal and written orders, and the ability to function as part of a team.¹⁰⁶ A firefighter's job description includes significant physical ability including performing firefighting tasks in hazardous environments; operating large motor vehicles under duress; the ability to perform complex problem-solving during extended periods of exertion; functioning as part of a team where incapacitation for any reason could cause the injury or death of civilians or fellow team members; and the ability to give and receive orders.¹⁰⁷ Both occupations require operating in harm's way and the ability to function in a disciplined paramilitary organization.

The general public places great trust in its public safety personnel by virtue of the uniform they wear. Firefighters have a greater right of entry into businesses and homes than any other government agency, including law enforcement.¹⁰⁸ They are often alone in

¹⁰⁴ United States Department of Justice, *Bureau of Justice Statistics: Executive Summary Local Police Departments, 1997* (Washington, D.C.: Rev. January 7, 2000), 1, <http://www.ojp.usdoj.gov/bjs/pub/pdf/lpd97ex.pdf>. (accessed January 8, 2006).

¹⁰⁵ Kelly R. Buck, *Guidelines for Improved Automated Criminal History Record Systems for Effective Screening of Personnel* (Monterey, Ca.: Personnel Security Research Center), 1.

¹⁰⁶ NH Police Standards and Training, "What Are Some Of Those Essential Functions?", 2005, <http://www.pstc.nh.gov/faqs.htm>. (accessed December 11, 2005).

¹⁰⁷ National Fire Protection Association, "Standard 1582 Comprehensive Occupational Medical Program for Fire Departments," in *American National Standards*, (Quincy, Mass.: NFPA, 2003).

¹⁰⁸ Steven T. Edwards, *Fire Service Personnel Management* (Upper Saddle River, N.J.: Pearson Prentice Hall, 2005), 107.

areas where valuable assets (e.g., money, jewelry, etc.) are within arm's reach. In certain circumstances the owners of those objects would not know whether those valuable objects were lost or destroyed due to the fire (or other disaster responsible for the firefighters' presence at that scene). Firefighters are also often granted immediate access to the homes of vulnerable populations where the betrayal of their trust could result in rape or other crimes of violence against the people they have taken an oath to protect.

The citizens who interact with firefighters are frequently under duress. They do not have the luxury of checking a firefighter's credentials before allowing entry to their home, or shop around for a different fire department with a better reputation. When they call for help, they get the one department that serves their jurisdiction. All of these factors mean citizens must have as high a level of trust in their firefighters as they do in their police officers. Therefore, examining a police candidate screening model should provide valid insights into several potential elements of a firefighter screening model.

C. THE ADJUDICATIVE DESK REFERENCE

The ADR was developed by the Personnel Security Research Center and officially adopted as policy by the U.S. government in 1999 to provide guidance to those responsible for granting security clearances to military, federal civilian, and contract employees.¹⁰⁹ It is designed to serve as a "job aid" for personnel officers and adjudicators making "suitability and trustworthiness decisions."¹¹⁰ An update was published in July of 2001.

The process of conducting security clearances is similar to that used by law enforcement in conducting background checks on prospective police officers because of the levels of trust involved and the potential consequences of the violation of that trust. Government personnel requiring security clearances must also be extremely reliable; compromise of classified information, whether intentional or careless, may cause critical

¹⁰⁹ Defense Personnel Security Research Center, "A Brief History," <http://www.fas.org/sgp/othergov/perserec.html>. (accessed March 4, 2005).

¹¹⁰ Richard J. Heuer Jr., *Adjudicative Desk Reference* (Monterey, Ca.: Defense Personnel Security Research Center), <http://www.dss.mil/nf/adr/aboutadr/aboutT.htm>. (accessed December 10, 2005).

national security failures and ultimately the loss of life. The personal history form used by New Hampshire law enforcement and the personal history form use by the federal government (Standard Form 86) are nearly identical in content.¹¹¹

The ADR provides adjudicators with guidance in twelve categories: personal conduct, criminal conduct, alcohol consumption, drug involvement, financial considerations, misuse of information technology systems, outside activities, sexual behavior, security violations, allegiance to the United States, foreign influence and foreign preference. Some of the categories are directly relevant to the fire service, while others are not.

Each of the twelve sections of the ADR is divided into three parts. The first describes what the concern is for that category. For example, the “criminal conduct” section identifies that “...a history or pattern of criminal activity creates doubt about a person’s judgment, reliability and trustworthiness.”¹¹² It relates the particular category to an essential requirement of the job, which in this case involves national security. Because law enforcement and the fire service also require trustworthiness as part of their essential functions, this particular concern would be relevant for comparison.

The second part of the criminal conduct guideline provides examples of conditions of concern. In the criminal conduct example, a condition is, “...allegations or admissions of criminal conduct, regardless of whether the person was formally charged.”¹¹³ New Hampshire law enforcement has specific guidance on what criminal conduct may be used to disqualify a candidate automatically. New Hampshire Fire Service rules require no felony convictions; if during the background check the individual admits to felony conduct, however, or if a credible witness provides similar information, then this type of information could be used in making the hire/no hire decision.

¹¹¹ Standard Form 86, "Questionnaire for National Security Positions" is available on-line at http://www.opm.gov/forms/pdf_fill/SF86.pdf.

¹¹² Heuer, *Adjudicative Desk Reference*, 11.

¹¹³ Ibid.

The third part of the guideline provides examples of mitigating conditions, for example if “The person did not voluntarily commit the...[felony conduct] and/or the factors leading to the violation are not likely to recur...”¹¹⁴ Thus, each section of the ADR provides guidance in the vetting process by providing the relevance of the concern within the context of the discipline, examples of conditions that could raise the concern, and examples of factors that could mitigate the concern. Such guidance has proven so valuable that in a published report the U.S. General Accounting Office admonished the Department of Defense for not requiring all DOD adjudicators to use the ADR in determining eligibility requirements in security clearances.¹¹⁵

For these reasons the NHPS screening rules and the ADR vetting guidelines provide us with solid business practices to model. While neither system can be adopted in its entire form, elements of both systems could bring immediate operational value to a new model screening system for New Hampshire firefighter candidates.

D. SMART PRACTICES SHARED BY ADR AND NHPS

Both the ADR and the NHPS are tangible systems; those using them can easily access the specific content or steps that apply to the task at hand. Recall that many departments in the fire service have no formal or written process to follow; for others, the process is clumsy and difficult. ADR and NHPS are clearly written, easy to understand, and easy to implement due to their step-by-step approach. Both standards are public documents and easily accessible on-line to potential candidates. The process is transparent to the public and those who go through the screening.

Both systems adopt the “whole person standard,” meaning they evaluate individuals based on both positive and negative factors and relate the screening process directly to the job attributes.¹¹⁶ This means that the focus of the investigation is not simply on factors that may disqualify a candidate but also important factors that may indicate the candidate will perform well in the work environment or may have a

¹¹⁴ Heuer, *Adjudicative Desk Reference*, 11.

¹¹⁵ United States General Accounting Office, *DOD Personnel: More Consistency Needed in Determining Eligibility for Top Secret Security Clearances* (Washington, DC: Government Printing Office, April 2001), 6, <http://www.gao.gov/new.items/d01465.pdf>. (accessed April 3, 2005).

¹¹⁶ Heuer, *Adjudicative Desk Reference*, 1.

propensity to succeed. This is important because in Chapter V we will provide a new model firefighter screening system that focuses much attention on finding the best candidates for a particular position.

The ADR and NHPS are clearly designed toward specific job attributes for their respective disciplines, national security and law enforcement. Because many of the job attributes are shared with the fire service, many but not all of their specific steps are applicable. Even though not all of the elements are applicable, the methodology used to identify them is sound, and is therefore applicable. For example, it may not be relevant to the fire service to determine whether a firefighter candidate has a foreign national as a close friend, though such a fact may be important in a national security context. However, the methodology of identifying the job attribute concern, examples of the negative or positive behavior, and the key factors that would mitigate the relevance of that behavior, could and should be applied to a new fire service adjudication model.

Another positive attribute shared by the ADR and the NHPS is that both systems have been in use for a long time: twenty-five years in the case of NHPS and six years in the case of ADR. Many candidates have been subjected to these systems, establishing a clear and legitimate track record. The NHPS is applicable to all 4,500 law enforcement personnel in the state of New Hampshire.¹¹⁷ The ADR is used in security clearances for personnel in DOD, several other federal departments and for their private contractors. The GAO reports that in September of 2003, the DOD had two million security clearances issued.¹¹⁸ While the ADR was not used in all two million clearances it has been used for a significant number. Such exposure of a system to a large number of candidates suggests that the system has also survived legal scrutiny.

A positive factor shared by the systems is that neither takes the hiring decision out of the hands of the jurisdiction doing the hiring. These are not “cookie-cutter” systems that calculate point accruals for each good or bad attribute ending in an automatic hire/no

¹¹⁷ NH Police Standards and Training, "What Are Some Of Those Essential Functions?", 2005, <http://www.pstc.nh.gov/faqs.htm>. (accessed December 11, 2005).

¹¹⁸ United States General Accounting Office, *DOD Personnel Clearances* (Washington, DC: US Government Printing Office, May 2004), 1.

hire score. They are logically-sequenced, investigative steps applied consistently from one candidate to another, followed by reasonable adjudicative practices that allow the jurisdiction the final decision.

At the end of the adjudication process both systems offer a sort of “tie-breaker” decision point in cases where the candidate is neither a clear hiring choice nor a clear no-hire choice. The national policy reflected in the ADR requires that in cases where there is any doubt about a candidate’s suitability, the issue will be, “...resolved in favor of...national security.”¹¹⁹ In other words, the candidate will not be granted a security clearance. In New Hampshire law enforcement, the “reasonable person” standard is applied to close decisions. If information is revealed during the check that calls into question a person’s fitness for duty, the New Hampshire manual would suggest the conclusion be determined by what a reasonable person’s opinion would be.¹²⁰ A sound New Hampshire firefighter screening process must adopt such a “tie-breaker” rule for assisting in difficult or close cases.

The model reflected in the ADR has some additional advantages. Several qualifying factors assist in the vetting process:

- “The nature, extent and seriousness of the conduct;
- The circumstances surrounding the conduct, to include knowledgeable participation;
- The frequency and recency of the conduct;
- The individual’s age and maturity at the time of the conduct;
- The voluntariness of participation;
- The presence or absence of rehabilitation and other pertinent behavioral changes;
- The motivation for the conduct;
- The potential for pressure, coercion, exploitation, or duress; and
- The likelihood of continuation or recurrence.”¹²¹

¹¹⁹ Heuer, *Adjudicative Desk Reference*, 1.

¹²⁰ State of New Hampshire, Department of Postsecondary Education, *Background Investigation Manual* (Concord, NH: Police Standards and Training Council, October 1995), 9.

¹²¹ Heuer, *Adjudicative Desk Reference*, 1.

These factors allow the adjudicator(s) to view past behavior in a context that measures its potential seriousness towards the candidate's future. Rather than relying completely on an employer's "hunch" it qualifies actions in a more objective manner. Many of these factors are useful in creating similar qualifying factors for fire service screenings because they relate to a candidate's trustworthiness.

Nine of the twelve sections of the ADR appear directly relevant to firefighter screenings: personal conduct, criminal conduct, alcohol consumption, drug involvement, financial considerations, misuse of information technology systems, outside activities, sexual behavior, and allegiance to the United States. These will be explored further in Chapter V.

The NHPS system has some additional advantages. Implementation of a new strategy and policy for screening firefighters would benefit from drawing upon a screening system that relies on critical parts that are and have been in use for some time in New Hampshire. The fire service views law enforcement as a sister public service occupation that shares many of the critical responsibilities, hazards and demands placed upon it by the citizens it serves. As such, it will be much easier to implement a new plan if there are features that resemble those shared by an agency with a common mission.

E. CONCLUSION

Building a new firefighter screening system that uses valuable parts of the ADR and the NHPS makes good business sense. They have both been in use for many years, served thousands of candidates and hundreds of agencies. Both systems have been tested and have proven themselves. The New Hampshire system was adopted by state rules, and the ADR has been strongly recommended by the GAO. Both use sound methodologies that can be easily calibrated or replicated to serve the more specific needs of the fire service.

Previous chapters identified the importance of conducting firefighter candidate screenings in the context of the new homeland security mission, revealed serious inconsistencies in how background checks are conducted on firefighters in New

Hampshire, and evaluated what scientific evidence exists to support the various components of background checks. This chapter has looked at two “smart practices.”

Chapter V identifies the final critical piece needed to build a sound screening strategy and policy: establishing the link between firefighter attributes and the background check elements needed to successfully vet firefighter candidates. The smart practices identified in this chapter will be useful in this process.

V. A STRATEGY FOR DEVELOPMENT AND IMPLEMENTATION OF A MODEL FIREFIGHTER CANDIDATE SCREENING PROGRAM

A. INTRODUCTION

Previous chapters in this thesis established the need to develop a better strategy for screening firefighter candidates within the context of the new first responder homeland security mission; investigated and analyzed current practices in use in the New Hampshire Fire Service; reviewed smart practices in use in the United States by agencies with similar missions; and reviewed scientific findings on the utility of selected components of background checks.

A new strategy for conducting pre-employment screenings on fire service personnel is presented in this chapter. The essential functions of the firefighter's job duties and new mission expectations are linked to a more effective procedure during the hiring process that will help to ensure a more consistent match between the firefighter candidate and the mission of the hiring department, as well as help to prevent the potentially catastrophic consequences that could result from hiring a bad candidate. Specific policies and procedures required to implement the strategy will be recommended, as will a system for measuring the effectiveness of the new policy, and an approach for implementing the new procedures. Performance measurements will be recommended after establishing the desired outcomes based on job requirements and the outputs and inputs necessary to accomplish them. The recommended policies are designed for the New Hampshire Fire Service, although the principles should be germane to the U.S. fire service in general. In many cases, only the implementation strategies would need to be altered to account for varying political attitudes and legislative constraints found in other geographic regions of the United States.

B. STRATEGY STATEMENT

The intent of this strategy is to create a model firefighter pre-employment screening process that improves the performance of the fire service given the new

homeland security mission, which in turn reduces the risk of organizational failure attributable to hiring personnel prone to deviant and/or unreliable behavior.

C. SIX GOALS OF THE NEW STRATEGY

1. Link the firefighter screening process to job attributes, state legal requirements and the new homeland security mission. The Society for Industrial and Organizational Psychology, Inc. (a division of the American Psychological Association) states, “The essential principle in the evaluation of any selection procedure is that evidence be accumulated to support an inference of job relatedness.”¹²² This requires that the job description be analyzed to determine the key attributes required to accomplish the mission. The analysis performed in this chapter is based upon the class specification adopted by the City of Concord, New Hampshire Fire Department. Key attributes were culled from that job description (for the complete job description see Appendix C), but further analysis must be performed to assess whether there are any additional applicable federal, tribal, state, or local legal requirements.¹²³ In New Hampshire the legal requirements for firefighter pre-employment screening processes are established by state rule.

2. Correct pre-employment screening problems identified in survey conducted with New Hampshire Fire Departments. In Chapter II, four major concerns were identified in this study’s survey results: a lack of consistency from department to department in how background checks were conducted; a lack of consistency within departments from candidate to candidate in terms of how the background check was completed; a failure of twenty-nine percent of departments to comply with state rules that regulate background checks; and a lack of familiarity among fire department staff regarding certain elements of background checks. The survey results suggest fire service leaders have not established a fixed set of requirements for conducting background

¹²² Society for Industrial and Organizational Psychology, Inc. (SIOP), *Principles for the Validation and Use of Personnel Selection Procedures* (Bowling Green: American Psychological Association, 2003), 4.

¹²³ City of Concord, N.H. Personnel Department, “Firefighter Class Specification,” *City Of Concord, New Hampshire, Official Website of New Hampshire’s Capital City*, <http://www.onconcord.com/PERSONNEL/CLASSSPECS/FIREFIGHTER.pdf>. (accessed February 11, 2006).

checks, and thus apply standards differently from candidate to candidate and from department to department. This creates an inherent level of unfairness in the system and increases the likelihood that many departments are not taking full advantage of their background check system.

3. Utilize systems and procedures for which there is scientific evidence that supports their validity as a pre-employment screening tool. The literature providing empirical and conceptual evidence pertaining to the use of various screening processes was covered in Chapter III. Clearly, there is controversy with many of the various elements of background checks in terms of whether there is sufficient proof that certain processes work well enough to warrant their application. The evidence does, however, support many procedures, including evidence concerning the validity or utility of their use.

4. Utilize the smart practices in use by agencies whose employees perform similar tasks, have similar concerns, and seek employees with similar employee traits. In Chapter IV two systems were described that provide good models for screening candidates. Law enforcement has for many years placed emphasis on pre-employment screenings. It has also devoted resources to find new and innovative ways to create a more efficient process. It thus provides the fire service with a fair and well-established model from a discipline with similar mission requirements, especially in the homeland security area. The federal government, similarly, uses a well-thought-out process in conducting and assessing security clearance investigations that shares common goals with background checks applicable to public safety personnel. This system can serve also as a valuable model.

5. Ensure system “fairness.” While goals one through four improve the fairness of any background system, the screening process must further meet generally accepted standards of “fairness.” The Society for Industrial and Organizational Psychology, Inc. (SIOP) establishes four meanings of the term “fairness” in relation to personnel selection procedures. Any selection procedure must require equal group

outcomes, must treat all candidates equally, must ensure candidates equal access to learning subject matter in entrance tests, and finally must ensure "...a lack of predictive bias."¹²⁴

6. Establish system outcomes that are measurable. In order to establish the benefit of a particular option one must apply evaluative criteria to the projected outcomes.¹²⁵ In the proposed strategy, a set of performance measures will establish the effectiveness of each outcome. The performance measures should further allow organizations to assess workload and determine when and why outcomes change over time.¹²⁶

D. LINKING THE SCREENING PROCESS TO JOB RELATEDNESS

The City of Concord Fire Department class specification (see Appendix C) for firefighters contains many elements that define the key attributes of the job, including essential functions and examples of the work to be performed.¹²⁷ For example, it includes customer service expectations, and the ability to learn, make good judgments, follow rules and orders, work in hazardous environments and under stress, and get along with others. These job attributes are included in an analysis sheet (for the complete analysis sheet, see Appendix D) as an initial step in establishing the link to screening elements. The next step in the analysis was to extract the legal requirements from the state rules. Recall from Chapter II that these included the requirements to assess the candidate's communications skills, the educational background, fitness and medical suitability, verify that the candidate had never been convicted of a felony, and is at least eighteen years old. The rules further state that "...there shall be a thorough background investigation..."¹²⁸

¹²⁴ SIOP, *Personnel Selection*, 31.

¹²⁵ Eugene Bardach, *A Practical Guide for Policy Analysis* (Washington, D.C.: CQ Press, 2005), 136.

¹²⁶ Harry P. Hatry, *Performance Management: Getting Results* (Washington, D.C.: Urban Institute Press, 1999), 17.

¹²⁷ The author chooses to use an actual class specification as an example here. NFPA 1582 is a nationally-recognized standard that also lists the essential functions of a firefighter.

¹²⁸ *Part Fire 701 Requirements of Mandatory Standards*, Department of Safety Administrative Rules, State of New Hampshire (2004), <http://www.nh.gov/safety/fst/documents/hiringstandardsEXPLAINED8-04A.pdf>. (accessed November 12, 2005).

From the key attributes and legal requirements the next step in the analysis is to establish the desired outcomes necessary to determine whether the candidate would meet the requirements of the law and the class specification. The desired outcomes are listed in an adjacent column in the analysis and include assessing the ability of firefighter candidates to assimilate into the work environment, establishing whether the candidates had the knowledge and intellect necessary to perform the job, assessing the candidates' ability to operate vehicles safely, determining their trustworthiness and resistance to extortion or the taking of bribes, establishing whether they can perform the physical aspects of the job, verifying that they were at least eighteen years old, and finally, assessing their allegiance to their community and the United States.

The desired outcomes then become the means to identify the outputs and inputs needed to accomplish those outcomes. By considering the background investigation elements that have been identified in previous chapters as valuable to the screening process and matching to them the resources necessary to assess whether or not candidates possess the characteristics needed for the position, a direct link is finally established between those job attributes needed in firefighters and the tools needed to screen them prior to hiring. Establishing a process for hiring firefighters based upon job analysis has the further benefit of improving the legal defense of such decisions in court should they ever be challenged.¹²⁹

E. RECOMMENDED SCREENING ELEMENTS

The Strategic Analysis for Firefighter Candidate Screening (for the complete strategic analysis, see Appendix D) identifies the specific recommended screening elements (underlined in the output column) necessary to accomplish the desired outcomes, which are necessary to meet the legal and class specification requirements. Those elements include a thorough review of the candidate's personal and employment history; educational, motor vehicle, criminal, and military records; assessment of gambling, alcohol and illegal drug history; medical and physical ability exams; and

¹²⁹ William M. Kramer, "Human Resource Management," in *Managing Fire and Rescue Services*, ed. Dennis Compton and John Granito (Washington, D.C.: International City/County Management Association, 2002), 144.

verification of age and identity. To establish the candidate's trustworthiness and allegiance to the organization's mission, the Analysis further recommends that the candidate undergo polygraph testing. Appendix A is a model firefighter candidate screening process and details the actual steps required.

F. THE PERFORMANCE MEASURES AND BENCHMARKS

How can we establish the effectiveness of the screening process? National standards, accreditation agencies, and the International City Managers Association all call for the use of performance measures to track organizational efficiency.¹³⁰ To date none of the groups requires or suggests performance measures for tracking the utility and efficiency of candidate screening processes. This must change if we are to adopt new screening standards. Benchmarks must also be established to ensure consistency in the application of new standards and to verify that departments are consistent in their approach to background checks.

The strategic analysis in Appendix D lists at least one performance requirement for each desired outcome. Many of the performance criteria are based on the analysis of number ratings recorded on the monthly evaluations of first year employees (for the Performance Evaluation Form referenced and an explanation of each rating category on the performance evaluation, see Appendix E). Other ratings are assessed by determining the number of occasions certain negative job behaviors occur during the same first year of employment. For example, the state rules and the job description require that a person have both a good driving record and the ability to operate fire apparatus safely. In order to measure whether the background check is performing as designed, the first year firefighter will be evaluated for the number of negative motor vehicle driving incidents. A negative incident would be defined as an at-fault accident or a substantiated complaint by a citizen or supervisor of reckless vehicle operation. Thus, the history of the first year employee will be used to measure the efficacy of the motor vehicle record check as a screening procedure.

¹³⁰ National Fire Protection Association, *NFPA 1710: Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments* (Quincy: NFPA, 2004), 1710-7.

To assess the utility of the state-wide employee screening strategy, benchmarks must be established and tracked for participating agencies and compared to data for similar attributes with non-participating agencies. This, in effect, establishes a comparison between a model group (the participating agencies) and a control group (the non-participating agencies). Appendix F is a Benchmarking Plan that lists all New Hampshire Fire Departments that hire career fire service personnel. The list would be further separated into two sub-lists determined by which agency used the new employee screening strategy and those agencies that did not use the new strategy. Three benchmarks would be tracked for each group: the department vacancy rate, the number of discipline cases per employee, and the cost per employee of expenses related to negligent hiring incidents. The data should be reported by each fire department once per year. This would be the only additionally required action (other than what is already required by statute) by any fire department, as the policy recommendation itself (the new background check procedures) would be voluntary.

The vacancy rate must be tracked to establish the relative difficulty of recruiting new personnel. One of the criticisms (to be further reviewed later in the chapter) of the new screening program will be the increased difficulty in finding qualified candidates. Many factors contribute to the ability of a fire department to recruit personnel successfully. These include pay scale, working conditions, location, the reputation of the fire department and other factors. Assuming these factors remain somewhat constant, the manipulation of the primary independent variable would be the change in the recruiting policies. A sudden increase in vacancy rate might suggest the new screening procedure is in fact making recruitment more difficult, especially if its level was significantly higher in the participating departments compared to the controls, whereas a consistent vacancy rate might suggest otherwise.

Discipline cases could be similarly reviewed. In the absence of other variables, (such as the hiring of a new chief who is a disciplinarian) one could use the number of discipline cases to establish the relative effectiveness of the new policy. Comparisons of one department to another, or trends of increasing or decreasing numbers of cases, could suggest elements of the screening process are, or are not, effective.

The third benchmark should be the costs associated with negligent hiring. Negligent hiring costs would be defined as any cost associated with a negative organizational experience related to a job misbehavior that should have been established, predicted, or was missed during a background check. Costs might be related to jury awards, legal fees, staff time involved in discipline, or damage related to inappropriate apparatus operation. While individual department experiences may vary significantly from year to year, a state-wide comparison between departments that utilize the new screening process versus those that do not may shed light on the validity of the new hiring procedures.

In general, benchmarking and performance standards will be a valuable tool in verifying the successful or unsuccessful accomplishment of the objectives outlined above. They will help to assess the validity of the procedure on a continuing basis, ensure a fair process, and provide a means for justifying future changes to the system in the interest of continued improvement.

G. IMPLEMENTATION

The new pre-employment screening strategy for firefighter candidates in New Hampshire will require its own implementation plan. This plan will work and create “public value” by accounting for the internal and external environments that impact the recruitment of new personnel.¹³¹ The environments must be viewed and compared in terms of their strengths and weaknesses as they currently exist and how they would function following a policy change such as the firefighter recruitment screening plan. Appendix G lists internal organizational strengths and weaknesses and external opportunities and threats.

Internal strengths (see Appendix G) that favor the implementation of a new recruitment policy include solid evidence that the current recruitment screening process is not working well and a recent decision by the New Hampshire Fire Standards and Training Commission to investigate the results of the recent studies discussed in Chapter

¹³¹ John M. Bryson, *Strategic Planning for Public and Nonprofit Organizations* (San Francisco: Jossey-Bass, 2004), 123.

II.¹³² It is likely chiefs will recognize the problematic nature and potentially adverse consequences of such inconsistencies. Part I of the survey clearly demonstrated substantial levels of confidence, support and feasibility for many (but not all) of the background check elements. In light of this evidence, the New Hampshire Fire Standards and Training Commission has directed a sub-committee to investigate these findings and determine whether further action should be taken to improve the screening system.¹³³ Both the anticipated response to the evidence and the quick response by the Commission suggest that positive environmental factors exist to support change.

Internal environmental weaknesses (see Appendix G) that create resistance to change include the “local control” phenomenon in New Hampshire and the lengthy bureaucratic process involved with modifying state rules. New Hampshire has become famous as “local control” environment; many politicians and administrators in these communities insist on being the ruler of their own kingdom. Turf battles over education funding and taxation and a state constitutional requirement prohibiting state mandates with local funding requirements are all evidence of this phenomenon.¹³⁴ Because of the conflict between municipal and state agencies, proposed rule changes can become exhausting campaigns. Conflict can be minimized, however, by further establishing a better implementation plan. That plan must be designed to educate constituent groups and supply overwhelming evidence of need. Finally, the plan should seek the help of those with the greatest ability to influence the critics.

External opportunities (see Appendix G) exist due to the recognition by fire service leadership, politicians and the public that the mission of first responders has changed and with that change comes the need to modify the strategy for recruiting and screening employees. Law enforcement has recognized this need as reflected in part by new initiatives in community policing. The federal government has recognized it and initiated an on-going overhaul of its security clearance process. And, in the past twenty

¹³² Rick Mason, Director of NHFST and EMS, e-mail message to author, November 10, 2005.

¹³³ Commissioners Burbank, Williams, Russell and the author have been assigned the task of reviewing the results of the studies and reporting back to the full commission. In addition, the author will present the findings to NH Fire Chiefs at four regional meetings during the spring/summer of 2006.

¹³⁴ State of New Hampshire, *N.H. Bill of Rights, art. 28-a, [Mandated Programs]*, <http://www.nh.gov/constitution/billofrights.html>. (accessed November 12, 2005).

years, many scientific studies have been conducted that support the value of new screening processes. These external factors create opportunities for change and will lead to specific recommendations for implementation of the new strategy.

External threats (see Appendix G) have been identified in previous chapters. In brief, they include knowledge that the current New Hampshire system is not consistently applied, evidence that firefighter arson and other employee criminal activity continue to be a problem, and concerns for the future regarding the potential for the infiltration of the first responder ranks by terrorists or others who might use the position of first responder to do harm.

Identification of the internal strengths and weaknesses and the external opportunities and threats provides a clear picture that suggests a favorable environment for change. The new firefighter pre-employment screening process stands a real chance to win acceptance at all levels of state government, among the rank and file, and especially among the citizens served by these first responders.

The implementation plan should follow six steps:

1. **Establish a Strategy Presentation Team (SPT).** A small team representative of the stakeholders must be established to spearhead the implementation efforts. Implementing change often requires substantial time and the ability to influence people. Many of the people needed to implement changes believe they are already doing a good job of recruiting and screening new employees, however much evidence exists to the contrary.
2. **Share all relevant information- both positive and negative.** The key findings of the 2005 New Hampshire Firefighter Background Check Survey, a review of smart practices, and scientific evidence should be packaged in one presentation and presented by the SPT to stakeholders and the public. The SPT must present this evidence in a balanced format that identifies the positives and negatives of the plan. A strict protocol should be followed. The strategic plan should be presented to the following agencies/stakeholders and in the following order:
 - A. Director of New Hampshire Fire Standards, Training and Emergency Medical Services (NHFST) - this state agency is the purveyor of all rules pertaining to the hiring of firefighters in the state of New Hampshire. As such, all data collected in the survey immediately impact the perception of how this agency conducts its business. This agency is now recognized nationwide for its accredited curricula, state-of-the-art training facilities and desire to

be the leader of the New Hampshire Fire Service. As such, “all roads lead to” NHFST. In order to be successful, the new programs should gain its endorsement and support as an initial step.

- B. Commissioner of the Department of Safety. The Commissioner is the chief safety official in the state of New Hampshire and wields substantial political power, making him a critical ally in furthering the proposed new strategy. He also supervises all state law enforcement officials and has an inherent understanding of both the importance of the background check process and our new first responder mission.
- C. New Hampshire Fire Standards and Training Commission. This sixteen-member commission represents all sectors of the fire service, municipal government, the insurance industry, and the Attorney General’s Office.¹³⁵ It is responsible for making recommendations to the legislative rule-making committee; without such a recommendation any rule change would be extremely difficult.
- D. Participants in the New Hampshire Fire Service Background Check Survey. Fifty-one out of fifty-eight fire departments employing full-time career firefighters participated in the survey and many of their chiefs have expressed a desire to attend a briefing on the findings. Four such briefings will be scheduled: in the north-country, the coast, southern New Hampshire and the upper valley (representing the four regions of the state).
- E. The New Hampshire Association of Fire Chiefs (NHAFC). While the NHAFC has representation on the Commission it is critical to reach out to the membership as a whole. This would best be accomplished by initially approaching the Executive Board and requesting a committee vote of support before the entire body. Because most of the members participated in the survey and most would have attended one of the briefing sessions noted above, it is likely that there would be substantial state-wide support for the proposed strategy change.
- F. NHAFC Legislative Committee. This committee reviews all proposed changes to state rules and laws that pertain to the fire service. A professional lobbyist represents the group at hearings and provides guidance on the legislative and rule-making process. As recommended changes make their way before the legislative rule committee, this group’s support will become key to successful passage and adoption of the strategy.

¹³⁵ *New Hampshire Revised Statutes Annotated, Title I, Chapter 21-P:26*, (2004), <http://www.gencourt.state.nh.us/rsa/html/I/21-P/21-P-26.htm>. (accessed November 11, 2005).

- G. The Professional Firefighters of New Hampshire (PFFNH). This is the state union representing the locals for all of the organized fire departments in the state. While state law does not allow the PFFNH to represent probationary employees or firefighter candidates, it is an important ally and partner in furthering legislative initiatives. It retains significant political power and is also represented on the NHFST Commission. Of the various groups, it is the PFFNH who may be the most reluctant to endorse such a strategy change. Some of its potential concerns are articulated in the sections that follow.
 - H. The State Attorney General's Office. The Attorney General must support this strategy. Concerns will be expressed regarding invasion of privacy and an increased chance of employment discrimination. Without the Attorney General's supporting legal opinion these challenges may be insurmountable.
 - I. The public and the media. The public must have confidence that the new strategy improves the level of service it receives without dramatically increasing costs. It is also the public that applies for these jobs in the fire service; if large numbers of citizens are turned down for public safety careers because they fail background checks, there will be a growing number within our communities disenfranchised by the agencies that are supposed to protect the public. The media will play an important role as the strategy proposals are presented. While there are no guarantees that the media or the public will support these initiatives, it is definitely true that if they perceive some information is hidden from them, it will substantially increase the chances they will fight any change to the current system.
- 3. **Request official support from agencies listed above.** Following the briefings, the presentation team should ask for an official decision of support from the group. Such official support begins the process of "refreezing" or establishing new acceptable patterns of behavior, which is critical to the implementation of a new strategy.¹³⁶
 - 4. **Solicit Fire Departments for a pilot study and measure the results.** Given the number of agencies and individuals necessary to gain state-wide support for rule changes, it is imperative that a pilot study be initiated. Thus, the benchmarks and performance measures can be used to measure the success of the program against a control group (those departments not participating in the study¹³⁷). Any positive outcomes should be contrasted

¹³⁶ John M. Bryson, *Strategic Planning for Public and Nonprofit Organizations* (San Francisco: Jossey-Bass, 2004), 48.

¹³⁷ Ideally the control and new intervention groups would be assigned randomly to prevent potential differences occurring due to the more progressive departments opting for participation. Another option is to use time series analysis where each department would serve as its own control coupled with conducting similar analyses on those departments that chose not to participate.

with any increased costs. These results can be used to support the need or lack thereof to change state rules.

5. **Establish three policy options.** Benchmark analysis and the performance measures will provide results that either clearly support the strategy change, clearly refute the need for a strategy change or provide mixed results. Based on stakeholder opinion one of three policy choices will emerge.
 - A. Increased compliance with existing rules: Part II of the survey showed a lack of consistency in how each department performed screenings. Thus, regardless of performance outcomes in the pilot study, this failure to follow state rule needs to be corrected. If the results of the pilot study showed that the new system was neither cost nor risk effective then simply increasing compliance with existing rules would further the goals of the new screening process.
 - B. Seek to improve the new strategy and re-implement with pilot departments: If the results of the initial pilot study are inconsistent, then the participating departments must be assessed to determine whether they followed the new strategy precisely. If they did, then participants must look to see if there are new ways to improve the process and endeavor to implement and reassess them. If they did not follow the new strategy, then they must implement corrective action and re-evaluate.
 - C. Implement mandatory participation for all departments employing fulltime career personnel: Should the pilot study indicate that the new strategy is a cost effective means of reducing risk, then the strategy should be fully implemented.
6. **Continually re-evaluate.** All strategies must undergo continuous assessment and adjustment. The environmental factors that now require us to change are likely to necessitate change in the years to come. We should not wait ten years to discover yet again that we are behind in strategies and procedures to ensure mission readiness. Continuing assessment should be institutionalized as part of the on-going strategy for improvement.

An implementation plan is as important as the strategic plan. The environmental assessment of the internal strengths and weaknesses, as well as the external opportunities and threats, reveals a political landscape ready for change. A carefully-crafted and -executed implementation plan and thorough assessment of the pilot study would allow the state to choose the appropriate future direction of the fire service's recruitment and screening efforts.

H. IDENTIFYING THE BARRIERS

The information and evidence presented in this paper should be sufficient to overcome the arguments against establishing a new strategy for conducting background checks on firefighter candidates. Nonetheless, objections are likely to focus on a lack of staff time and budget to support the new programs, a shrinking market of eligible candidates, the potential for the strategy to eliminate potentially good employees and the fear of privacy intrusion. The list of concerns may grow as the plan is presented to the stakeholder groups. On the other hand, useful counter-arguments can be postulated.

With respect to cost and need for staff time, while it is likely that both factors will increase slightly at the outset of the program, they should decrease over time as the department benefits from reduced employee misbehavior and increased productivity. The Strategic Analysis for Firefighter Candidate Screening (Appendix D) outlines staff time and provides a framework for establishing budget commitments for a typical fire department in New Hampshire. Any increased commitment should be weighed against staff time and budget savings related to reduced disciplinary issues and negligent hiring expenses. No scientific data exist to support this claim specifically in the fire service; Bosshardt identified sixteen studies, however, demonstrating pre-employment screening procedures improved job performance or productivity. The studies were separately authored and conducted between 1953 and 1987.¹³⁸ It is therefore likely that the benefits will be almost immediate and sustained.

The potential for a shrinking market of eligible candidates and the subsequent difficulty in filling vacancies is a legitimate concern even if it is only potential rather than real. It is reasonable to assume that if screening procedures become more rigorous that fewer candidates will qualify for positions. Two factors may help mitigate those concerns. First, paying an employee at time-and-a-half is more expensive than paying a full-time employee straight time plus the cost of benefits. That gap is narrowing for most communities as the cost of benefits such as health care (of which a large percentage is paid by most employers) continues to increase. So, firefighter vacancies do cost

¹³⁸ Michael J. Bosshardt, "Does the DoD Personnel Security Program Have Economic Benefits for Participating Companies? A Review and Conceptual Analysis" (Minneapolis: Personnel Decisions Research Institutes, Inc., 2001), 21.

communities additional dollars, but those costs are substantially lower than the perceived cost of an additional fifty percent of wages for a full-time firefighter to cover the vacancy created because the new screening process causes delays in filling positions. Further consideration must be given to the anticipated savings of avoiding 1) negligent hiring suits, 2) discipline arbitration cases and 3) the staff time necessary to support those consequences of incomplete screenings.

Second, for critics to assert that the firefighter candidate market will be “tapped out” because more candidates will fail screenings incorrectly assumes that the fire service is now fully tapping the existing market. Evidence does not exist to support this claim. There are potential markets of qualified employees comprised primarily of women and minorities that remain untapped, particularly in New Hampshire. This would suggest that the initially available pool of candidates is larger than the pool of candidates from which New Hampshire fire departments usually draw. Forcing New Hampshire fire departments to seek under-recruited candidate markets may have the derivative benefit of furthering equal employment opportunity goals.

Third, critics may express concern that the proposed new strategy for conducting background checks may cause some candidates to “wash out” when they might have made good employees. This author has not found evidence to substantiate the claim, yet it is a plausible assumption. The fire service must recognize that this as an inevitable and acceptable cost of potentially preventing a catastrophic incident due to hiring a bad candidate. There is no perfect system; if this statement is true then all systems will either fail to screen out some bad candidates, fail to hire some good candidates or fail at both, at least some of the time. Because it is presently impossible to design a perfect screening system, the proposed system must be designed to fail with a consequence less harmful overall to the community and the fire department. This is basic risk management. Of course, the system must be legal and fair; by implementing systems that allow candidates to challenge hiring decisions, keeping the process open to public scrutiny and meeting the SIOP’s standards for fairness, fire departments will be following an ethical standard acceptable to the citizens they serve.

Fourth and lastly, critics may raise issues related to privacy. The strategy must take a balanced approach to privacy matters, and by doing so overcome any potential concerns about invasions of privacy. Automated screening systems that rely on data mining are particularly susceptible to public criticism that privacy rights are being violated. Adequate checks and balances must be implemented along with any specific new procedure in the hiring process. The Fair Credit Reporting Act requires that before a potential employer takes any negative action based upon an apparently bad credit history check, the candidate has the right to know that information and refute it; a criminal record check that reveals a felony conviction must allow the candidate an opportunity to confirm its veracity.¹³⁹ In short, each element must be transparent to the candidate in terms of findings. This not only increases fairness, it increases the likelihood that all information is accurate and complete. By using electronic means to gain information, a fire department will more likely be consistent in its application of entrance standards. The New Hampshire Background Check Survey revealed substantial inconsistency in the application of background check elements from one candidate to another, so it is likely that this shortcoming will be improved.

I. CONCLUSION

The proposed new model screening policy, if adopted, will benefit the citizens of New Hampshire by providing fire departments with a tool to help field the best possible team of firefighter candidates. Yet it is still a small first step. If the performance measures outlined in this chapter demonstrate positive outcomes, then the model should be considered for nationwide fire service adoption. Other first responder disciplines, including public health occupations, should also consider the value of improved screening programs. As more agencies adopt this strategy, increased pressure will be placed on the personnel required to keep these programs working and up-to-date. This could create a screening backlog.

As a result of the increased demand to conduct background investigations after September 11, 2001 (e.g., TSA employees, linguists, etc.) the amount of time government

¹³⁹ Federal Trade Commission, "The Fair Credit Reporting Act," 15 U.S.C. 1681, <http://www.ftc.gov/os/statutes/fcra.htm#606/> (accessed February 5, 2006).

organizations had to wait for background checks on their employees and contractors significantly lengthened, as the demand for those services exceeded capacity. This resulted in expanding an existing backlog of clearance investigation requests. There were several contributing factors: a burgeoning workforce in homeland security mission areas (personnel that need security clearances); greater staff time needed to improve the adjudication process since 9/11; inability to add meaningful numbers of adjudicators to the system due to a finite number of training programs; the relocation and resulting confusion from the transfer of over one thousand employees from various organizations to the Office of Personnel Management (OPM); requests for unnecessary security clearances that increase employees' and contractors' marketability; and poor managerial efficiency in matching security-cleared personnel to those jobs and tasks requiring such clearances.¹⁴⁰

The Defense Personnel Security Research Center (PERSEREC) has been working on an approach that has the potential to make the process far more effective and efficient. They have developed an Automated Continuing Evaluation System (ACES), which draws in data from twenty-eight commercial and government databases and then applies decision logic based upon the inputs of expert adjudicators.¹⁴¹ Only about four percent of the cases require human review, making this system highly efficient.

Currently ACES is being applied only to continuing evaluation cases (i.e., those where the subject already holds a security clearance). Periodic reinvestigations are conducted every five years for people holding TOP SECRET level clearances, every ten years for people holding SECRET level clearances, and every fifteen years for people

¹⁴⁰ *DOD Personnel Clearances; Additional Steps Can be Taken to Reduce Backlogs and Delays in Determining Security Clearance Eligibility for Industry Personnel*, by United States General Accounting Office (Washington, D.C.: Government Printing Office, 2004), 1; www.gao.gov/cgi-bin/getrpt?GAO-04-632 (accessed March 27, 2005). The Personnel Security Managers' Research Program, "Expanding Federal Polygraph Programs" (June 2001), 2, <http://www.navysecurity.navy.mil/polyprog.htm>. (accessed March 4, 2005). In a telephone interview with Ron Tippa, who is a user of the OPM's security clearance process, he revealed that, "...there is a tendency for everyone to want a [security] clearance..." and he further stated that this was most likely due to workers wanting to "pad" their resumes. He reports that this has the effect of log-jamming the system.

¹⁴¹ Daniel Youpa, Joanne C. Marshall-Mies, Eric Lang, and Ralph M. Carney, "Initial Development of a Department of Defense Adjudication Decision Support System" (Monterey, Ca: Defense Personnel Security Research Center, 2004), 1.

holding CONFIDENTIAL level clearances. The longer the period between checks the greater the window of vulnerability; ACES is designed to reduce that vulnerability by identifying issues of security concern between the normal periodic reinvestigation cycle.

The approach utilized by ACES has the potential to dramatically reduce the burden placed on human resources throughout the personnel security system. SECRET level security clearances and interim TOP SECRET level clearances are based upon a review of the subjects' personnel security questionnaires, a National Agency Check (i.e., a check of certain Federal databases, a credit check, and a local agency check. Essentially, these are the same checks being performed by ACES. Therefore, a process that often takes months before people are granted SECRET or TOP SECRET interim level clearances could be accomplished literally in seconds as this enterprise system queries or mines a very large number of databases, applies the required analysis and provides instantaneous results indicating whether an individual is cleared or will require further effort by human investigators or adjudicators.

A similar system would work for employee screenings for first responders. The PERSEREC ACES model would bring additional value in developing a pre-employment screening system for fire service personnel in New Hampshire. By applying similar standards to the development of rules that establish job relatedness, and identifying databases relevant to those job characteristics we could construct an enterprise system based on sound risk management principles that would similarly improve the efficiency and fairness of background checks for fire service personnel. At some point in the future, it might be desirable to consider implementing some form of automated continuing evaluation process for fire service personnel. For example, it might be beneficial to check whether incumbent firefighters have been arrested for serious criminal acts, have had their driver's license revoked or suspended, or been engaging in other behaviors that might necessitate intervention. When transgressions occur outside of the area served by the firefighter they are less likely to come to the attention of the chief of department.

Before considering these larger scale measures, however, the fire service must begin the long journey to improve the hiring strategy with smaller and simpler steps.

Prior to implementing automated resource systems, the more basic system recommended in Appendix A should be implemented on a smaller scale. Once that version proves itself then the value can be exported to other states and then to other disciplines.

Policy Analyst Eugene Bardach posits that new policies should take advantage of something good.¹⁴² This new strategy does that; it takes from principles proven to work scientifically and processes that are best practices with historic relevance; it utilizes lessons learned from studies; and it ensures consistency, fairness, recourse and thoroughness. By generating consistency from department to department and candidate to candidate, by ensuring candidates are held to standards that are relevant to their job duties, and by training fire department staff officers in the use of this new strategy and policy, operational forces will be selected that are more physically and mentally prepared to lead and manage both the existing mission and the new expanded mission in the enduring war on terror.

¹⁴² Eugene Bardach, *A Practical Guide for Policy Analysis* (Washington, D.C.: CQ Press, 2005), 139.

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APPENDIX A

MODEL FIREFIGHTER CANDIDATE SCREENING POLICY AND PROCEDURE

PURPOSE

This model screening policy and procedure is intended to serve as a template for fire departments to adopt either in part or as a whole as they work to improve their own hiring procedures. The policy is based on needs established by survey results, literature review, and program evaluations and comparisons. It is designed for use in the state of New Hampshire because it follows that state's current legal standards and uses class specifications typical for firefighters in New Hampshire. Only modest changes should be necessary to account for regional differences, and therefore much of this policy would be applicable to the fire service throughout the United States.

The hiring of personnel is one of the most important functions of a fire department because human resources are more responsible for mission success than any other aspect of the operation. As such, all fire departments should follow these principles in managing this program:

1. Assign senior management personnel to lead the program. Major elements of the program should not be delegated to inexperienced staff without significant oversight;
2. Those serving in the functional positions such as adjudication officer, investigation officer, polygrapher and medical authority (fire department physician), should receive at minimum all required training specific to their duties and possess any required certifications or licenses;
3. Specific policies recommended here or adopted by the fire department must be reviewed by the legal council for the community using the policy;
4. Performance Measures should be established to monitor the effectiveness of the program.

MODEL POLICY STATEMENT

The _____ Fire Department applies the “whole person” standard in screening candidates for the position of firefighter. Positive and negative behaviors shall be evaluated, and reasonable standards shall be applied in choosing the best candidates to fill vacant positions. Candidate attributes will be assessed based on those skills, abilities and traits necessary to serve the public in the role of firefighter. It is further recognized that a highly competent and diverse work force is better capable of serving the needs of our citizens. All federal, tribal, state and local equal employment opportunity guidelines and other applicable laws will be in full force in this policy.

PROCEDURE

Step 1 PRESCREENING PROCEDURES¹⁴³

Step 1a. Identify vacant positions and relevant timetable issues- While this task is relatively easy in smaller organizations it is much more complex in larger ones. Multiple vacancies require identifying a large pool of candidates from which to choose. Timing issues may be critical due to budgetary considerations (e.g., the need to conduct orientation training in groups, the availability of training facilities and a number of other factors). Advance planning will facilitate the process and perhaps save expenses by hiring in groups rather than one at a time.

Step 1b. Establish local eligibility requirements- Each jurisdiction must comply with state and federal standards. Each locality may exceed standards, however, so long as federal laws are followed. These additional requirements must be formalized in writing and reviewed by the community’s legal counsel. Further, all standards must be applied equally within the pool of candidates.

Step 1c. Advertise and recruit- In order to ensure a quality pool of candidates and to maximize the diversity of the candidates a pro-active effort should be made to reach out beyond the community. Resorting to traditional means of advertising such as

¹⁴³ It is not the intent of this policy to thoroughly address all pre-screening procedures. However, failure to follow a few key steps in the pre-screening process can adversely impact the screening steps that follow. For example, if a fire department does not identify local eligibility requirements before publicly posting the entrance examination procedures, then they risk spending much staff time screening unqualified candidates.

the Sunday regional newspaper, while important, seriously limits the candidate pool and can be very costly compared to more efficient means such as posting on internet web sites, trade journals, and communication vehicles used by relevant professional associations, women's organizations and minority groups.

Step 1d. Public posting- The recruitment effort should include a public posting that provides a significant level of detail about the job and its requirements or directs the applicant to a website that provides this information. The posting should further require the candidate to submit an application by a specific deadline. This will provide the testing agency with verifiable numbers to ensure proper facility arrangements.

Step 1e. Pre-test briefing- All candidates will be given the opportunity to attend a briefing at least one month prior to the testing date, at which time they will have the opportunity to see the physical ability testing stations and have all steps of the examination and screening process explained.

Step 2 STATE-MANAGED SCREENING PROCEDURES

Step 2a. Submission of test application documents- The application will require further documentation, such as written verification from a physician, that the candidate is fit to take the state physical ability test.

Step 2b. State written examination- State rule requires a written examination. All "full-time career fire personnel" candidates should be tested using a state or regional (but state-approved) proctored and administered written examination. The examination must be a valid instrument and designed to measure job attributes. Only in special circumstances (such as a community that employs public safety officers with both fire and law enforcement responsibilities) should a city be allowed to deviate from this requirement and only with the approval of the appropriate state agencies or commissions. All candidates must follow strict testing protocol including presenting the required identification prior to entering the testing facility. The state shall establish the passing grade for the examination.

Step 2c. State physical ability examination- All candidates who pass the written examination will be required to take and pass the state physical ability examination (Candidate Physical Ability Test [CPAT]).¹⁴⁴

Step 3 SCREENING PROCEDURES- Documentation Requirements

All candidates who are ranked on a state firefighter candidate roster may apply for a position in a local jurisdiction. The local jurisdiction should provide on-line registration for each firefighter candidate. Following on-line registration the candidate will be required to submit an application packet that will include:

Step 3a. Notarized “Authorization to Release Information Form”- This form allows the fire department to access personnel information during the background check (for an example of such a release see Appendix H).

Step 3b. “Personal History Form”- (For a sample personal history form, see Appendix I) Special note: The Personal History Form shall not request information regarding the candidate’s medical history.

Step 3c. “Driving Record Authorized Release Form”- The candidate is required to provide the jurisdiction with an official driver history from each state in which the driver has resided for the previous ten years or since the candidate was sixteen years old.

Step 3d. “National Criminal Information Check Authorization”- The candidate will supply a written authorization for the jurisdiction to conduct an NCIC check.

Step 3e. “Military Form DD-214”- Candidates who have served in the U.S. military will supply the fire department with a military DD-214 form.

Step 3f. Personnel file from previous employer-¹⁴⁵ Candidates shall obtain a sealed copy of their personnel file from their previous employer. This file should not include medical information.

¹⁴⁴ The requirements of CPAT are described in the “Fire Service Joint Labor Management Wellness/Fitness Initiative.”

Step 3g. Credit History- The candidate shall provide the fire department with a hard copy credit report from an approved credit rating agency. All provisions of the Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681 et seq. will be adhered to, including notification that the candidate's credit record will be checked and, in the event of negative information, that the candidate will be informed of that fact and of how he or she may obtain a copy of that same credit information.

Step 3h. Verification/documentation of required certifications including- All required certifications claimed by the applicant will be verified, including: Firefighter I, II and Career; appropriate emergency medical services certification (EMT-B minimum); Hazardous Material Operations; NH EMS Provider License.

Step 3i. Copy of Birth Certificate.¹⁴⁶

Step 3j. Copy of Current Driver's License.

Step 3k. Provide an official finger print record. Candidates must provide a full set of readable fingerprints (10 fingers plus palm prints) captured using an FBI-approved Livescan unit or a state of New Hampshire-approved paper fingerprint card.

Step 3l. Copy of High School and College Transcripts.

Step 3m. Copy of Diplomas and Certificates.

Step 3n. Copy of Social Security Card.

Step 4 LOCAL JURISDICTION SCREENING PROCEDURES

Step 4a. Documentation and certification review- All records in the candidate's documentation file shall be thoroughly reviewed for completeness and consistency. A "Candidate Tracking Form" shall be used to establish a screening record

¹⁴⁵ Many public and private companies have, or claim to have, policies that forbid providing personnel files or other employment information except verification of dates hired. In these cases it is strongly encouraged that the waiver form be sent or faxed to verify the candidate's permission. Two other options exist: ask the candidate to obtain a copy of the file and provide it, knowing that he/she could alter the contents; or have the investigator travel with the candidate to the previous place of employment and ask for the copy in person.

¹⁴⁶ An original stamped birth certificate must be presented to a department authority and a copy must be provided for the file.

of each candidate (for a sample “Candidate Tracking Form” see Appendix J). Special care must be taken to establish a complete picture of the candidate’s background. The criminal and driver record shall be thoroughly reviewed. Gaps in history, inconsistencies, and information calling into question the candidate’s character or trustworthiness must be identified on the Candidate Tracking Form for follow-up. The Investigation Officer shall be responsible for the candidate files and tracking form and report any questions to the oral board for follow-up.

Step 4b. Oral Board Examination- The local jurisdiction shall determine the number of candidates it will test in an oral board examination. The oral board shall use a scoring sheet that utilizes assessment criteria related to the attributes of the job. Each candidate shall have the opportunity to review the official scoring sheet after the roster is established. The roster should establish the candidates in a rank order consistent with how they scored on the oral board examination. The oral board will also pursue any inconsistencies or questions identified by the Investigation Officer during the documentation and certification review in step 4a.

Step 4c. Other Exams- The local jurisdiction may use additional testing techniques such as assessment centers.

Step 5 SCREENING PROCEDURES- Investigation

A trained investigation officer shall be assigned to conduct a thorough investigation of each candidate. This part of the screening procedure should be considered a fact-finding and information-gathering mission only. Both positive and negative attributes must be identified as they relate to the position. It is strongly recommended that at least three candidates be reviewed for each position.

In small departments a deputy or assistant chief may function as the investigation officer. Fire departments may choose to hire an outside source or use their local police department. In larger organizations the investigation officer may be a staff officer or shift commander.

Step 5a. Pre-Employment Polygraph Examination- Each candidate must undergo a polygraph examination using a trained polygrapher and accepted best practices. There shall be a pre-test, the polygraph exam, and a post-exam interview. The pre-polygraph test shall be tailored to the fire service. While the firefighter candidate polygraph examination is very similar in nature to those used for law enforcement screening, the polygrapher must be trained to understand the attributes of the firefighter's job, the state rules governing firefighter entrance requirements and the adjudication procedures used for firefighters (see step 7b). No questions should be asked regarding the candidate's medical history. Following the polygraph, the polygrapher should file a written report with the Investigation Officer that provides one of the following classifications to the candidate: "low risk," "medium risk," or "high risk." No polygraph test result shall be used to find a candidate "ineligible for employment." Rather the information shall be used to guide the investigation officer to additional sources or witnesses in order to verify or corroborate information. The candidate should be given the opportunity to withdraw from the hiring process at any time during the polygraph without prejudice. A "Voluntary Withdrawal Form" should be signed by the candidate if he/she chooses to do so (for a sample "Voluntary Withdrawal Form," see Appendix K).

Step 5b. Investigation Officer Interviews of Candidate Contacts- The trained Investigation Officer shall interview an appropriate sampling of contacts provided by the candidate on the "Personal History Form." Good judgment must be used by the investigator to determine exactly which contacts should be interviewed and every effort must be made to identify others who might provide valuable information, but whose names were not supplied by the candidate. Each contact should be questioned as to whether they are aware of others with relevant information who should be interviewed. The chief of any fire department for whom the candidate has previously worked shall be interviewed.¹⁴⁷ All previous supervisors, chiefs of security at colleges, landlords, and co-habitants should be interviewed. Notes detailing positive and negative findings should be kept on a contact interview form (for a sample form, see Appendix L). In cases where

¹⁴⁷ It may be impractical to interview the chief of large urban fire departments where the chief rarely has contact with lower level employees. In such cases the senior divisional or battalion chief having previously supervised the candidate must be interviewed. The criticality of this step cannot be overstated. Many candidates may present with favorable findings from multiple sources except the managerial level personnel at previous places of employment.

the investigator questions the veracity of the information being provided, or suspects the contact may have critical information, he or she should make every effort to meet with the witness/contact in person. Otherwise, most of the interviews may be conducted by telephone. The investigator must be confident that all persons who may have relevant information have been contacted. If at any time the investigation officer finds legitimate information or facts that would automatically disqualify the candidate (see red case examples), the investigator must present the file and a report to the adjudication officer.

Step 5d. Investigation Officer Report- The investigation officer must document the findings, ensure that the “Candidate Tracking Form” is updated, and present a report of findings to the Adjudication Officer. It is critical that any information regarding the candidate’s medical history revealed inadvertently during the investigation not be included in the report to the Adjudication Officer. Such information should be forwarded in a separate report to the Medical Authority (Fire Department Physician). The Americans with Disabilities Act is very specific that: first, a conditional offer of employment must be made to the candidate prior to the medical exam (an exception is the medical exam required to qualify the candidate to take the CPAT exam); and second, that “...a job offer is not considered ‘bona fide’ under the ADA, unless an employer has evaluated all relevant non-medical information which, from a practical and legal perspective, could reasonably have been analyzed prior to extending the offer.”¹⁴⁸ Law Enforcement agencies under certain circumstances are allowed, under the ADA, to extend a conditional offer of employment, then conduct the physical exam, and then conduct the background check and polygraph exam. Because of the cost of performing the NFPA physical, and because the physician is the authority who should evaluate medical issues, it is recommended in this procedure to conduct the background check first to make certain that no medical inquiries are made except by the physician during the pre-placement medical evaluation (step 9).

¹⁴⁸ United States Department of Justice, "Questions And Answers: The Americans With Disabilities Act And Hiring Police Officers," *ADA Homepage*, <http://www.usdoj.gov/crt/ada/copsq7a.htm>. (accessed February 9, 2006).

Step 6 ADJUDICATION PROCEDURES¹⁴⁹

The adjudicative process is an examination of a candidate's personal and professional history and the determination as to whether he or she is suitable for employment as a firefighter. The "whole person concept" must be applied, meaning both positive and negative current and past factors must be evaluated. In reviewing these behaviors the following qualifiers should be considered:

1. The nature, extent, and seriousness of the conduct;
2. The circumstances surrounding the conduct, to include knowledgeable participation;
3. The frequency and recency of the conduct;
4. The individual's age and maturity at the time of the conduct;
5. The voluntariness of participation;
6. The presence or absence of rehabilitation and other pertinent behavioral changes;
7. The motivation for the conduct;
8. The potential for pressure, coercion, exploitation, or duress; and
9. The likelihood of continuation or recurrence;
10. The candidate voluntarily reported the information;
11. The candidate was truthful and complete in responding to questions.¹⁵⁰

The fire service is not looking for perfect candidates. The nature of the job requires individuals who are self-determined and willing to place themselves in harm's way without sufficient information to ensure their own safety or the safety of others for whom they are responsible. The position demands an extremely high level of trust both by co-workers and citizens whose very lives depend on the reliability of the candidate. The candidate must be trusted in situations of duress and where the candidate will be left

¹⁴⁹ A considerable amount of the content and theory applied to the adjudication procedures (section 6) are taken from Richards Heuer's original work, *The Adjudicative Desk Reference*. In many cases entire sections have been used verbatim. Other sections have been modified to more accurately reflect concerns germane to the fire service. A legitimate effort has been made to not deviate too far from Heuer's approach because it has been so successful and is well-respected by government organizations such as the GAO. Richards J. Heuer Jr., *Adjudicative Desk Reference* (Monterey, Ca.: Defense Personnel Security Research Center), <http://www.dss.mil/nf/adr/aboutadr/aboutT.htm>. (accessed December 10, 2005).

¹⁵⁰ Heuer, *Adjudicative Desk Reference*, 1.

unsupervised in the presence of unsecured valuables and victims who are unable to fend for themselves. Fire departments are one of the very few governmental organizations allowed to conduct searches without a warrant.

Each candidate must be judged on the factors pertinent to their case. The final determination as to whether the candidate is “eligible for employment” or “not eligible for employment” rests with the hiring authority in the community for which the candidate seeks the position. In cases where a reasonable determination cannot be made due to insufficient information or unresolved issues, the community must declare the candidate ineligible. The Investigation Officer shall ensure completeness of the candidate file.

Step 6a. Case Classification- Once the Adjudication Officer has received and reviewed the investigation file from the Investigation Officer, he/she will rate the candidates as “Green Case,” “Red Case,” or “Yellow Case” based on the parameters below:

Green Case- The candidate clearly is eligible for employment. In these cases the adjudication officer, following a complete review of the investigation officer’s report, will then declare the candidate “eligible for employment” and proceed to step 7a.

Red Case- The candidate clearly is ineligible for employment due to failure to meet state requirements, or because the candidate:

- A. Has been convicted of a felony by a civilian court or by a military court, whether or not the charge had been annulled or whether a suspended sentence was completed, and for which he or she has never received a pardon;
- B. Has been convicted in a civilian or military court of multiple misdemeanors or violations for which he or she has not received a pardon, and that would indicate to a reasonable person a pattern of disregard for the law;
- C. Has been convicted of or admits to any act of arson while an adult;
- D. Has a substantiated history of violence in the workplace;

- E. Has a history of sexual harassment or discrimination- The individual has been disciplined or found guilty in civil or criminal court of violating equal employment opportunity or sexual harassment laws.
- F. Has been dishonorably discharged from the military service within ten years of application for employment (note- any dishonorable discharge documentation greater than ten years old should be very carefully reviewed to determine the facts of the case as it relates to the candidate's suitability for employment);
- G. Substantiated evidence of cheating on any portion of the entrance examination or any certification test;
- H. Evidence or conviction of stealing at work (that would qualify as a misdemeanor);
- I. Admits to current illegal drug use or activity (within the past six months or since applying for the position, whichever is greater).
- J. Has knowingly made a material false statement in the application process;
- K. Has ever been involved in any act of sabotage, espionage, treason, terrorism, sedition; or is currently associated with any organization or group involved with such acts;
- L. Has ever been involved in any act that is aimed at overthrowing the government of the United States.

In all Red Case determinations, the candidate will be declared, "Ineligible for employment". Proceed to step 10b.

Yellow Case- The third type of classification occurs when there remains a sufficient question that the candidate should be declared "eligible for employment" (automatic green case) or "ineligible for employment" (automatic red case). Proceed to step 6b.

Step 6b. Yellow Case Adjudication Panel- For all yellow cases, the adjudication officer should convene an adjudication panel. The panel should consist of at least three senior ranking fire department officials or in the case of smaller organizations may include members of the personnel department or a town administrator. The panel shall use the following standards to resolve the questions regarding the candidate's eligibility:

Criminal Conduct-

Concern: A history or pattern of criminal activity creates doubt about a person's judgment, reliability and trustworthiness but is not serious enough to automatically disqualify the candidate as a red case.

Conditions that could raise a concern and may be disqualifying include:

- Allegations or admissions of criminal conduct, regardless of whether the person was formally charged;
- A single serious crime or multiple lesser offenses;
- Offenses that were committed while the individual was on duty serving as a firefighter.

Conditions that could mitigate concerns include:

- The criminal behavior was not recent;
- The crime was an isolated incident;
- The person was pressured or coerced into committing the act and those pressures are no longer present in that person's life;
- The person did not voluntarily commit the act and/or the factors leading to the violation are not likely to recur;
- Acquittal;
- There is clear evidence of successful rehabilitation.

Personal Conduct-

Concern: Conduct involving questionable judgment, untrustworthiness, unreliability, lack of candor, dishonesty, or unwillingness to comply with rules

and regulations could indicate that the person may not safely operate in the firefighting environment. The following will normally result in an “ineligible for employment” rating:

- Failure to reliably participate in the required application and screening process, including medical examinations; or
- Failure to complete required employment forms in a timely manner, or provide full, frank and truthful answers to lawful questions of investigators, fire department officials or other official representatives in connection with the background check;
- The individual arrives late to necessary pre-employment commitments without verifiable and legitimate reasons;
- The candidate is rude to staff or others involved in the application, investigation or screening process.

Conditions that could raise an employment concern and may be disqualifying include:

- Reliable, unfavorable information provided by associates, employers, coworkers, neighbors, and other acquaintances;
- Deliberately providing false or misleading information concerning relevant and material matters to an investigator, fire department official, competent medical authority, or other official representative in connection with any employment history;
- Personal conduct or concealment of information that may increase an individual's vulnerability to coercion, exploitation or duress, such as engaging in activities which, if known, may affect the person's personal, professional, or community standing or render the person susceptible to blackmail;
- A pattern of dishonesty or rule violations, including violation of any written or recorded agreement made between the individual and previous employers or educational or certification institutions.
- Association with persons involved in criminal activity.

Conditions that could mitigate employment concerns include:

- The information was unsubstantiated or not pertinent to a determination of judgment, trustworthiness, or reliability;
- The falsification was an isolated incident, was not recent, and the individual has subsequently provided correct information voluntarily;
- The individual made prompt, good-faith efforts to correct the falsification before being confronted with the facts;
- The individual has taken positive steps to significantly reduce or eliminate vulnerability to coercion, exploitation, or duress;
- A refusal to cooperate was based on advice from legal counsel or other officials that the individual was not required to comply with screening requirements and, upon being made aware of the requirement, fully and truthfully provided the requested information;
- Association with persons involved in criminal activities has ceased.

Misuse of Information Technology Systems-

Concern: Noncompliance with rules, procedures, guidelines or regulations pertaining to information technology systems may raise concerns about an individual's trustworthiness, willingness, and ability to properly protect medical record systems, networks, and information. Information Technology Systems include all related equipment used for the communication, transmission, processing, manipulation, and storage of sensitive information.

Conditions that could raise a concern and may be disqualifying include:

- Illegal or unauthorized entry into any information technology system;
- Illegal or unauthorized modification, destruction, manipulation, or denial of access to information residing on an information technology system;

- Removal (or use) of hardware, software or media from any information technology system without authorization, when specifically prohibited by rules, procedures, guidelines or regulations;
- Introduction of hardware, software or media into any information technology system without authorization, when specifically prohibited by rules, procedures, guidelines or regulations;
- Inappropriate access to confidential medical information or the transferring of such information to unauthorized individuals.

Conditions that could mitigate the concerns include:

- The misuse was not recent or significant;
- The conduct was unintentional or inadvertent;
- The introduction or removal of media was authorized;
- The misuse was an isolated event;
- The misuse was followed immediately by a prompt, good faith effort to correct the situation.

Sexual Behavior-

Concern: Sexual behavior is a concern if it involves a criminal offense, indicates a personality or emotional disorder, subjects the individual to coercion, exploitation, or duress, or reflects lack of judgment or discretion. (The adjudicator should also consider guidelines pertaining to criminal conduct; or emotional, mental, and personality disorders, in determining how to resolve the concerns raised by sexual behavior.) Sexual orientation or preference will not be used as a basis for or a disqualifying factor in determining a person's eligibility for employment.

Situations that could raise a concern and may be disqualifying include:

- Sexual behavior of a criminal nature, whether or not the individual has been prosecuted;

- Compulsive or addictive sexual behavior when the person is unable to stop a pattern of self-destructive or high-risk behavior or which is symptomatic of a personality disorder;
- Sexual behavior that causes an individual to be vulnerable to coercion, exploitation or duress;
- Sexual behavior of a public nature and/or which reflects lack of discretion or judgment;
- Participating in inappropriate sexual behavior while on duty at a previous place of employment.

Conditions that could mitigate the concerns include:

- The behavior occurred during or prior to adolescence and there is no evidence of subsequent conduct of a similar nature;
- The behavior was not recent and there is no evidence of subsequent conduct of a similar nature;
- There is no other evidence of questionable judgment, irresponsibility, or emotional instability;
- The behavior no longer serves as a basis for coercion, exploitation, or duress.

Allegiance to the United States-

Concern: An individual must be of unquestioned allegiance to the United States. The role of first responders in homeland security mission areas requires that firefighters be trusted with information regarding critical infrastructure in their communities, pre-response plans and other strategic and tactical information that could be used against the community, state or country.

Conditions that could raise a concern include:

- Association or sympathy with persons who are attempting to commit, or who are committing, any of the above acts;
- Association or sympathy with persons or organizations that advocate the overthrow of the United States Government, or any

state or subdivision, by force or violence or by other unconstitutional means;

- Involvement in activities which unlawfully advocate or practice the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or of any state.

Conditions that could mitigate the concern include:

- The individual was unaware of the unlawful aims of the individual or organization and severed ties upon learning of these;
- The individual's involvement was only with the lawful or humanitarian aspects of such an organization;
- Involvement in the above activities occurred for only a short period of time and was attributable to curiosity or academic interest;
- The person has had no recent involvement or association with such activities.

Financial Considerations-

Concern: An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds. Unexplained affluence is often linked to proceeds from financially profitable criminal acts. As many as 2.3% of the population are “compulsive gamblers” and as many as 66% of compulsive gamblers admit to engaging in criminal behavior to support their debts.¹⁵¹

Conditions that could raise a concern and may be disqualifying include:

- A history of not meeting financial obligations;
- Deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, income tax evasion, expense account fraud, filing deceptive loan statements, and other intentional financial breaches of trust;

¹⁵¹ Richards J. Heuer, Jr, *Compulsive Gambling: Background Information for Security Personnel* (Monterey, California: Defense Personnel Security Research Center), iv, PERS-TR-92-006.

- Inability or unwillingness to satisfy debts;
- Unexplained affluence;
- Financial problems that are linked to gambling, drug abuse, alcoholism, or other issues of concern.

Conditions that could mitigate concerns include:

- The behavior was not recent;
- It was an isolated incident;
- The conditions that resulted in the behavior were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation);
- The person has received or is receiving counseling for the problem and there are clear indications that the problem is being resolved or is under control;
- The affluence resulted from a legal source; and
- The individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts.

Emotional, Mental or Personality Disorders-

Concern: Emotional, mental, and personality disorders can cause a significant deficit in an individual's psychological, social and occupational functioning. These disorders are of concern because they may indicate a defect in judgment, reliability or stability. Other than those concerns identified as red case criteria, all concerns related to this category should be referred in a written report to the physician (medical authority) responsible for conducting the pre-placement medical evaluation. This exam should follow the NFPA Standard 1582, Comprehensive Occupational Medical Program for Fire Departments. Other than information that would qualify as an automatic determination of “ineligible for employment” no information in this category should be used by the adjudicator(s) to determine eligibility. The pre-placement medical exam should only be

performed after a tentative offer of employment is officially extended to the candidate.

In addition to the guidance provided by NFPA 1582, the **medical authority** will be asked to consider the following concerns in determining the candidates fitness for duty:

- An opinion by a credentialed mental health professional that the individual has a condition or treatment that may indicate a defect in judgment, reliability, or stability;
- Information that suggests that an individual has failed to follow appropriate medical advice relating to treatment of a condition, e.g. failure to take prescribed medication;
- A pattern of high-risk, irresponsible, aggressive, anti-social or emotionally unstable behavior;
- Information that suggests that the individual's current behavior indicates a defect in his or her judgment or reliability.

In addition to the guidance provided by NFPA 1582, the **medical authority** will be asked to consider the following mitigating factors in determining fitness for duty:

- There is no indication of a current problem;
- Recent opinion by a credentialed mental health professional that the candidate's previous emotional, mental, or personality disorder is cured, under control or in remission and has a low probability of recurrence or exacerbation;
- The past emotional instability was a temporary condition (e.g., one caused by a death, illness, or marital breakup), the situation has been resolved, and the candidate is no longer emotionally unstable.

Alcohol Consumption-

Concerns: Excessive alcohol consumption often leads to the exercise of questionable judgment, unreliability, and failure to control impulses. Other than

those concerns identified in the red case criteria, all concerns related to this category should be referred in a written report to the physician responsible for conducting the pre-placement medical evaluation. This exam should follow the NFPA Standard 1582, Comprehensive Occupational Medical Program for Fire Departments. Other than information that would qualify as an automatic determination of “ineligible” no information in this category should be used by the adjudicator(s) to determine eligibility. The pre-placement medical exam should only be performed after a tentative offer of employment is officially extended to the candidate.

In addition to the guidance provided by NFPA 1582, the **medical authority** will be asked to consider the following concerns in determining the candidate’s fitness for duty:

- Alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, or other criminal incidents related to alcohol use;
- Alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, or drinking on the job;
- Diagnosis by a credentialed medical professional (e.g., physician, clinical psychologist, or psychiatrist) of alcohol abuse or alcohol dependence;
- Evaluation of alcohol abuse or alcohol dependence by a licensed clinical social worker who is a staff member of a recognized alcohol treatment program;
- Habitual or binge consumption of alcohol to the point of impaired judgment;
- Consumption of alcohol, subsequent to a diagnosis of alcoholism by a credentialed medical professional and following completion of an alcohol rehabilitation program

In addition to the guidance provided by NFPA 1582, the **medical authority** will be asked to consider the following mitigating factors in determining fitness for duty:

- The alcohol related incidents do not indicate a pattern;
- The problem occurred a number of years ago and there is no indication of a recent problem;
- Positive changes in behavior supportive of sobriety;
- Following diagnosis of alcohol abuse or alcohol dependence, the individual has successfully completed inpatient or outpatient rehabilitation along with aftercare requirements, participates frequently in meetings of Alcoholics Anonymous or a similar organization, has abstained from alcohol for a period of at least 12 months, and received a favorable prognosis by a credentialed medical professional or a licensed clinical social worker who is a staff member of a recognized alcohol treatment program.

Drug Involvement-

Concerns: Improper or illegal involvement with drugs or drug abuse or dependence may impair social or occupational functioning and increase the risk of on-duty injury to the firefighter or others on the team. Drugs are defined as mood and behavior altering substances and include: (1) Drugs, materials, and other chemical compounds identified and listed in the Controlled Substances Act of 1970, as amended (e.g., marijuana or cannabis, depressants, narcotics, stimulants, and hallucinogens), and (2) Inhalants and other similar substances. Drug abuse is the illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction. Other than those concerns identified in red case criteria, all concerns related to this category should be referred in a written report to the physician responsible for conducting the pre-placement medical evaluation. This exam should follow the NFPA Standard 1582, Comprehensive Occupational Medical Program for Fire Departments. Other than information that would qualify as an automatic determination of “ineligible for employment” no information in this category should be used by the adjudicator(s) to determine

eligibility. The pre-placement medical exam should only be performed after a tentative offer of employment is officially extended to the candidate.

In addition to the guidance provided by NFPA 1582, the **medical authority** will be asked to consider the following concerns in determining the candidates fitness for duty:

- Any drug abuse (see above definition);
- Illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution;
- Intentional misuse of drugs at a former place of employment;
- Diagnosis by a credentialed medical professional (e.g., physician, clinical psychologist, or psychiatrist) of drug abuse or drug dependence;
- Evaluation of drug abuse or drug dependence by a licensed clinical social worker who is a staff member of a recognized drug treatment program;
- Failure to successfully complete a drug treatment program prescribed by a credentialed medical professional.

In addition to the guidance provided by NFPA 1582, the **medical authority** will be asked to consider the following mitigating factors in determining fitness for duty:

- The drug involvement was not recent;
- The drug involvement was an isolated or aberrational event;
- A demonstrated intent not to abuse any drugs in the future;
- Satisfactory completion of a prescribed drug treatment program, including rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a credentialed medical professional.

Step 6c. Adjudication Team Decision- Adjudication panel sessions are typically very brief. The Adjudication Officer will present the case to the panel. Once the Adjudication Team has reviewed the investigation information in the context of the

adjudication standards a decision will be made regarding candidate eligibility. For candidates deemed “eligible for employment” proceed to step 7a. For candidates deemed “ineligible for employment” proceed to step 10b. If at this time the team is unable to reach consensus, the candidate will automatically be deemed “ineligible for employment” and the team will proceed to step 10b.

Step 7 FINAL STAFF REVIEW

Step 7a. Establish Final Eligibility List- An eligibility list should now be established of all the candidates that are “eligible for employment” and qualified to continue on in the hiring process.

Step 7b. Final Interview- A final staff interview may be conducted with those on the eligibility roster to assist in establishing a final hiring roster in rank order.

Step 8 CONDITIONAL OFFER OF EMPLOYMENT

Step 8a. Conditional Job Offer- At this time the hiring authority should tender a job offer to the best candidate (choice of top three available on the roster). The offer is contingent upon the candidate successfully passing the pre-placement medical evaluation (step 9).

Step 9 PRE-PLACEMENT MEDICAL EXAMINATION

Step 9a. Documentation and Communication with Fire Department Physician- The Investigation Officer shall forward to the fire department physician (medical authority) a letter that specifically relays any evidence of medical conditions found during the investigation phase. This might include any accusations of psychiatric conditions, alcohol or drug histories, or information about previous injuries or illnesses that might call into question the candidates ability to perform the essential functions of the job. The physician will follow NFPA Standard 1582 and be provided with:

- all relevant medical information;
- a copy of the class specification (job description);

- a copy of the essential functions of the job as outlined in NFPA 1582.

Step 9b. Fitness for Duty Letter- The physician will provide the hiring authority with a finding of “fit for duty,” “not fit for duty,” or “fit for duty with accommodation.” If determined to be fit for duty, then proceed to step 10a. If deemed unfit for duty, then proceed to step 10b. In cases of “fit for duty with accommodation” the hiring authority shall determine whether the accommodation requested is “reasonable.”

Step 9c. Accommodation Determination- In cases where the fire department needs to determine accommodation issues, it is recommended that the community authority on personnel matters be consulted. If the community determines that it is unable to accommodate then proceed to step 10b. If the community determines it is able to accommodate then proceed to step 10a.

Step 10 WRITTEN COMMUNICATION TO CANDIDATE

At this step the hiring authority should send a letter to the candidate confirming employment or rejecting the candidate from further consideration.

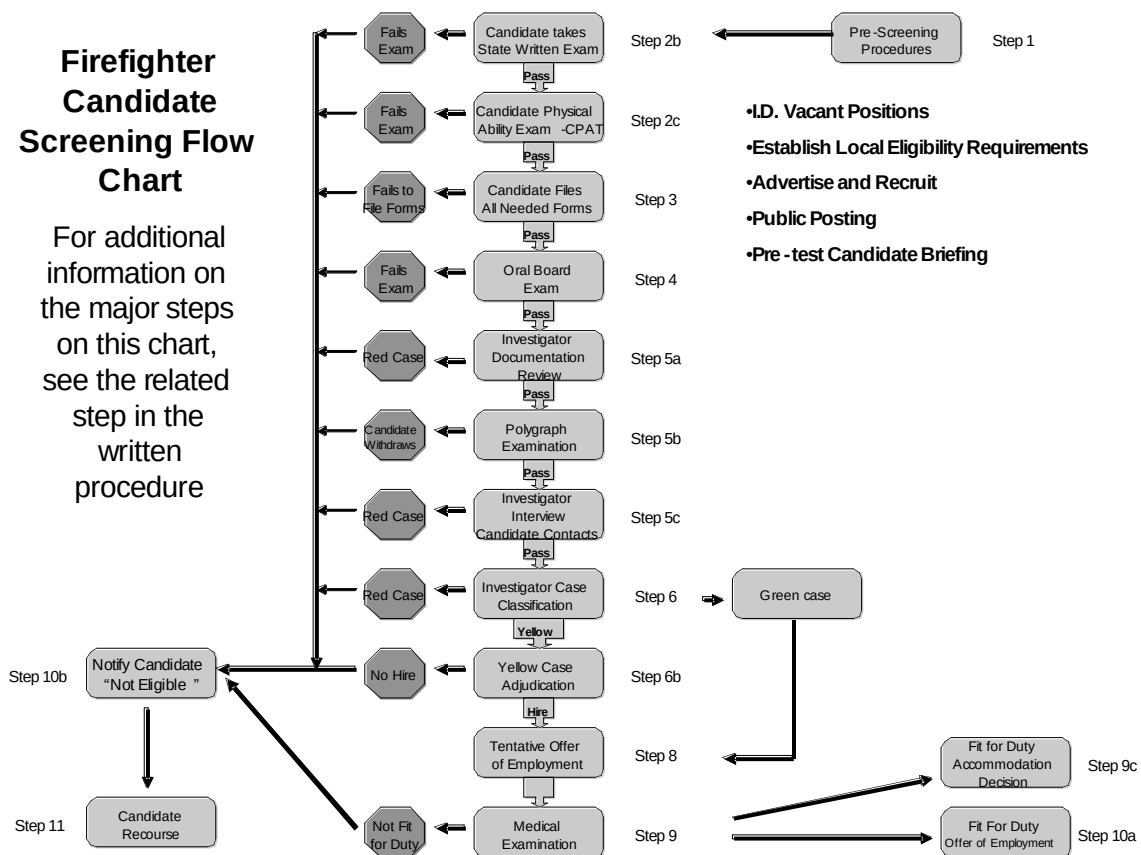
Step 10a. Offer of Employment.

Step 10b. Send Rejection Letter.

Step 11 CANDIDATE RECOURSE

All candidates deserve some explanation for why they were determined to be “ineligible for employment.” This has been the source of much controversy and communities are not required to provide much in the way of information. On the other hand, it may be of great benefit to the candidate to understand what characteristics or issues prevented them from being hired. While the candidate may be disappointed, he or she ultimately has the opportunity to improve the chances of future employment by coming to grips with shortcomings and taking action to correct them.

Specific evidence is not required to be provided, but the employer should not leave the candidate guessing. A post interview is beneficial and should start by the employer asking the candidate what areas they felt were of concern. In many cases the candidate will correctly identify these issues. An effort should be made to provide the candidate with suggestions on what they can do to improve their potential to be a firefighter.



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APPENDIX B

THE NEW HAMPSHIRE FIREFIGHTER BACKGROUND CHECK SURVEY INSTRUMENT AND DATA

BLANK SURVEY INSTRUMENT

The attachment below is the blank survey instrument e-mailed out to fifty-eight fire chiefs.

NH Fire Service Firefighter Background Check Survey

Instructions:

- 1 Please type in a numeric rating of 2, 1, 0, -1, or -2 in all of the yellow, purple, blue and tan boxes below
- 2 Rating explanations are described in the gray boxes above each section
- 3 After completing the survey, click "file"; "send to"; mail recipient as attachment
- 4 Please address the email to: **cpope@onconcord.com**
- 5 If you have difficulty with this operation you may print the survey and fax it to: **225-5833**
- 6 If you need ANY assistance please call Concord Fire Headquarters at 225-8650 and ask for Chris Pope or Lt. Werren
- 7 We very much appreciate your help

Section 1

Rating Explanation for Above	2	1	0	-1	-2
Importance	has a direct bearing on how the candidate may perform	Is relevant but a second order priority	Not familiar with this background check method	Would not be a determining factor in deciding whether to hire	Should not be considered and may be an invasion of privacy
Feasibility	No hindrance to implementation, would be accepted by the public	Could be implemented with some difficulty	Not familiar with this background check method	some indication that this technique is unworkable	all indications are negative, cannot be implemented
Confidence (in validity of technique)	Most inferences drawn from this dimension will be true	Willing to make a decision using this factor but in some circumstances inferences may be wrong	Not familiar with this background check method	Many incorrect inferences can be drawn	Great risk of being a bad predictor, of little to no use

Please rate all yellow, then purple, then blue shaded boxes		A	B	C
What value do you assign to the following background check procedures or character assessments (1 through 19) in the hiring of <u>ONLY</u> your full time career firefighters for each category in columns A, B and C.		Importance	Feasibility	Confidence (in validity of technique)
1	Have candidate fill out a form documenting employment, places lived, supervisors, landlords, schools, etc.			
2	Assess driving record			
3	Military Service			
4	Financial Status			
5	Criminal Activity			
6	Review personnel files from previous employers			
7	Education history			
8	Conduct a pre-employment polygraph examination			
9	Conduct local police checks			
10	Medical Examination			
11	Drug Screening			
12	Ability to verify truthfulness on application			
13	Ability to review and verify previous employment history			
14	Alcohol use history			
15	Illegal drug use history			
16	Gambling history			
17	Ability to relate to others			
18	Integrity, leadership, or personality tests			
19	Allegiance to the United States			

20 Additional Comments (optional) 

SECTION 2

Rating Explanation for Above	2	1	0	-1	-2
	Our Fire Department or Community always uses this method of check in hiring a full time career Firefighter	We use this parameter most of the time or for our full time but not per diem employees	I am unfamiliar with this parameter	We rarely use this parameter or only if we suspected a problem	We never use this parameter

	Please Rate all tan shaded boxes Our fire department or community uses the following techniques to assess full time career firefighter candidates:	Rating (2, 1, 0, -1, -2)
		Place number in boxes below
20	Written Exam	
21	Physical Ability	
22	Oral board or interview	
23	Has candidate sign background investigation release form	
24	Have candidate fill out a form documenting employment, places lived, supervisors, landlords, schools, etc.	
25	Motor Vehicle Record	
26	National Criminal Record Check	
27	State Criminal Record Check	
28	Local Police Check (in community that candidate resides)	
29	Military Form DD-214	
30	Credit Check	
31	Personnel File Review from previous employers	
32	Citizenship verification	
33	Birth Certificate	
34	High School, college, certification transcripts and records	
35	Fingerprints	
36	Polygraph Examination	
37	Medical Examination	
38	Drug Screen	


 Our Fire Department uses these
 39 additional procedures

(please type in any
 additional procedures
 you use)

End of Survey, THANK YOU

CONSOLODATED SURVEY RESULTS PART II

This is the consolidated results for Part II of the survey and represents the findings for what background check elements are used by fire departments. The survey was sent to fifty-eight fire departments that employ full time career firefighters. Fifty-one fire departments or eighty-nine percent responded to the survey.

What Background Check Elements Are Used by NH FD's with Career Personnel June 2005

	+2		+1		-1		-2		0			
	Our Fire Department or Community always uses this method of check in hiring a full time career Firefighter		We use this parameter most of the time or for our full time employees		We rarely use this parameter or only if we suspected a problem		We never use this parameter		I am unfamiliar with this parameter			
Our fire department or community uses the following techniques to assess full time career firefighter candidates:	# of +2 responses	Percent of respondents	# of +1 responses	Percent of respondents	# of -1 responses	Percent of respondents	# of -2 responses	Percent of respondents	# of "0" responses	Percent of respondents	Percent Positive Responses	Percent Negative
1 Written Exam	43	84%	7	14%	0	0%	1	2%	0	0%	98%	2%
2 Physical Ability	44	86%	6	12%	0	0%	1	2%	0	0%	98%	2%
3 Oral board or interview	47	92%	3	6%	1	2%	0	0%	0	0%	98%	2%
4 Has candidate sign background investigation release form	48	94%	1	2%	0	0%	1	2%	1	2%	96%	2%
5 Submits detailed applicant information form	40	78%	4	8%	1	2%	3	6%	2	4%	86%	8%
6 Motor Vehicle Record	48	94%	2	4%	1	2%	0	0%	0	0%	98%	2%
7 National Criminal Record Check	22	43%	6	12%	3	6%	11	22%	8	16%	55%	27%
8 State Criminal Record Check	44	86%	3	6%	1	2%	2	4%	1	2%	92%	6%
9 Local Police Check (in community that candidate resides)	27	53%	4	8%	7	14%	12	24%	0	0%	61%	37%
10 Military Form DD-214	9	18%	6	12%	7	14%	18	35%	11	22%	29%	49%
11 Credit Check	6	12%	4	8%	6	12%	30	59%	5	10%	20%	71%
12 Personnel File Review from previous employers	7	14%	9	18%	8	16%	26	51%	1	2%	31%	67%
13 Citizenship verification	29	57%	4	8%	4	8%	10	20%	4	8%	65%	27%
14 Birth Certificate	26	51%	5	10%	5	10%	12	24%	3	6%	61%	33%
15 High School, college, certification transcripts and records	24	47%	8	16%	9	18%	8	16%	2	4%	63%	33%
16 Fingerprints	5	10%	3	6%	5	10%	31	61%	7	14%	16%	71%
17 Polygraph Examination	5	10%	1	2%	5	10%	34	67%	6	12%	12%	76%
18 Medical Examination	47	92%	2	4%	0	0%	1	2%	1	2%	96%	2%
19 Drug Screen	36	71%	4	8%	2	4%	9	18%	0	0%	78%	22%

Appendix B (Continued) Survey Part I “Importance”

This represents the findings for the “Importance” section of Part I of the survey. The survey was sent to fifty-eight fire departments that employ full time career firefighters. Fifty-one fire departments or eighty-nine percent responded to the survey.

**NH Fire Chiefs Rating of the Importance of Various Background Check Elements
June 2005**

Rating Explanation		+2		+1		-1		-2		0			
		has a direct bearing on how the candidate may perform		Is relevant but a second order priority		Would not be a determining factor in deciding whether to hire		Should not be considered and may be an invasion of privacy		Not familiar with this background check method			
Background Element		# of +2 responses	Percent of respondents	# of +1 responses	Percent of respondents	# of -1 responses	Percent of respondents	# of -2 responses	Percent of respondents	# of "0" responses	Percent of respondents	Percent Positive Responses	Percent Negative
1	Candidate documents employment, education, domicile history	33	65%	16	31%	2	4%	0	0%	0	0%	96%	4%
2	Assess driving record	45	88%	6	12%	0	0%	0	0%	0	0%	100%	0%
3	Military Service	19	37%	23	45%	5	10%	0	0%	4	8%	82%	10%
4	Financial Status	6	12%	20	39%	9	18%	9	18%	7	14%	51%	35%
5	Criminal Activity	50	98%	1	2%	0	0%	0	0%	0	0%	100%	0%
6	Review personnel files from previous employers	14	27%	17	33%	5	10%	6	12%	9	18%	61%	22%
7	Education history	35	69%	15	29%	0	0%	0	0%	0	0%	98%	0%
8	Conduct a pre-employment polygraph examination	10	20%	11	22%	9	18%	6	12%	15	29%	41%	29%
9	Conduct local police checks	37	73%	11	22%	1	2%	0	0%	2	4%	94%	2%
10	Medical Examination	49	96%	2	4%	0	0%	0	0%	0	0%	100%	0%
11	Drug Screening	43	84%	5	10%	0	0%	0	0%	3	6%	94%	0%
12	Ability to verify truthfulness on application	39	76%	7	14%	1	2%	0	0%	4	8%	90%	2%
13	Ability to review and verify previous employment history	39	76%	10	20%	0	0%	0	0%	2	4%	96%	0%
14	Alcohol use history	22	43%	19	37%	3	6%	0	0%	7	14%	80%	6%
15	Illegal drug use history	31	61%	12	24%	1	2%	0	0%	7	14%	84%	2%
16	Gambling history	15	29%	15	29%	6	12%	4	8%	11	22%	59%	20%
17	Ability to relate to others	42	82%	7	14%	0	0%	0	0%	2	4%	96%	0%
18	Integrity, leadership, or personality tests	28	55%	15	29%	3	6%	0	0%	5	10%	84%	6%
19	Allegiance to the United States	21	41%	12	24%	2	4%	5	10%	10	20%	65%	14%

Appendix B (Continued) Survey Part I “Confidence”

This represents the findings for the “Confidence” section of Part I of the survey. The survey was sent to fifty-eight fire departments that employ full time career firefighters. Fifty-one fire departments or eighty-nine percent responded to the survey.

NH Fire Chiefs Rating of Their Confidence in Various Background Check Elements June 2005

	+2		+1		-1		-2		0			
	Most inferences drawn from this dimension will be true		Willing to make a decision using this factor but in some circumstances inferences may be wrong		Many incorrect inferences can be drawn		Great risk of being a bad predictor, of little to no use		Not familiar with this background check method			
Background Element	# of +2 responses	Percent of respondents	# of +1 responses	Percent of respondents	# of -1 responses	Percent of respondents	# of -2 responses	Percent of respondents	# of "0" responses	Percent of respondents	Percent Positive Responses	Percent Negative
1 Candidate documents employment, education, domicile history	20	39%	23	45%	3	6%	1	2%	4	8%	84%	8%
2 Assess driving record	45	88%	5	10%	0	0%	0	0%	1	2%	98%	0%
3 Military Service	24	47%	16	31%	1	2%	1	2%	9	18%	78%	4%
4 Financial Status	8	16%	15	29%	14	27%	5	10%	9	18%	45%	37%
5 Criminal Activity	41	80%	9	18%	0	0%	0	0%	1	2%	98%	0%
6 Review personnel files from previous employers	10	20%	21	41%	10	20%	3	6%	7	14%	61%	25%
7 Education history	29	57%	18	35%	1	2%	0	0%	2	4%	92%	2%
8 Conduct a pre-employment polygraph examination	7	14%	16	31%	10	20%	6	12%	12	24%	45%	31%
9 Conduct local police checks	34	67%	14	27%	1	2%	0	0%	2	4%	94%	2%
10 Medical Examination	48	94%	2	4%	0	0%	0	0%	1	2%	98%	0%
11 Drug Screening	40	78%	8	16%	0	0%	0	0%	3	6%	94%	0%
12 Ability to verify truthfulness on application	26	51%	17	33%	3	6%	1	2%	4	8%	84%	8%
13 Ability to review and verify previous employment history	24	47%	22	43%	1	2%	1	2%	3	6%	90%	4%
14 Alcohol use history	11	22%	18	35%	10	20%	1	2%	11	22%	57%	22%
15 Illegal drug use history	18	35%	17	33%	8	16%	1	2%	7	14%	69%	18%
16 Gambling history	7	14%	15	29%	12	24%	5	10%	12	24%	43%	33%
17 Ability to relate to others	25	49%	19	37%	4	8%	0	0%	3	6%	86%	8%
18 Integrity, leadership, or personality tests	16	31%	24	47%	3	6%	0	0%	8	16%	78%	6%
19 Allegiance to the United States	15	29%	10	20%	4	8%	4	8%	17	33%	49%	16%

Appendix B (Continued) Survey Part I “Feasibility”

This represents the findings for the “Feasibility” section of Part I of the survey. The survey was sent to fifty-eight fire departments that employ full time career firefighters. Fifty-one fire departments or eighty-nine percent responded to the survey.

NH Fire Chiefs Rating of the Feasibility of Various Background Check Elements
June 2005

Rating Explanation	+2		+1		-1		-2		0			
	No hindrance to implementation, would be accepted by the public		Could be implemented with some difficulty		some indication that this technique is unworkable		all indications are negative, cannot be implemented		Not familiar with this background check method			
Background Element	# of +2 responses	Percent of respondents	# of +1 responses	Percent of respondents	# of -1 responses	Percent of respondents	# of -2 responses	Percent of respondents	# of "0" responses	Percent of respondents	Percent Positive Responses	Percent Negative
1 Candidate documents employment, education, domicile history	40	78%	8	16%	0	0%	0	0%	2	4%	94%	0%
2 Assess driving record	48	94%	2	4%	0	0%	0	0%	0	0%	98%	0%
3 Military Service	29	57%	10	20%	1	2%	0	0%	10	20%	76%	2%
4 Financial Status	8	16%	20	39%	10	20%	4	8%	8	16%	55%	27%
5 Criminal Activity	49	96%	1	2%	0	0%	0	0%	0	0%	98%	0%
6 Review personnel files from previous employers	8	16%	19	37%	7	14%	6	12%	10	20%	53%	25%
7 Education history	37	73%	12	24%	0	0%	0	0%	0	0%	96%	0%
8 Conduct a pre-employment polygraph examination	10	20%	18	35%	7	14%	5	10%	10	20%	55%	24%
9 Conduct local police checks	35	69%	10	20%	3	6%	0	0%	2	4%	88%	6%
10 Medical Examination	47	92%	3	6%	0	0%	0	0%	0	0%	98%	0%
11 Drug Screening	42	82%	6	12%	0	0%	0	0%	2	4%	94%	0%
12 Ability to verify truthfulness on application	25	49%	17	33%	4	8%	0	0%	4	8%	82%	8%
13 Ability to review and verify previous employment history	28	55%	19	37%	1	2%	0	0%	2	4%	92%	2%
14 Alcohol use history	13	25%	22	43%	5	10%	2	4%	8	16%	69%	14%
15 Illegal drug use history	19	37%	20	39%	4	8%	1	2%	6	12%	76%	10%
16 Gambling history	8	16%	21	41%	6	12%	3	6%	12	24%	57%	18%
17 Ability to relate to others	31	61%	15	29%	2	4%	0	0%	2	4%	90%	4%
18 Integrity, leadership, or personality tests	22	43%	18	35%	1	2%	0	0%	9	18%	78%	2%
19 Allegiance to the United States	15	29%	14	27%	3	6%	3	6%	14	27%	57%	12%

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APPENDIX C

FIREFIGHTER CLASS SPECIFICATION

The entire class specification for the position of firefighter for the City of Concord Fire department is contained below.¹⁵² It includes the job summary, essential job functions, materials and equipment used, minimum qualifications, knowledge, skills and abilities required, and working conditions. This class specification or “job description” is representative of job descriptions for firefighters in most New Hampshire Communities.

¹⁵² N.H City of Concord, "Class Specification, City of Concord, N.H., Firefighter" (2002), <http://www.onconcord.com/Personnel/Classspecs/FIREFIGHTER.pdf>. (accessed November 11, 2005).

**CITY OF CONCORD
CLASS SPECIFICATION**

CLASS TITLE:	FIREFIGHTER	JOB CODE: 3132
DEPARTMENT:	FIRE	DATE: 03/02
REPORTS TO:	CHAIN OF COMMAND	

JOB SUMMARY:

Performs responsible work related to fire suppression, fire prevention education, rescue, Haz-mat and basic emergency medical services.

ESSENTIAL JOB FUNCTIONS:

Conducts searches of fire building interiors for rescue of trapped persons; performs ventilation, overhaul, and advancement of hose lines to apply water to fire.

Evacuates people from hazardous areas such as burning buildings, hazardous atmospheres, damaged motor vehicles, and areas pending weather damage.

Drives, positions and operates firefighting & rescue vehicles and watercraft independently and under direction.

Conducts basic phases of rescues from heights, building collapse, confined space entry, swift water, trenches/cave-in, ice/cold water, and extrication of injured from machinery, motor vehicles and heavy equipment.

Performs basic and assists with advanced emergency medical care for both the sick and injured; records personal and medical information on patients.

Operates a variety of general office equipment and communication equipment.

Maintains station, grounds, and equipment/apparatus; cleans and disinfects medical equipment and rescue; restocks supplies.

Completes requisitions, reports, repair orders, and maintenance checklists as required both written and computerized to the level trained.

May serve as a member of a specialized team.

Performs other related duties as assigned.

MATERIAL AND EQUIPMENT USED:

Firefighting	Emergency	Medical Services	Haz-mat	Rescue
General Office				

MINIMUM QUALIFICATIONS REQUIRED:

Education and Experience:

High school diploma or GED; or any combination of education, training and experience which provides the knowledge, skills and abilities required for the job.

Licenses and Certifications:

Valid New Hampshire Driver's License.
New Hampshire EMS Providers License-EMT.
New Hampshire Level 2 Firefighter or State accepted equivalent.
Hazardous Materials - Operations.
Nationally Registered EMT.

KNOWLEDGE, SKILLS, AND ABILITIES:

Knowledge of:

Principles, practices, methods, procedures, training techniques, equipment, and apparatus used in modern firefighting, rescue operations, and emergency treatment, and in the protection of life and property from fire.

Fire prevention methods and techniques.

Safe and effective rescue techniques.

Fire and EMS radio procedures.

Geography of the City including major streets and landmarks.

Municipal water system and drafting techniques.

Computer and communications operations.

Skill in:

Use of fire suppression equipment and apparatus.

Use of emergency medical instruments and supplies.

Mental and Physical Abilities To:

Establish and maintain effective working relationships with civic officials groups and the general public.

Interpret and apply rules, regulations, policies, and procedures.

Deal courteously and diplomatically with the general public.

Work quickly under physically and emotionally stressful situations.

Work at great heights or in other hazardous situations.

Learn information related to the performance of firefighting duties.

Must be physically fit with substantial physical endurance.

While performing essential functions of this job, employee is regularly expected to stand, walk, use hands to finger, handle, or feel; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl; talk or hear; smell; and lift and/or move up to and in excess of 100 pounds.

Working Conditions:

While performing essential functions of this position, employee is occasionally exposed to wet or humid conditions, work in high precarious places, fumes or airborne particles, toxic or caustic chemicals, outdoor weather conditions, extreme cold, extreme heat, risk of electrical shock, and flame, blood, airborne pathogens and hostile or offensive patients.

Incumbent's working conditions are typically quiet but may become very loud responding to emergency calls and at the scene of a fire or other emergency.

APPENDIX D

STRATEGIC ANALYSIS CHART

Appendix D establishes the link between legal and class specification requirements, the inputs and outputs necessary to achieve desired outcomes and the means to measure the performance of the outcome.

Legal Requirement		<i>"The candidate shall be orally interviewed by the jurisdictional agency to determine the candidate's ability to communicate and how the person represents him or herself to others."</i>	
Class Specification Requirement		<i>"Deal courteously and diplomatically with the general public."</i>	
Desired Outcomes	Outputs produced to achieve Outcomes	Inputs used in their production	ID How to Measure Outcomes
employee assimilates into work environment	Review <u>Previous Employment History</u>	X Hours of BGC Investigator time to review and verify information	95% of employee evaluation dimensions receive ratings of three (3) or higher for punctuality; attendance; job knowledge; quantity of work; stability; accuracy; neatness; commitment to the job; alertness; dependability; teamwork; courtesy; customer service
Legal Requirement		<i>"The candidate shall have a high school diploma or GED, general educational development."</i>	
Class Specification Requirement		<i>"...[Ability to] learn information related to the performance of firefighting duties"</i>	
Desired Outcomes	Outputs produced to achieve Outcomes	Inputs used in their production	ID How to Measure Outcomes
Ff's have knowledge and intellect necessary to perform job	Ff candidates <u>educational record</u> matches requirements for position	X Hours of BGC Investigator time to review and verify information	100% of all probationary candidates have authentic educational credentials
Legal Requirement		<i>There shall be a thorough background investigation, to include a criminal and motor vehicle record check, before the candidate is employed."</i>	
Class Specification Requirement		<i>Requires Valid New Hampshire Driver's License</i>	
Desired Outcomes	Outputs produced to achieve Outcomes	Inputs used in their production	ID How to Measure Outcomes
Ff's operate vehicles safely	Assess <u>motor vehicle record</u>	X Hours of BGC Investigator time to review and verify information	0% of all probationary personnel have accidents within their first year for which they are at fault. 0% of all probationary employees have citizen complaints about apparatus operation for which an investigation reveals that the complaint was substantiate

Appendix D (Continued)

Legal Requirement		"The candidate shall not have been convicted of a felony."	
Class Specification Requirement		"Interpret and apply rules, regulations, policies, and procedures."	
Desired Outcomes	Outputs produced to achieve Outcomes	Inputs used in their production	ID How to Measure Outcomes
Firefighter (Ff) is considered trustworthy by customers and co-workers	Conduct <u>Criminal Record</u> Check	X Hours of BGC Investigator time to review and verify information	0% of all probationary employees are arrested for criminal conduct.
	Assess <u>Military Record</u>	X Hours of BGC Investigator time to review and verify information	
Candidate Resistant to Extortion or Taking Bribes	Assess <u>Financial History</u>	X Hours of BGC Investigator time to review and verify information	Headquarters experiences zero incidents of probationary employees failing to file required forms or other employment documentation. FD experiences zero incidents of employees accepting bribes or committing extortion.
Candidate Resistant to Extortion or Taking Bribes	Assess <u>Gambling History</u>	X Hours of BGC Investigator time to review and verify information	
	Verification of <u>Truthfulness on Application</u> and History Form	\$400 and 6 hours of senior fire staff time to review Polygraph Exam results	Department experiences zero occurrences of detection of false information on employee applications
Legal Requirement			
Class Specification Requirement		Establish and maintain effective working relationships with civic officials groups and the general public.	
Desired Outcomes	Outputs produced to achieve Outcomes	Inputs used in their production	ID How to Measure Outcomes
Allegiance to Community and Country	<u>Integrity, Leadership Exam</u>	\$1200 for exam and professional analysis and X hours of investigator review	95% of employee evaluation dimensions receive ratings of three (3) or higher for punctuality; attendance; quantity of work; stability; accuracy; neatness; commitment to the job; alertness; dependability; teamwork; courtesy; customer service; and drive.

Appendix D (Continued)

Legal Requirement		After written authorization is received from a physician, the candidate shall pass the physical ability test described in...[state rules]."	
Class Specification Requirement		"Work quickly under physically and emotionally stressful situations. Work at great heights or in other hazardous situations.. Must be physically fit with substantial physical endurance."	
Desired Outcomes	Outputs produced to achieve Outcomes	Inputs used in their production	ID How to Measure Outcomes
"Firefighter Able to Perform the physical Aspects of the Job"	<u>Medical Exam</u> as defined in NFPA 1902	\$1100 (NFPA compliant medical exam) and X hours of Personnel Department time to review results	Department experiences zero incidents of medical claims or lost time due to unknown pre-existing medical conditions. 95% of all probationary employee ratings for attendance are 3 or greater.
	<u>Physical Ability Exam</u> Required by State of NH	\$800 and X Hours of BGC Investigator time to review and verify information	95% of all probationary employee ratings for physical performance are three or greater.
	<u>Drug Screening</u>	X Hours of BGC Investigator time to review and verify information	Fire Department experiences zero incidents of probationary employee illegal drug use.
	<u>Excess Alcohol Use</u>	X Hours of BGC Investigator time to review and verify information	Fire Department experiences zero incidents of probationary employee rule violations due to alcohol use.
Legal Requirement		"The candidate shall be at least 18 years of age."	
Class Specification Requirement			
Desired Outcomes	Outputs produced to achieve Outcomes	Inputs used in their production	ID How to Measure Outcomes
Ff should be at least 18 Years old	<u>Verification of Birth Certificate</u>	X Hours of BGC Investigator time to review and verify information	Fire Department experiences zero incidents of illegal employee identity verification
	<u>Verification of fingerprint identity</u>	\$200	same as above

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APPENDIX E

PERFORMANCE EVALUATION REPORT

Appendix E is the form used to evaluate Concord Firefighters and uses a number system for each rating category.¹⁵³

¹⁵³ City of Concord, N.H. Personnel Department, "Performance Evaluation Report Non-Supervisory," 2005.

Appendix E (Continued)

- 5. ☐ Attendance is very dependable; rarely absent.
- 6. ☐ Not applicable; Special circumstances involved (Requires comment)

Comment:

3. **JOB KNOWLEDGE** is the total knowledge and information possessed about all types of work which an employee should know to carry out work duties satisfactorily.

- 1. ☐ Very little knowledge and information about work duties; serious knowledge retention problem.
- 2. ☐ Lacks knowledge and information of some phases of the job; trouble with knowledge retention.
- 3. ☐ Sufficient knowledge and information to perform job; answers most common questions.
- 4. ☐ Very good knowledge and information to perform the job; understands nearly all phases of work.
- 5. ☐ Has complete knowledge and understanding of all phases of job

Comment:

4. **QUANTITY OF WORK** is the amount of satisfactory work output

- 1. ☐ Unacceptable level of output.
- 2. ☐ Level of output is marginal; inconsistent.
- 3. ☐ Volume of work is satisfactory.
- 4. ☐ Turns out more than is required; very industrious
- 5. ☐ Exceptionally high output.

Comment:

5. **STABILITY** is the ability to withstand pressure and to remain calm in crisis.

- 1. ☐ Low tolerance for crises; goes "to pieces" too easily.
- 2. ☐ Below average tolerance for crises; is easily irritated.
- 3. ☐ Has average tolerance for crises; usually remains calm.
- 4. ☐ Tolerates most pressure; handles crises better than average person.
- 5. ☐ Thrives under pressure; really enjoys solving crises.

Comment:

6. **ACCURACY** is the correctness of the work duties being performed.

- 1. ☐ Makes frequent errors, thorough work review constantly required.
- 2. ☐ Makes recurrent errors; above normal work review required.
- 3. ☐ Makes only average number of mistakes; normal work review required only.
- 4. ☐ Is exact and precise most of the time; spot reviews required only.
- 5. ☐ Is exact and precise; requires absolute minimum of review.

Comment:

7. **NEATNESS** is the degree to which an individual keeps work area (e.g. desk, storage areas, car or truck cab) clean and orderly.

- 1. ☐ Disorderly or untidy.
- 2. ☐ Some tendency to be disorderly and untidy.
- 3. ☐ Ordinarily appearance of work area is acceptable
- 4. ☐ Quite conscientious about neatness and clean
- 5. ☐ Always neat, clean and orderly.

Comment:

8. **COMMITMENT TOWARD THE JOB** is the degree of interest demonstrated in the job.

- 1. ☐ Carries out tasks half-heartedly; reluctantly.
- 2. ☐ Sometimes appears indifferent towards job
- 3. ☐ Show sufficient interest in the job
- 4. ☐ Shows great interest in the job.
- 5. ☐ Exceptionally enthusiastic about the job.

Comment:

Appendix E (Continued)

Appendix E (Continued)

1. ☐ Blunt; discourteous; antagonistic.
2. ☐ Sometimes abrasive or discourteous.
3. ☐ Agreeable and pleasant.
4. ☐ Always very polite and willing to help.
5. ☐ Inspiring to others in being courteous and very pleasant.

Comment:

16. CUSTOMER SERVICE is the extent to which the individual makes a favorable impression on behalf of the City and him/herself in serving members of the public, and provides positive, prompt, and quality assistance.

1. ☐ Makes negative impression; substandard service delivery
2. ☐ Marginal impression; service delivery is below average.
3. ☐ Generally makes favorable impression and service delivery is acceptable.
4. ☐ Often exceeds expectations in providing services and presenting a favorable impression.
5. ☐ Consistently makes favorable impression while providing exemplary service.

Comment:

17. DRIVE is the desire to set and to attain goals, to achieve.

1. ☐ Level of effort unacceptable; little evidence of desire to achieve
2. ☐ Below average drive; puts forth minimal effort to achieve.
3. ☐ Has average drive; usually puts forth effort to achieve.
4. ☐ Strives hard; has high desire to achieve.
5. ☐ Sets high goals and strives incessantly to achieve.

Comment:

18. OVERALL EVALUATION is the assessment of the employee's performance in all performance dimensions.

1. ☐ Unacceptable. (Employee Developmental Plan instituted)
2. ☐ Substandard; requires timely improvement. (Developing Employee Developmental Plan)
3. ☐ Is performing acceptably.
4. ☐ Performing at above average level.
5. ☐ Performance is outstanding.

Comment:

GOALS: Use this space to review the status of last year's goals and "look ahead" with the employee. Summarize any goals, objectives, or projects, which were accomplished from last year; note those that were not; document the reasons why they were not attained and identify those Future Goals discussed together.

Previous Goals	Status
New Goals	Schedule/Timeline

RATER:

Signature: _____

Date: _____

Name:

Title:

Appendix E (Continued)

REVIEWING AUTHORITY(S): I have reviewed this evaluation and ☐ concur ☐ do not concur as discussed below.

Comment: _____

SEPARATE COMMUNICATION ATTACHED

☐ Yes

☐ No

Signature: _____

Date: _____

Name: _____

Title: _____

DEPARTMENT HEAD: I have reviewed this evaluation and recommend requested action and concur, subject to comments shown below:

Comment: _____

SEPARATE COMMUNICATION ATTACHED

☐ Yes

☐ No

Signature: _____

Date: _____

Name: _____

Title: _____

EMPLOYEE REVIEW: I have reviewed this evaluation and have discussed it with my supervisor. My signature does not necessarily indicate my full agreement. I understand that I may indicate my reservations or disagreement with this rating in the space provided below or may request review by higher authority.

Comment: _____

SEPARATE COMMUNICATION ATTACHED

☐ Yes

☐ No

Signature: _____

Date: _____

CITY MANAGER OR REPRESENTATIVE: Administrative Review

Step: _____ Approved From: Labor Grade _____ Step: _____ to Step: _____

Merit Bonus: Approved for: \$ _____ / _____ % (Only for those at top step)

Name: Norman C. O'Neil

Signature: _____

Title: Director of Personnel and Labor Relations

Date: _____

APPENDIX F

SAMPLE BENCHMARK PLAN

Appendix F represents a sample Benchmark Plan to allow for the comparison between those departments that use the new screening strategy and those that do not.

Data Gathering Plan Below Chart						
	Town/City	Chief	1999 Population	Vacancy Rate effective January 1	Number of discipline cases per emp in calander year	Cost of Negligen t Hiring Settleme nts/Emp
	Benchmark			< 1%	10%	\$100
1	Allenstown	Everett Chaput	4992			
2	Barnstead	George Krause	3292			
3	Bedford	Scott Wiggin	16612			
4	Belmont	Richard Siegel	6313			
5	Berlin	Randall Trull	11945			
6	Bow	Dana Abbott	6633			
7	Claremont	Peter Chase	13913			
8	Concord	Chris Pope	38313	4%	7%	\$0
9	Conway	Larry Wade	4000			
10	Derry	George Klauber	25000			
11	Dover	Perry Plummer	26992			
12	Durham	Mike Blake	12758			
13	Epping	Brian Toomire	5704			
14	Epsom	Stuart Yeaton	3971			
15	Exeter	Brian Comeau	13338			
16	Franklin	Scott Clarenbach	8463			
17	Gilford	Hayes	6022			
18	Gilmanton	Timothy Robbins	2774			
19	Goffstown	Frank Carpentino	16323			
20	Hampton	Hank Lipe	13496			
21	Hanover	Roger Bradley	9530			
22	Hollis	Rick Towne	6935			
23	Hooksett	Mike Williams	10100			
24	Hopkinton	Pianka	5167			
25	Hudson	Shawn Murray	22279			
26	Keene	Gary Lamoureux	23243			
27	Laconia	Ken Erickson	17200			
28	Lebanon	Steve Allen	12868			
29	Litchfield	Duane Hogencamp	7080			
30	Littleton	Paul Lopes	6144			
31	Londonderry	Mike Carrier	22457			
32	Loudon	Jeff Burr	4635			
33	Manchester	Joseph Kane	106180			
34	Meredith	Charles Palm	5142			
35	Merrimack	William Pepler	24377			
36	Milford	Rich Pauley	13078			
37	Moultonboro	David Bengtson	3317			
38	Nashua	Roger Hatfield	83900			
39	Newington	Roy Greenleaf	789			
40	Newport	Peter Lamb	6346			
41	North Conway	Pat Preece	4542			
42	North Hampton	Tom Lambert	4086			
43	Northfield/Tilton	Steve Carrier	6883			
44	Northwood	George Ashford	3327			
45	Pelham	David Fisher	11034			
46	Plaistow	John McArdle	7987			
47	Plymouth	Morrison	6121			
48	Portsmouth	Chris LeClaire	23112			
49	Raymond	Kevin Pratt	9398			
50	Rochester	Norm Sanborn	28267			
51	Rye	Rich O'Brien	4786			
52	Salem	Arthur Barnes	27977			
53	Seabrook Station	Timmons	Nuke Plant			
54	Seabrook	Jeff Brown	7135			
55	Somersworth	Paul Vallee	11763			
56	Waterville Valley	Chris Hodges	231			
57	Windham	Donald Messier	10317			
58	Wolfboro	Phillip Morrill	5260			
Data Gathering Plan-						
1	By January 31 each year each department will be required to report the above data to NH Fire Standards and Training					
2	Data will be filed via internet access to NHFST web site					
3	The NHFST Commission will review benchmarks each year in March and develop new standards for the following year					

APPENDIX G

INTERNAL STRENGTHS AND WEAKNESSES AND EXTERNAL OPPORTUNITIES AND THREAT ANALYSIS

INTERNAL STRENGTHS AND WEAKNESSES

Appendix G assesses the internal strengths and internal weaknesses given the current environment and the future environment following implementation of the new firefighter candidate screening strategy.

		As Is	To Be
Internal Strengths	1	A recent survey indicates that all NH FD's that employ full time personnel currently conduct some type of BGC	A better sense that the organization values its members
	2	A recent Delphi Study indicates the need to improve the existing NH system	Ability for management to focus more attention of positive organizational issues rather than disciplinary issues
	3	Clear evidence exists that the current system is broken (some FD's do not follow state law, substantial inconsistency from FD to FD and from candidate to candidate within an FD)	FD's more prepared to function as a member of the greater first responder HS Team
	4	State law already exists that supports improvement to existing strategy	A safer work environment for employees
	5	Director of NHFST appears motivated to support and encourage improvements	Enhance ability for FD's to meet benchmarks, performance measures and sustain or improve public trust
Internal Weaknesses	1	Many Fire Departments wish to maintain "LOCAL CONTROL" (the NH Mantra)	Local FD's will still have the final "hire" "no hire" authority
	2	If state rule changes are needed, the rules committee will look at any change with disdain	Initial meetings with state officials suggest recognition of the problem and willingness to fix it- sense of participation in solution
	3	With the current strategy one communities problem employee can easily move to another community	More consistent BGC's virtually eliminates this potential within the state
	4	Studies indicate there is a serious firefighter arson problem in the U.S.	The US Fire Administration Report on this issue recommends better BGC's
	5	Anecdotal evidence suggest drug use and workplace violence issues in FD's are devastating to community trust of their public servants	Recognition by citizens that their public servants must meet improved BGC standards will build public trust

Appendix G (Continued)

EXTERNAL OPPORTUNITIES AND THREATS

Appendix G lists the external opportunities and external threats given the current and future environments.

External Opportunities	1	Recognition that the fire service is faced with a new mission - Homeland Security	Enhanced ability to share information, greater trust between partnering HS/HD agencies, "interconnectedness theory " (Byson p 4)
	2	Models exist that succeed in other disciplines	NH could become a model state with a first ever state -adopted strategy on Ff recruitment
	3	A National Fire Service Survey suggests that Fire Chiefs recognize problems with current Ff candidate BGC's	Improved organizational and sector performance capacity
	4	Scientific evidence suggests that BGC's are effective in reducing workplace misbehavior and in recruiting productive employees	
External Threats	1	Perception that candidates are being treated unequally and unfairly	A valid recruitment process ensures the fair treatment of all candidates
	2	Candidate fear of invasion of privacy	A more definitive process should provide greater privacy protection to candidates
	3	Some FD's find it difficult to fill positions	A new system may require FD's to more proactively recruit personnel
	4	Concern that new standards might be discriminatory	A new recruitment process should support EEO programs and increase the hiring of a more diverse workforce
	5	Prolonged recruitment processes will increase operating expenses	cost benefits are improved by investing more time/effort in recruitment rather than afterwards from negligent hiring settlements
	6	Reluctance for change	

APPENDIX H

SAMPLE AUTHORIZATION TO RELEASE PERSONAL INFORMATION AND CREDIT HISTORY REPORT FORM

SAMPLE AUTHORIZATION FOR RELEASE OF PERSONAL INFORMATION¹⁵⁴

I, _____, do hereby authorize a review of and full disclosure of all records concerning myself to any duly authorized agent of the City of _____ Fire Department whether said records are of a public, private or confidential nature.

The intent of this authorization is to give my consent for full and complete disclosure of the records of educational institutions, motor vehicle and/or criminal records, financial or credit institutions, records of loans, records of commercial or retail credit agencies, credit reports and/or ratings, and other financial statements and records wherever filed, medical and psychiatric treatment and/or consultation, hospitals, clinics, private practitioners, and the U.S. Veteran's Administration, employment and pre-employment records, background reports, efficiency ratings, complaints or grievances filed by or against me, and records and recollections of attorney's of law, or of other counsel representing me or another person in any criminal or civil case in which I presently or have had an interest.

I understand that I must successfully complete a polygraph exam and a medical examination. I also understand that any information obtained by a personal history background investigation which is developed directly or indirectly, in whole or in part, upon this authorized release will be considered in determining my suitability for employment by the City of _____. I also certify that any persons, agencies, or businesses who may furnish such information concerning me shall not be held accountable for releasing said information, and I do hereby release said persons, agencies, or businesses from any and all liability which may be incurred as a result of furnishing such information.

I hereby waive any right to examine the information that is obtained during the personal history background investigation.

A photocopy of this release form will be valid as an original, even though said photocopy does not contain an original signature.

¹⁵⁴ This form was initially developed by the Concord, NH Police Department and modified for use in the fire service. Division Commander Sandra Hillsgrove (RET) substantially contributed to the fire service version of this form.

Signature (Include maiden name)

State of ____ – County of _____

Subscribed and Sworn to before me

Address

this ____ day of _____, 20 ____

by: _____

Phone: _____ DOB _____

Justice of the Peace / Notary

Social Security # _____

Commission Expires: _____

AUTHORIZATION FOR RELEASE OF INFORMATION CREDIT HISTORY REPORT

Be advised: your sworn signing of the _____ Fire Department “*Authorization for Release of Information*” form authorizes us to obtain a copy of your credit history report for pre-employment screening purposes. Your signature below shall reflect that you have been specifically apprised of the information listed. Your credit report will be obtained at a juncture in the process at our discretion and expense. Recent changes in the Fair Credit Reporting Act (FCRA) require that we inform you of the following:

1. Your credit report will be obtained as part of the _____ Fire Department’s standard pre-employment *background* investigation process.
2. Your signature on the “Authorization for Release of Information” for shall serve as written authorization for us to procure such a credit report under FCRA 604.
3. Any information contained in the credit report shall not be used in violation of any federal or state equal employment opportunity law or regulation.

4. Before taking any adverse action (“...employment actions affecting consumers that can be considered to have a negative impact – such as ...denying employment), *based in whole or in part on the credit report*, the _____ Fire Department will provide to you a copy of the credit report along with notification (either written, orally, or by electronic means as allowed) of that adverse action.
5. Should such adverse action be taken, _____ Fire Department will provide you a copy of “**A Summary of Your Rights Under the Fair Credit Reporting Act**”, as required by law. This will further spell out your rights.

Applicant

Date

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APPENDIX I

SAMPLE PERSONAL HISTORY FORM SAMPLE APPLICANT INFORMATION FORM¹⁵⁵

***ALL Sections MUST be completed**

Section I – Identification Data

Name_____

LAST

FIRST

MIDDLE

ALIASES_____

AGE_____DATE OF BIRTH_____/_____/_____

PLACE OF BIRTH:_____

HEIGHT_____WEIGHT_____HAIR_____EYES_____

SS #_____

BLOOD TYPE_____

BIRTHMARKS, SCARS, TATTOOS (TYPE & LOCATION)_____

Present Address:

Home Phone:_____Cell Phone_____

Business Phone_____

RESIDENCE:

Please list ALL residences during the past 10 years. Begin with your most current residence:

From	To	Address	City	State
155 This form was developed by the Concord, N.H. Police Department with some modifications made by Deputy Chief Shawn Mitchell.	Month/Year			

Landlord Name	Landlord Address	Contact Phone Number

From Month/Year	To Month/Year	Address	City	State

Landlord Name	Landlord Address	Contact Phone Number

From Month/Year	To Month/Year	Address	City	State

Landlord Name	Landlord Address	Contact Phone Number

From Month/Year	To Month/Year	Address	City	State

Landlord Name	Landlord Address	Contact Phone Number

Section II – Marital Status & Family

During the course of the background investigation, persons who know you will be asked to comment upon your stability for employment. Inquiries will be confirmed to job-relevant matters.

Please supply the requested appropriate information in the spaces provided below. If a category is not applicable, write “N/A”.

Present Status (Check One)

Single ☐

Married ☐

Separated ☐

Divorced ☐

The following information must be completed where applicable:

Father's

Name_____DOB_____

Address_____

Mother's Maiden

Name_____DOB_____

Address_____

BROTHERS AND/OR SISTERS:

Name_____Age_____Address_____

Name_____Age_____Address_____

Name_____Age_____Address_____

Name_____Age_____Address_____

Name_____Age_____Address_____

Name of Spouse:_____DOB_____

Date of Marriage_____

Spouse's Maiden Name:_____

Children:

Name_____Age_____Residence_____

Name_____Age_____Residence_____

Name_____Age_____Residence_____

Name_____Age_____Residence_____

If Divorced (Complete the Following information):

Name of Former Spouse(s)_____DOB_____

_____DOB_____

Present Name_____

Divorce Date:_____

Present Address:_____

Divorce

Place_____Court_____

Are you currently or have you ever been found to be delinquent in either making court ordered support payments or adhering to any other provisions of the decree for divorce

YES_____NO_____

(If your answer to the above questions is yes, supply all pertinent information.)

Former Spouse, charges, dates, jurisdictions and dispositions.

Section III - Financial Status

Creditor	Address	Total Owed	Payments Per Month	Type of Loan

Savings Account (s):

_____Balance

\$_____

_____ Balance
\$ _____

Checking Account (s):

_____ Balance
\$ _____

_____ Balance \$

Do you own your own home? _____ Rent? _____

Monthly Payment \$ _____

Have you ever filed for/declared bankruptcy? Yes _____ No _____

If yes, please give details (include when, where, why) _____

Have any of your bills ever been turned over to a collection agency?

Yes _____ No _____

If yes, give details: _____

Have you ever had purchased goods repossessed? Yes _____ No _____

If yes, give details. Include when, firms involved and circumstances. _____

Have your wages ever been garnished? Yes _____ No _____

If yes, give details (include when, where, why) _____

Have you ever been delinquent on income or other tax payments?

Yes_____No_____

If yes, give details (include when, where, why)_____

Section IV - Automobile and Driver's License

An investigation of your driving history will be made through a records check. To expedite this procedure, please supply the following information:

Do you currently own a motor vehicle? Yes_____No_____

If yes, please provide the following information:

Make_____Model_____Year_____

Color_____Registration #_____State_____

Do you possess a valid driver's license? Yes_____No_____

Type_____State_____Expiration date_____

License #_____

Name License was granted under_____

Please list other states where you have been licensed to operate a motor vehicle.

State_____Name License was granted under_____

State_____Name License was granted under_____

State_____Name License was granted under_____

Have you ever been refused a driver's license by any State? Yes_____No_____

If yes, explain. Please include when, where and why._____

Please list all traffic citations (exclude parking citations) you have received within the last 7 years.

Nature of Violation	Location/City	Approximate Date	Finding and/or Fine
	138		

Have you been involved as a driver in a motor vehicle accident within the last 7 years?

Yes_____No_____

If yes, give details for each accident.

Date	Location	Injury / Non-Injury	Investigating Agency

Has your license ever been suspended or revoked? Yes_____No_____

If yes, give details (what, when, where, why)._____

Have you ever been refused insurance for any reason other than failure to pay a premium?

Yes_____No_____

If yes, explain reason (include company name, address, date and reason)._____

Section V – Military Service

Have you ever served in the Armed Forces, National Guard or Military Reserves?

Yes_____No_____

If yes, supply the following information:

Branch	Service #	Enlistment Date	Length of Service	Location of Service	CO Name
		139			

Have you ever been the subject of any judicial or non-judicial disciplinary action while in the military, National Guard or military service? Yes_____No_____

If yes, give details (include branch or service, when, where and circumstances)_____

Section VI - Education (All)

Please indicate below all the schools you have attended beginning with High School. During the background investigation, persons who have known you in a learning environment will be contacted. A review of your school records may be made in conjunction with those contacts.

High School

Name_____Address_____

Phone number_____Date completed_____

College

Name:_____Major_____

Date Completed:_____Degree:

Associates_____Bachelors_____Masters_____

Name:_____Major_____

Date Completed:_____Degree:

Associates_____Bachelors_____Masters_____

Name:_____Major_____

Date Completed:_____Degree:

Associates_____Bachelors_____Masters_____

Additional Training (List courses, Institution and completion dates)

Section VII – Employment

Beginning with your most current employment, list all employment (including part-time) temporary and voluntary positions) you have held in the past 10 years. For identification and verification, indicate the nature of the activity i.e., full-time, part-time, voluntary. If you have had intervening periods of military service or unemployment, list those periods in sequence in the spaces provided.

Dates of Employment	Name, address and telephone number of employer	Name of Supervisor
From MO/YR:		
To MO/YR:		

Title: _____ Full-time ☐ Part-Time ☐ Voluntary ☐ Military ☐ Unemployed ☐

Duties: _____

Reason for Leaving: _____

Dates of Employment	Name, address and telephone number of employer	Name of Supervisor
From MO/YR:		
To MO/YR:		

Title:_____Full-time☐ Part-Time ☐ Voluntary ☐ Military ☐ Unemployed ☐

Duties:_____

Reason for Leaving:_____

Dates of Employment	Name, address and telephone number of employer	Name of Supervisor
From MO/YR:		
To MO/YR:		

Title:_____Full-time☐ Part-Time ☐ Voluntary ☐ Military ☐ Unemployed ☐

Duties:_____

Reason for Leaving:_____

Dates of Employment	Name, address and telephone number of employer	Name of Supervisor
From MO/YR:		
To MO/YR:		

Title:_____Full-time☐ Part-Time ☐ Voluntary ☐ Military ☐ Unemployed ☐

Duties:_____

Reason for Leaving:_____

Dates of Employment	Name, address and telephone number of employer	Name of Supervisor
From MO/YR:		
To MO/YR:		

Title:_____Full-time☐ Part-Time ☐ Voluntary ☐ Military ☐ Unemployed ☐

Duties:_____

Reason for Leaving:_____

Dates of Employment	Name, address and telephone number of employer	Name of Supervisor
From MO/YR:		
To MO/YR:		

Title:_____Full-time☐ Part-Time ☐ Voluntary ☐ Military ☐ Unemployed ☐

Duties:_____

Reason for Leaving:_____

Would any problem result if your present employer were contacted during the course of the background investigation?

Yes_____No_____

If no, when should such contact be made?_____

If you have no prior employment, please explain_____

Have you ever been involuntarily terminated or asked to resign from any place of employment?

Yes_____No_____

If yes, give details, (include when, where and circumstances)_____

Have you ever been disciplined by your present employer or by any of your past employers?

Yes_____No_____

If yes, explain in detail._____

Is there anything in your background that, if brought to the attention of the _____ Fire Department, would jeopardize your eligibility for employment?

Yes_____No_____

If yes, explain in detail_____

PERSONAL REFERENCES:

Name	Relationship	Telephone Number

Section VIII – Arrest Data / Personal Practices

Please comment on your personal habits.

Have you ever been arrested, detained, or charged with a crime?

Yes_____No_____

If yes, for what?_____

Have you ever been convicted of a crime, which has not been annulled?

Yes_____No_____

If yes, for what?_____

Describe your gambling

experiences/habits:_____

Section IX – Volunteer Service

(Examples: Scout Leader, 4-H Leader, Youth League coach, senior citizens worker etc.) _____

Section X – Hobbies / Athletics

List past and present hobbies. List any athletics participated in individually or as a member of a team.

Section XI – Special Skills

(Examples: Aircraft pilot, mechanic, medical training, photographer etc.)

I certify that the statements on all pages of this Personal Data Questionnaire are true to the best of my knowledge. I understand that the _____ Fire Department will investigate all statements. I realize that failure to provide all of the requested information as well as any misrepresentations will be cause for rejection.

I further understand that if I have attained employment and investigation discloses misrepresentation, my employment with the _____ Fire Department may be terminated.

Signature_____Date:_____

APPENDIX J

SAMPLE CANDIDATE TRACKING FORM¹⁵⁶

SAMPLE CANDIDATE TRACKING FORM

Candidate

Name: _____ **Position:** _____

¹⁵⁶ City of Concord, N.H. Fire Department, "Candidate Tracking Form", Concord Fire Department, 2005.

<i>State of</i>		<i>Certifications</i>	
------------------------	--	------------------------------	--

FF II	☐	_____
EMT – B (minimum)	☐	_____
(If applicable) Paramedic	☐	_____
Haz -Mat Ops.	☐	_____
EMS Provider License	☐	_____

(check-off indicates candidate meets requirement & copy of certification has been obtained)

Background Information

Dept. Notarized Authorization Form	☐
Personnel Dept Release of Personnel Info. Investigation Authorization	☐
Form w/residence, education etc.	☐
Driving Record Authorized Release	☐
Completed Record from MV - from all States pertaining to driver history	☐
Criminal Check Authorization	☐
Completed Criminal Check – from each State pertaining to residence history	☐
Military Form DD-214 (if applicable)	☐
Credit Check	☐
Personnel File from Previous or current employer	☐

Need Copies of:

Take Digital Photograph of Candidate	☐
Birth Certificate	☐
Current Driver's License --	☐
Other states	☐
High School/College Transcripts	☐
Diplomas/Certificates/ GED	☐
Social Security Card	☐

- | | |
|---|--------------------------|
| Fingerprints | ☐ |
| Polygraph Examination | ☐ |
| Typed Report of P.E. and Post Exam Interview | ☐ |
| If candidate withdraws sign "Voluntary Withdrawal | ☐ |
| Police Local Checks | ☐ |
| B/C or Division Head completes background and
Reviews with staff | ☐ |
| Final Interview with Command Staff | ☐ |
| Conditional Offer of employment form | ☐ |
| Medical Exam & Medical Background | ☐ |
| Drug Screen | ☐ |

Final File Review done with Division Commander

☐

D/C Signature

Date

Background Check done

by: _____/_____

Signature

Date

Document ALL verbal/written requests to candidate for this information:

APPENDIX K

SAMPLE VOLUNTARY WITHDRAWAL FORM¹⁵⁷

VOLUNTARY WITHDRAWAL

I, _____, hereby voluntarily withdraw from
any further consideration of my application for the position of
_____ with the Concord Fire Department.

This is done without prejudice.

Date

Time

Name (please print)

Signature

Address

Witness

Witness

¹⁵⁷ This form was initially developed by the Concord, N.H. Police Department and modified for use by the Concord Fire Department.

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APPENDIX L

SAMPLE CONTACT INTERVIEW FORM

Background Investigation Format¹⁵⁸

1. Name of Contact:_____
 2. Name of Candidate:_____
 3. Date of Check:_____
 4. Position Applying for:_____
 5. Relationship of Contact to the Candidate:

_____ Prior Employer _____ Fellow Employee _____ Character Reference
(Personal Acquaintance)
_____ Other
 6. Briefing of the Contact Person: Introduce yourself, purpose of the call, the person under review, the position involved along with a brief overview of it. Indicate that you would like about ten minutes and have a structured process you wish to follow. Explain the process: Topics and rating scale.

Scale
 7. Skill and Work Environment Discussion Summary: Low High

UTR (when circled) = Contact is unable to rate 1 2 3 4 5 UTR

Below enter technical skills to be discussed
- | <u>Discussion Topics</u> | <u>Comments of Contact Person</u> |
|--|-----------------------------------|
| a. Rate Total Knowledge regarding work with you: | 1 2 3 4 5 UTR |
| b. Rate the Quality of Work | 1 2 3 4 5 UTR |

¹⁵⁸ This form was initially developed by the Concord, N.H. Police Department and modified for use by the Concord Fire Department.

- | | | | | | | | |
|----|---|---|---|---|---|---|-----|
| c. | Rate the Quantity of Work | 1 | 2 | 3 | 4 | 5 | UTR |
| d. | Rate Initiative | 1 | 2 | 3 | 4 | 5 | UTR |
| e. | What aspects of the job provided the greatest difficulty to the candidate?
Please be specific. | | | | | | |

6. Human Relations Skills

- | | | | | | | | |
|----|--|---|---|---|---|---|-----|
| a. | Communications (Verbal) | 1 | 2 | 3 | 4 | 5 | UTR |
| | Communications (Writing) | 1 | 2 | 3 | 4 | 5 | UTR |
| b. | Public relations: (General Public, etc.) | 1 | 2 | 3 | 4 | 5 | UTR |
| c. | Conflict Resolution Skills (e.g. citizen complaints, staff problems etc.) | 1 | 2 | 3 | 4 | 5 | UTR |
| d. | Style of Supervision
(description of how conducive to good morale, team building) | 1 | 2 | 3 | 4 | 5 | UTR |
| e. | Relationship with Superiors | 1 | 2 | 3 | 4 | 5 | UTR |
| f. | Relationship with Peers | 1 | 2 | 3 | 4 | 5 | UTR |

7. Personal Qualities

a. Evaluate the candidate's ethical standards 1 2 3 4 5 UTR

b. Rate the individual's overall appearance and
personal hygiene 1 2 3 4 5 UTR

c. What qualities come to mind when you think of this
applicant:

d. Summarize candidate's overall strengths 1 2 3 4 5 UTR

e. Summarize areas needing improvement

8. Specific Inquiries for Employers:

- a. Reason he/she left your agency? (Voluntary and in good standing) ?

- b. Would you rehire?_____
- c. Discuss employee's attendance record and overall dependability.
- d. Discuss employee's attention to job safety.

9. Overall Assessment of Candidate:

_____ Cannot confidently recommend

Date:_____

_____ Recommend Confidently

Date:_____

_____ Very Highly Recommend

Date:_____

Name of Person Conducting Check

Title of Person Conducting Check

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