

**To the Mayor and Members of the City Council****June 2, 2020**

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SUBJECT: FWFD RED HELMET VOLUNTEER PROGRAM

The Red Helmets is a volunteer organization of dedicated civilians that provide support to the Fort Worth Fire Department (FWFD) during prolonged and/or extended operations. The Red Helmets is a civilian volunteer group that has supported the FWFD for over 48 years.

Formed in 1970 under the guidance of Chief L.R. Himes the first response was in May 1971. The group was incorporated as a Texas Non Profit Corporation in July 1980 and granted tax exempt status by the Internal Revenue Service as a 501(c)(4) (Volunteer Fire Department). They were also granted Tax Exempt Status for Texas Sales Tax and Texas Franchise Tax.

The Red Helmets program is currently funded by the Fire Department through supply budget and has minimal fiscal impact.

There are currently twenty members of the team. Four new members have been approved through the city approval process but have not begun service. All members go through a background check and motor vehicle records check by the City of Fort Worth.

The Red Helmets operate the Fort Worth Fire Department Canteen Unit. The Canteen truck is equipped with heat/air, microwave, a coffee machine, water, Gatorade and other snacks, as required due to weather. The Canteen Unit responds to all two-alarm and greater fires.

The Red Helmets responded in support of twenty (20) incidents in 2018 and twelve (12) in 2019.

Amounts reimbursed to Red Helmets from fire:

- 2020 \$235.54
- 2019 \$1281.28
- 2018 \$887.68
- 2017 \$1392.24
- 2016 \$446.37

Personal liability for volunteers driving a City Vehicle has become an issue. The Canteen Truck is owned by the City of Fort Worth, but volunteers driving city vehicles have limited liability protection. Since the Red Helmets volunteers are not City employees, they are not protected under the Texas Tort Claims Acts and can be sued in their individual capacities. As a result, Red Helmets volunteers have unlimited liability for their negligence, and the City would not step in as a party to the suit.

Due to the concerns of the Red Helmet volunteers about potential exposure to liability the Fire Department uses fire personnel to drive the Canteen Truck. If the Canteen Truck is needed after normal business hours, fire personnel must report to work and be paid overtime.

Volunteers are considered plan members under the City's Personal Liability Indemnity Plan (PLIP). The PLIP affords liability coverage to volunteers up to \$100,000. The PLIP, however, does not provide coverage for personal injury to a volunteer. In addition, a volunteer would have unlimited liability for any claim or judgment in excess of \$100,000. The City would "most likely" provide a defense for the volunteer if the City Council agreed, but the City is not obligated to do so.

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The Fire Department discussed hiring the volunteers of the Red Helmet program as part-time employees. As a part-time employee, (or any employee, part-time or full time), the Texas Tort Claims Act would apply in the case of negligence on the part of the employee and the City's liability would be capped at \$500,000 per occurrence, \$250,000 per person and \$100,000 for property damage. The employee would also be protected by the election of remedies provision of the Texas Tort Claims Act against personal liability.

The Red Helmets received a quote for accident insurance from Philadelphia Insurance Companies for \$100,000 accidental medical expenses per participant, per accident. The amount required is \$300.00. However, it does not resolve the issue of potential unlimited exposure to the volunteer in the event of an accident. The volunteers are potentially personally liable for any claim or judgment in excess of the \$100,000 provided by the PLIP.

It is the recommendation of the Fire Department that four members of the Red Helmets be hired as part-time employees to serve as drivers for the Canteen Unit at \$10.00/hr. Based on an estimate of no more than 250 hours per year and a pay rate of \$10.00 (suggested) per hour, the cost would be approximately \$2,500 per year and would resolve the liability issues. The Fire Department has worked with Human Resources and completed job classification and descriptions for these positions. By hiring four members of the Red Helmets as part-time employees, the need to pay overtime to uniformed firefighters would be eliminated.

If you have any questions, please contact Fire Chief Jim Davis at 817-392-6801.

David Cooke
City Manager