





# Making the Transition...



**From Contract  
to Direct  
Service Provider**

Notes for previous slide:

335 ESDs in the state

ESDs are all different sizes, most are Fire ESDs, some are EMS ESD's

Presentation is geared towards Fire ESDs, several transitions involved joint Fire/EMS ESDs

Some principals are fundamental across the board

How many represent EMS ESDs? Fire ESDs?

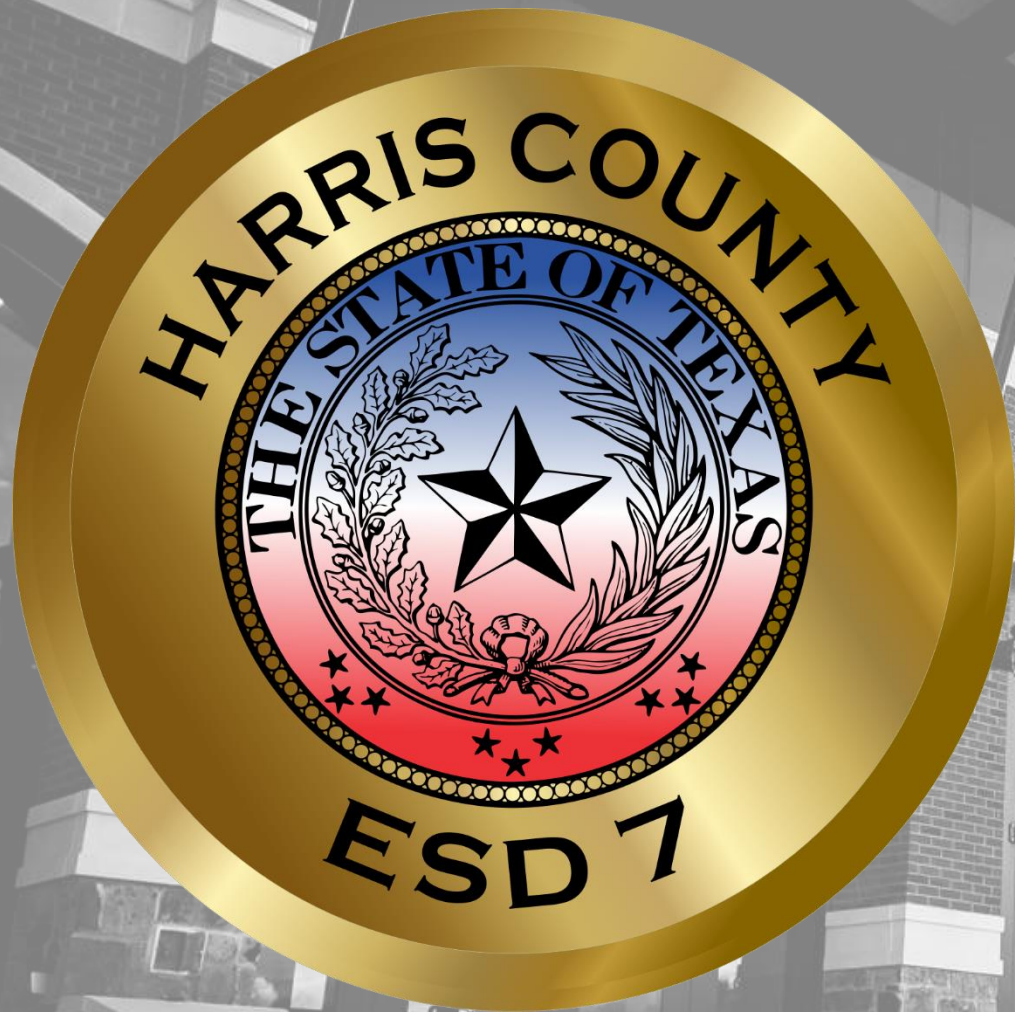
How many of you are Commissioners?

How many are Chiefs?

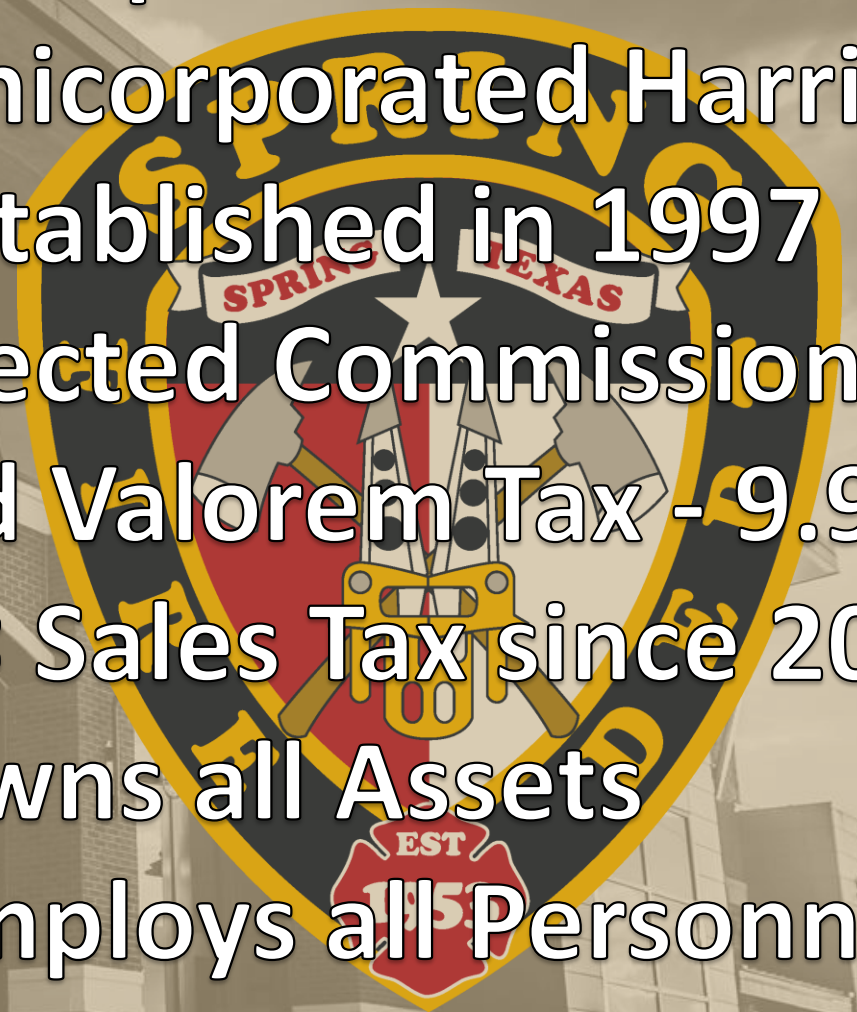
How many of you ended up here because nothing else on the agenda looked good?

Hopefully, you will take away something from today's presentation

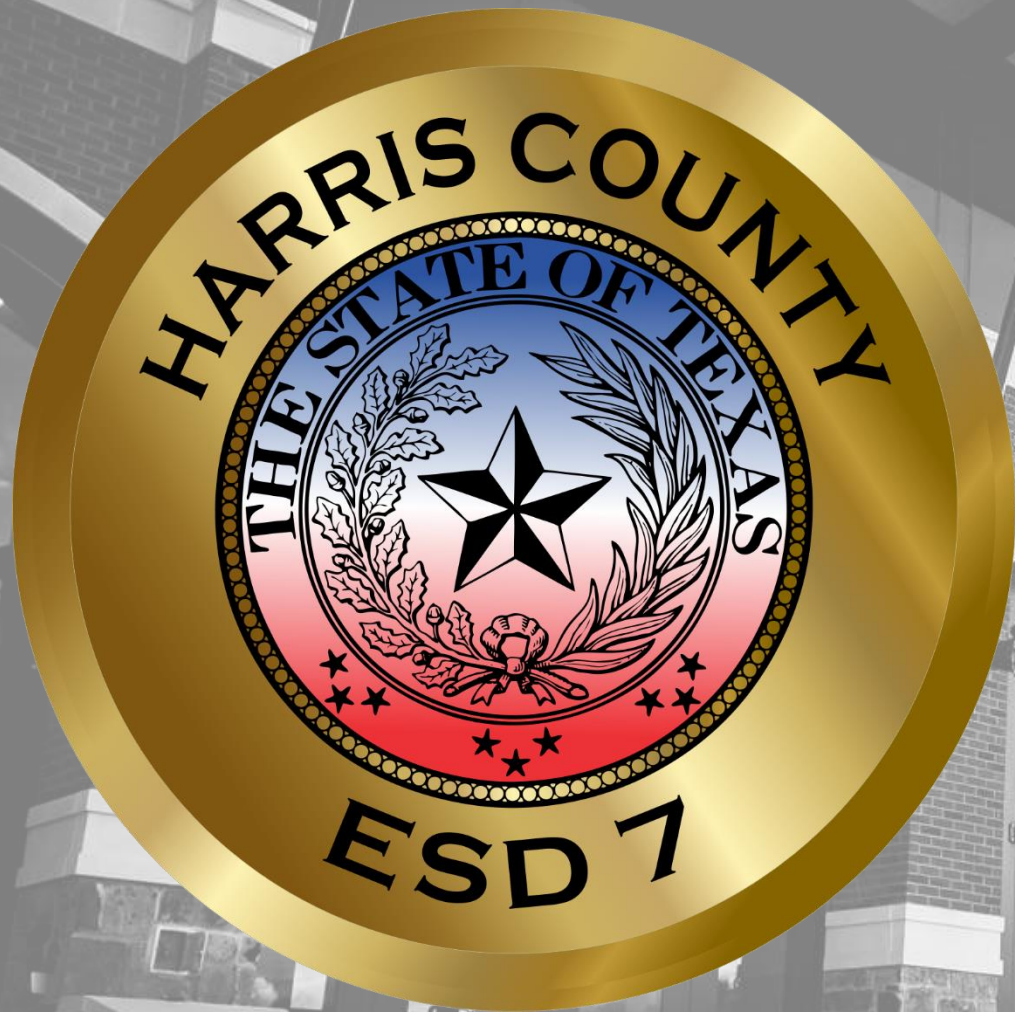




62 Square Miles  
Unincorporated Harris Co.  
Established in 1997  
Elected Commissioners  
Ad Valorem Tax - 9.97¢  
1¢ Sales Tax since 2011  
Owns all Assets  
Employs all Personnel  
TCFP Regulated







Formed Vol. Dept. – 1953

ESD Department – 2020

Serve 156k, ~6600 Calls

ISO Class 2, 9 Stations

49 Apparatus/Vehicles

120 Full-time Firefighters

8 Part-time Firefighters

32 Volunteer Firefighters

16 Full/Part-time Support





Notes for previous slide:

Here is a picture of our department before the transition, I'm going to Click the slide...

Here is a picture of our department after the transition

That's right, nothing changed...

If you have a smooth transition with no pain, you will see no change from the contract service provider model to the ESD being the direct service provider

What is an ESD department? It is a department whose employees are paid by the ESD and are regulated by the TCFP. Volunteers can also receive a stipend from the ESD, but are not regulated by the TCFP, they are still under SFFMA guidelines.





# Lessons Learned

www?

Notes for previous slide:

Why are you considering your ESD become the Direct Service Provider?

Is there something wrong in the Fire Department?

Is there something wrong within the ESD?

Are both entities in alignment?





Notes for previous slide:

All transitions are successful, but some are painful, and some end up in court, but they are all successful, or I should say I haven't heard of a transition that the District abandoned the transition because of the pain.

Two stories to share about departments that had a degree of pain, one a small amount of pain, the other a lot of pain including going to court.



**BREAKING**

**NEWS**



<https://www.youtube.com/watch?v=ZVT52s3HhhQ>

Audio Only

Notes for previous slide:

Let's certainly hope this isn't why you are transitioning, listen close...

www?



Notes for previous slide:

In our case transitioning from all volunteer to paid staff was Phase I

Then transitioning to the Direct Service Provider was Phase II

Why did we do it, 2 different events:

Hurricane Ike – Most of our part-time staff was Houston Fire Department firefighters and they got called back to their stations. This left us with only volunteers, and we made it, but it was stressful!

Neighboring department had a house fire where a 14-year-old girl lost her life when the first arriving vehicles were Fire SUVs and the first truck with water was a long way out.

We said we could never let this happen to us!



# Blueprint For Success

Notes for previous slide:

Today we are offering a blueprint for success based on what worked for us. We also know that what worked for us might not work for you, but my hope is that you maybe get one thing that will help with your transition. One tool for your toolbox.

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**It's an Evolution**

Notes for previous slide:

How many in the room were RFPDs?

Statute for RFPD's was created in 1949

Chapter 794 of the Health and Safety Code

We evolved from Bake Sales and Animal auctions to an RFPD in 1983 and then to an ESD in 1997 and it took us 23 years before the ESD became the Direct Service provider.



Notes for previous slide:

In 2013 we hired 8 full-time firefighters and they had the worst schedule in America

Week 1 – 6am – 6pm, Monday-Thursday, volunteers and part-time covered the rest

Week 2 – 6am – 6pm, Tuesday – Friday

We paid 100% employee health insurance

Then less than a year later we hired 16 more firefighters and switched to a 48/96 shift

Then about a month into those 16 being on board it was brought to our attention that one firefighter who paid for the health insurance for his spouse and family had a net paycheck of ~\$300.

We quickly addressed this and started paying 80% for spouse and family and at the same time increased their salary 27% to become competitive with other districts that started hiring.





# Important Questions

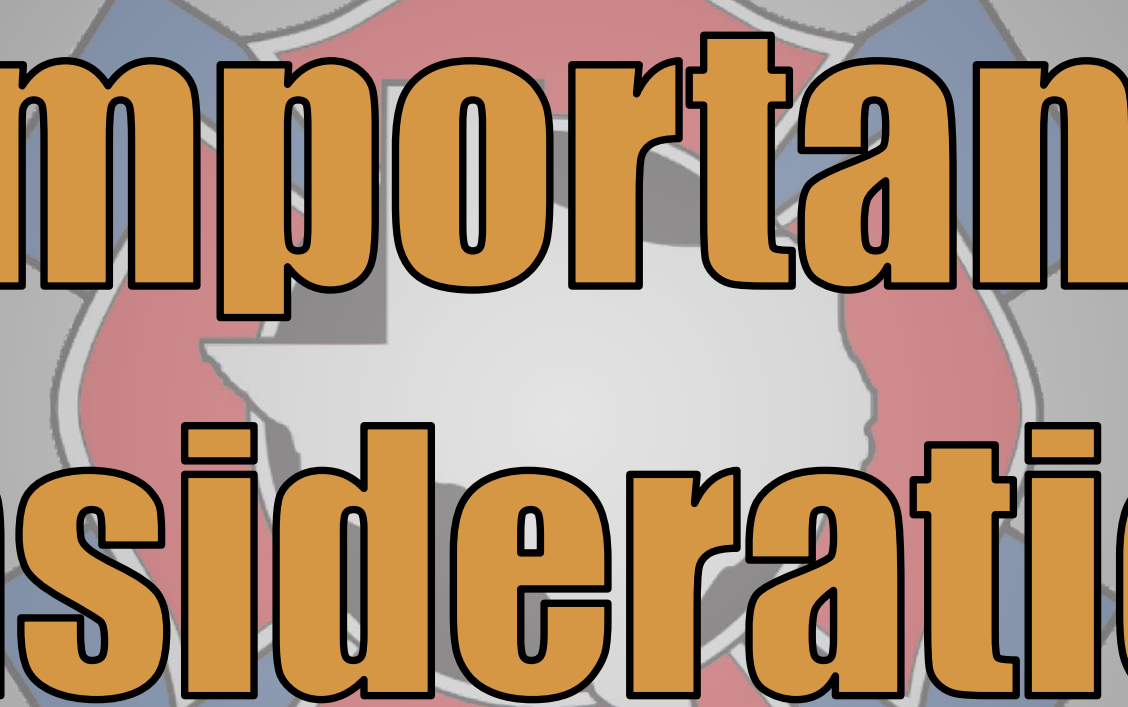


Why?

How soon?

Can you work  
cooperatively?

Is there any  
other  
opposition?



# Important Considerations



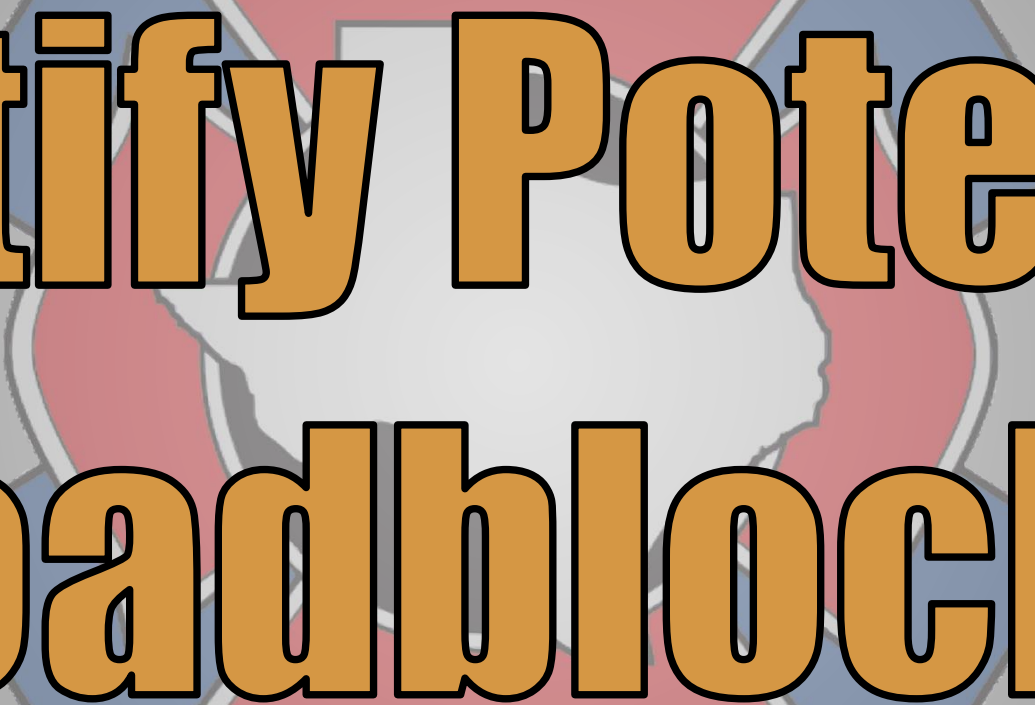
Necessary  
Funding?

Human  
Resources?

Hiring  
Personnel?

Do you have  
Strong  
Leadership?





# Identify Potential Roadblocks



Volunteer  
Firefighters don't  
want to let go


Volunteer Officers  
don't want to give  
up authority

You can't do this  
to us, we created  
you

**YOUR'E TRYIN'  
TO GET  
RID OF THE  
VOLUNTEERS!**



# Different Transition Models



Notes for previous slide:

Forced Transition – ESD>FD

Driven Transition – FD>ESD

We drove our Board to transition to an ESD department for the pension

Different ways to build your organization:

Hire Fire Chief, build a conventional Top-down organization

Because our leadership was strong, we built the organization from the bottom up

We hired firefighters first, then 3 shift District Chiefs

Then we promoted/hired Station Captains, then Apparatus Operators/EOs

Either way you design your organization it must have Strong Leadership!





Notes for previous slide:

One of the biggest changes is changing from SFFMA to TCFP

If you transition to and ESD department, your volunteers will still be under SFFMA

Volunteers are not regulated by TCFP

But once the ESD is the direct service provider, your paid staff (not volunteers) are regulated by TCFP



Notes for previous slide:

When regulated (governed) by TCFP every 2 years you have to provide:

Certain SOPs and SOGs

Administrative information

PPE records

SCBA records

And anything else the Compliance Officer asks for

This used to be a non-scheduled event, but since COVID you receive a letter from the TCFP Compliance officer and then it is a 2-part process.

Provide all records electronically and then there is a scheduled date for the Compliance Officer to come onsite and perform his inspection.

# SOPs and SOGs

PPE

SCBA

Breathing Air

PASS Devices

Incident  
Management  
System

Accountability

Operation at  
Emergency  
Incidents

2 In / 2 Out

Wellness and  
Fitness

Live Fire  
Training



# Administrative

Duty Roster  
with  
Appointments

Continuing  
Education  
Records

Courage to be  
Safe Course  
Completion

Highway Traffic  
Safety Course  
Completion

TCFP Monthly  
Injury Report is  
Up to Date

# PPE

Advanced Cleaning,  
Advanced Inspection,  
Advanced Repair  
records for Past 2 years

NFPA 1851 Advanced  
Cleaning and Advanced  
Inspection Training  
Certificates held by  
agency personnel

PPE Risk Assessment  
Document

# SCBA

Annual Full Function  
Test results for the  
past 2 years

Technicians  
Certificates

Full Function Test,  
machine calibration  
certificates for the  
past 2 years

Duty period  
inspection  
documents for May  
and June 2021

Cylinder Inventory  
List (with  
Manufacturer dates  
and Hydro test dates

DOT Permit Letter  
from hydro-test  
Vendor

Cylinder fill log  
documentation for  
previous 2 years

Quarterly breathing  
air tests for 8 most  
recent test reports



# Keys to Success





No Secrets

Formulate a  
Plan

Consider the  
timing

Form a  
Committee

Listen to  
understand

Recognize this  
is emotional

Notes for previous slide:

Most of us listen to respond, we need to listen to understand, then respond. This was taught to me by a Fire Chief in the room.

He would say something to me, and I would cut him off trying to respond to him, and he would stop me.

This taught me to listen to understand completely and only after he finished would I then respond. I have gone on to use this in my personal life too and it is a much better experience.

A stylized Maltese cross is centered in the background. The cross has four blue rectangular arms and four red triangular points. In the center of the cross is a white silhouette of the state of Texas. The word "Communicate" is written across the center of the image, partially overlapping the cross and the Texas map.

**Communicate**

Notes for previous slide:

Communication, and sometimes over-communication is required

No secrets, no hidden agendas

The single biggest problem in communication is the illusion that it has taken place

- George Bernard Shaw

A faded background logo featuring a red shield with a white border, overlaid on a blue cross-like shape. The shield has a white, torn-edge-like center.

# Employer Considerations



Notes for previous slide:

FLSA, Wage & Hour – Overtime rules, 207k Exemption, 28-day work cycle

Discrimination

Testing

Payroll Compliance

Employee negligence

Hiring – Background Checks, Drug Screens

Benefits

Insurance

FMLA

Retirement



**TEXAS**  
**COUNTY &**  
**DISTRICT**  
**RETIREMENT**  
**SYSTEM**

Notes for previous slide:

The whole reason we drove our ESD to become the direct service provider was so our employees would get a pension

Previously they received a 401k under the non-profit and when we transitioned it rolled over to a 457B.

Why did we do this...

We believe if we take care of our employees, Mrs. Smith will be taken care of at a level beyond their expectations and I have the letters and emails to prove it



# Personnel Considerations

Notes for previous slide:

More oversight and responsibilities

More exposure/liability as an employer

Performance Management – training, discipline, evaluations

You will need an HR manager or engage an outside Human Resources consultant

You will need a Labor Attorney's guidance if you don't have an HR manager





# Human Resource Considerations

Notes for previous slide:

Whistleblower Complaints

Racial Discrimination

Gender Discrimination

Sexual Harassment

You must have rock solid Policies and Procedures to address all of these

Gotchas

Notes for previous slide:

I wanted my employees to get that pension as soon as possible and risked myself to do it.

We transitioned in April 2020. I was not TCFP certified! Your Fire Chief must be certified within 1 year after the transition.

I was SFFMA Firefighter 1 and 2 and challenged the TCFP test and in November 2020 I became TCFP certified.

If you transition to an ESD department your Fire Chief **MUST** be TCFP certified and then has to get the Head of Department (HOD) certification.

# Recruitment and Retention



Notes for previous slide:

When we talk about recruitment and retention we usually think about volunteers

The reality is that if you want to recruit and retain full-time staff you must have a slightly different approach.

Competitive salary, health benefits and a retirement program built upon the foundation of a good culture is a great start.

You can do that even before becoming an ESD department, but the next step is providing your full-time employees a state managed retirement program which will contribute to recruitment and retention of full-time staff.

If you have a poor culture, you may want to address that before and during the planning stage.





THIS SYMBOL OWES YOU NOTHING.  
BUT IF YOU DEDICATE YOURSELF TO IT -  
IT WILL GIVE YOU EVERYTHING.







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