

PA FIRE POLICE ***Law Governing Workers Comp for Fire Police***

By Tony Riccardi - PA State Fire Academy Approved Fire Police Instructor

In this month's article, we will address some concerns that fire police officers as well as fire departments need to be aware.

Not too long ago, the word traveled throughout the Commonwealth that fire police officers were now required to wear helmets when on duty. While the concept certainly has merit, unfortunately, it is not true.

What most fire police officers, as well as fire departments, were misreading was the section of PennDot Vehicle Code Regulations Title 67, Chapter 101 and, specifically, Sections 101.1 and 101.3

Section 101.1 states that "This chapter indicates those persons, other than uniformed police officers, who are authorized to direct, control and regulate traffic and to prescribe

suitable attire and equipment for those persons". It further states, "A firefighter's hat is sufficient attire for a firefighter and an official hat and badge is sufficient attire for a fire police officer". It does not state that a fire police officer must wear a helmet.

In reading Section 103.1, we find this wording, "(l) Traffic control persons on utility, maintenance and construction projects shall wear orange, fluorescent red-orange or fluorescent yellow-orange vests and a helmet. In addition, they shall be equipped with a flagman traffic control sign, a paddle with a Stop Sign on one face and a Slow Sign on the opposite face, as described in Publication 203 of the department". (Now 213)

Thus it can be seen how this would have caused some confusion, causing fire departments to purchase helmets for their respective fire police officers and requiring them to be worn when on duty. It should be noted, however, if the fire department requires their fire police officers to wear a helmet when on duty, who can argue with the logic of this mandate.

So the real issue here is that construction workers are required to wear helmets when engaged in their activities, while fire police officers are not.

Another issue we will address in this article concerns Pennsylvania Vehicle Code, Title 75, specifically Section 3102.

Many fire police officers have been observed on duty in various areas of the Commonwealth while not properly attired. In discussing this with these officers, there is a sense they feel they are needed and must proceed with all due haste, therefore, do not have time to put on proper attire, or simply do not have the equipment with them at that moment.

This is a serious problem and should be avoided even if it means not responding to that particular call.

Continued on Page 90

www.Eagle-Engraving.com



Engraved firefighter axes, axe plaques, and many other awards available






Easy to use Accountability Systems

Variety of badges, collar insignia, and more




Our products can be customized to meet your needs

Phone: 630.377.1056 Fax: 630.377.1286
Email: Service@Eagle-Engraving.com

FOR SALE - USED EQUIPMENT

Cairns 660 Metro OSHA Helmets

White, Yellow, Red, Black & Blue

Fair Condition - \$40.00 ea

Good Condition - \$50.00 ea

Excellent Condition - \$60.00

Available with shields or goggles

If ratchets are available \$5.00 extra

Yellow Nomex Bunker Pants

Size 28-36 \$50.00-\$70.00

GLOBE - PBI GOLD -

Turn Out Coats - 35" Long

Size 34-44 \$160.00-\$260.00

Size 46-48 \$185.00-\$285.00

Size 50-56 \$300.00

GLOBE - PBI GOLD - Bunker Pants

Size 28-38 \$110.00-\$160.00

Size 40-46 \$135.00-\$185.00

I buy Scott air paks and bottles as well as all other types of useable fire equipment. I also buy antique FD items of all kinds including helmets, nozzles, fire alarm boxes and related equipment, speaking trumpets and lanterns.

MILLER'S FIRE EQUIPMENT & COLLECTIBLES

Glen Miller 607-243-5661 or

car1@linkny.com

Fire Police from Page 88

In reading Section 3102 of the Vehicle Code, it states "No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, sheriff or constable, or in an emergency, any appropriately attired person authorized to direct, control or regulate traffic and who is acting within the scope of their employment".

Obviously, the Legislators included this paragraph to cover anyone other than a police officer who may have the authority to direct, control or regulate traffic. If one reads this clearly, it is obvious that no one is required to obey a fire police officer who is not appropriately attired. Simply stated, no hat, no badge, no authority.

The question then is what is appropriate attire? The Fire Police Law defines it as an official hat and badge. An official hat has been defined as one normally worn with a uniform. Based on this, the hat should be the police type.

Recently, a fire police officer was directing traffic at an intersection to assist the efforts of firefighters responding to the call. A driver failed to obey the fire police officer's signal to stop and subsequently struck the firefighter's vehicle. The firefighter had to be extricated from the vehicle which police said suffered severe damage. The firefighter was transported to the Hospital where he was listed in stable condition. Police stated that they could not arrest the offending driver because "the fire police officer was not wearing proper attire to direct traffic".

Fire police officers leave themselves wide open for situations like this to occur because they don't feel it is necessary to wear what the law actually requires. A fire police officer simply has no authority if he/she is not wearing a badge. It is your symbol of authority and is required. To emphasize the importance of the badge, it is mentioned as a requirement, twice in the Fire Police Law. The hat is an additional requirement to further emphasize this authority. The vest is a requirement to provide safety for the fire police officer. The vest must meet a minimum of ANSI Class II.