

7-2014

Building Effective Relationships Between Emergency Managers and Contractors

Bernard Becker III

Cleveland State University, b.becker64@csuohio.edu

Follow this and additional works at: https://engagedscholarship.csuohio.edu/urban_facpub



Part of the [Urban Studies and Planning Commons](#)

[How does access to this work benefit you? Let us know!](#)

Repository Citation

Becker, Bernard III, "Building Effective Relationships Between Emergency Managers and Contractors" (2014). *All Maxine Goodman Levin School of Urban Affairs Publications*. 0 1 2 3 1278.

https://engagedscholarship.csuohio.edu/urban_facpub/1278

This Report is brought to you for free and open access by the Maxine Goodman Levin School of Urban Affairs at EngagedScholarship@CSU. It has been accepted for inclusion in All Maxine Goodman Levin School of Urban Affairs Publications by an authorized administrator of EngagedScholarship@CSU. For more information, please contact library.es@csuohio.edu.

Building Effective Relationships Between Emergency Managers and Contractors

Public and private sector emergency management organizations routinely hire contractors to perform emergency management operations, including field operations, training, exercises, and planning. In employing contractors emergency management officials must be aware of certain responsibilities and liabilities. Establishing effective communications between the agency and the contractor can minimize problems and ensure the delivery of quality services.

By: Bernard W. Becker, III, MS,
Director, Center for Emergency Preparedness,
Cleveland State University



Over the years, the Cleveland State University (CSU) Center for Emergency Preparedness (CEP) has trained numerous public and private emergency personnel in various topics, including: Hazardous Materials (HazMat), Confined Space, National Incident Management System (NIMS), Business Continuity and Emergency Planning, Occupational Safety and Health Administration (OSHA), and Hospital Healthcare First Receiver. In working closely with public and private sector representatives, CEP personnel have observed that a common issue for emergency managers is the difficulty of establishing productive relationships with contractors. We have found that the establishment of an honest, open, and informative relationship between the emergency manager and the private contractor can ensure the delivery of quality emergency services to businesses and residents, with little or no disruption or conflict.

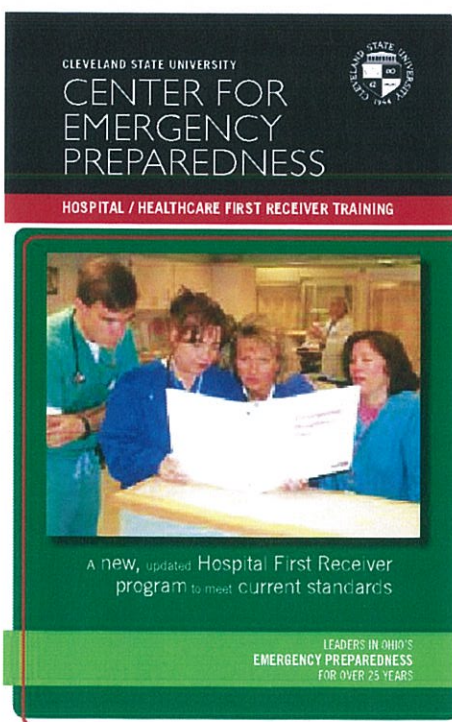
When emergencies occur, the public expects qualified and competent individuals to respond and resolve the calamity in a timely manner. For the most part, this does occur; however, it is the 'behind the scenes' portion of the relationship which helps expedite this service.

Many companies and emergency managers hire independent contractors to perform specialized work relating to emergency service. Writing plans, developing training, and planning and conducting exercises are emergency management tasks that are often contracted out. However, as an emergency manager, if you are responsible for performing such work, do you know who or what you are really hiring? Do you know all of the contractor's risks and liabilities? Not knowing the capabilities and abilities of any independent emergency management worker can lead to litigation, and significant time spent on issues other than the emergency. Below are several instances of negligence in liabilities which may arise from failing to engage in due diligence:

- Contributory negligence - It may be alleged that you are partly to blame for an accident. The likelihood of this increases if the contractor was using your equipment at the time of the accident, or if the loss occurred on your property.
- Negligent entrustment - It may be alleged that you either knew or should have known that the contractor you hired was incompetent, reckless, or not qualified for the task.
- Inherently dangerous activities - In some cases, strict liability may be imposed on a business engaged in inherently dangerous activities, for example, the disposal of hazardous waste materials.

Ohio's 88 counties are classified as political subdivisions, as they are responsible for governmental activities in specified geographic areas smaller than the state. As political subdivisions, their liability may be limited. The 'Ohio Political Subdivision Tort Liability Act,' (R.C. Chapter 2744,) provides a "three tier" analysis for determining when political subdivisions immune from liability.

The first tier of the analysis simply states that political subdivisions are not liable for damages in a civil action for loss to person or property caused by an act or omission of the political subdivision or an employee of the political subdivision in connection with a governmental or proprietary function. The second tier provides exceptions to immunity, i.e., situations in which local governments can be held liable. The last tier consists of statutory "defenses"



that allow for local governments to avoid liability, even when they would otherwise be liable under an exception to immunity. The Act does not apply to all claims, and it even explicitly excludes certain lawsuits.

Issues dealing with hazardous materials require special consideration. Most private sector workers follow the training requirements identified by OSHA, as well as the Department of Transportation (DOT) requirements for handling hazardous materials, while most public sector emergency workers follow the Ohio statutory and administrative requirements. Oddly enough, most of these requirements are similar in goals, but may have different tactics which to achieve them. Regardless of the name on the book, it is imperative that each entity develop positive relationships long before the emergency is declared.

It is critical that private contractors follow the OSHA standards, especially on contractor safety. Several OSHA standards include sections that spell out responsibilities for outside contractors and contract workers. These standards include, but are not limited to: provisions affecting contractor selection, employee training, the exchange of safety information, and emergency action plans.

- Hazard Communication (29 CFR 1910.1200) standard includes requirements regarding contractor exposures to chemicals and other hazardous materials.
- Process Safety Management of Highly Hazardous Chemicals (29 CFR 1910.119) standard identifies responsibilities of work site employer and contract employers with respect to contract employees involved in maintenance, repair, turnaround, major renovation, or specialty work, on or near covered processes.
- Welding, Cutting and Brazing (29 CFR 1910.252) standard applies to your responsibility for advising contractors about flammable materials or chemicals of which they may not be aware.
- Hazardous Waste Operations and Emergency Response (29 CFR 1910.120) standard covers potential fire, explosion, health, and safety hazards of hazardous waste operations.
- Permit Required Confined Spaces (29 CFR 1910.146) standard provides instructions when arranging to have contractors perform work in confined spaces such as tanks, silos, vats, and pits.
- The Control of Hazardous Energy (CFR 1910.147) Lockout/Tagout standard establishes requirements for the control of hazardous energy during servicing and/or maintenance of machines and equipment.

To view these and many more OSHA standards, visit www.osha.gov. Relationship and knowledge of capabilities is mission critical.

The Cleveland State University Center for Emergency Preparedness has been providing emergency training for more than 30 years throughout Ohio. The CSU CEP is guided by the mission of providing the highest quality emergency training; services provided by professionals utilizing industry standards, and best practices. We emphasize the most current applications, theories, and hands-on techniques. We are the innovators of emergency preparedness customization for the betterment of our customers.

A number of our customers are private corporations, and we have a harmonious relationship with all of them. In return, these major corporations keep having us return for new employee initial training as well as refresher or recertification training.

This type of relationship must be fostered by both the emergency manager and the private contractor, and consistently built upon to deliver the highest quality emergency services our residents and businesses expect.

***Bernard W. Becker, III** is the Director of Continuing Education, Center for Emergency Preparedness for Cleveland State University. He is responsible for providing quality leadership, and manages programs in emergency preparedness, health, safety, hazardous materials, academic, and continuing education as well as business continuity throughout the State of Ohio.*

Mr. Becker began his career in the fire service in 1977 as a part time/volunteer Firefighter/EMT with the Colerain Township Fire Department. In 1996, Bernie accepted the position of Assistant Chief with the Anderson Township Fire Department, and in 1997, accepted the position of Fire Chief of for the Clearcreek Fire District. Mr. Becker has extensive experience in Fire, EMS, and Emergency Management and is active in various professional associations. Mr. Becker earned a Bachelor of Science Degree in Fire and Safety Engineering Technology from the University of Cincinnati, and a Master of Science Degree in Executive Fire Service Leadership from the Grand Canyon University, Phoenix Arizona. He is currently a Doctoral Candidate, working on a Doctorate of Business Administration degree.

THE WORST THING YOU CAN DO IS NOTHING.

WE HAVE THE POWER TO STOP VIOLENCE

DEFENDING CHILDHOOD PROTECT REALITY

Experiencing violence can lead to depression, post-traumatic stress disorder, criminal behavior and more violence. With your help, we can break the cycle. Dial 211 if you or a child you know is being exposed to violence. Or simply pledge your support at DefendingChildhood.com

If you or someone you know is experiencing violence, Dial 211 for 24hr support.

WWW.DEFENDINGCHILDHOOD.COM