

Psychological Employment Screening in the Fire Service
Reducing Workplace Risk through Collaboration

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Abstract

Fire departments in the United States do not have a standard of practice that indicates the use of psychological assessments for hiring suitable candidates or determining the fitness for duty of incumbents. As a result, legally, many departments are not establishing reasonable precaution. Some agencies, who attempt to psychologically screen candidates, are using psychologists who conduct preemployment screenings and fitness evaluations based on a standard created for the law enforcement profession. Conducting selection and fitness assessments using criteria developed for a different profession and making decisions which impact both an individuals' job rights and public safety (based on that invalid criteria) is not only a poor risk management process, but it is ethically wrong (American Psychological Association [APA], 2016). Beyond those legal issues, hiring and retaining unsuitable employees causes unnecessary stress and imposes harmful consequences which can surface each shift. As a solution, the fire service should move beyond a framework that seeks to isolate nonspecific psychiatric conditions against essential job functions (NFPA, 2018) to developing job specific criterion related behaviors and a standard of practice to select firefighters based on those criteria. Additionally, the fire service needs to support the inclusion and development of psychologists specifically trained to meet the needs of the fire service.

Problem Statement

The United States Fire Service, institutionally, does not have a standard of practice that indicates the use of psychological assessments for either hiring suitable candidates or determining the fitness for duty of incumbents as do police agencies (POST, 1984). Yet, case law, *Bonsignore vs. The City of New York* (1981) holds the fire service to the same standards of legal responsibility as police agencies regarding selection and retention. Under this and similar case law, employers are held responsible for the actions of their employees *and* are responsible for demonstrating they used “reasonable precautions” to avoid hiring and retaining individuals psychologically unsuited for positions that impact public safety. The use of pre-employment psychological evaluations assessing well researched job-related behavioral criteria conducted by psychologists well experienced with the specific public safety sector is the legally tested “reasonable precaution.”

While some individual fire service organizations do engage in psychological assessments, many fire service agencies do not. Unfortunately, those that do, are using job relevant behavioral criteria based on the analysis of police officer functioning and police officer personality traits, not job relevant functioning and behavioral traits of members of the fire service. The argument that the police officer criteria do generally describe behaviors that one might seek in fire fighters and most other high stress jobs at a global level is invalid. The entire process of research and statistical analysis that makes the police officer criteria scientifically valid and reliable was based entirely on the tasks and behaviors of police officers. Firefighter traits and behaviors were not part of the research. In a legal setting, trying to establish that you used reasonable precaution in determining suitability and fitness by using the behavioral criteria from a different profession to determine suitability and fitness is proving the case you are trying to defend against. Books have

been written about the selection of employees using very specific job analyses and statistical methods to determine that the criteria are job related to that specific job. By using police officer derived criteria to select or deny employment to firefighters is stating that police and firefighting jobs are the same.

Beyond risk management related to establishing reasonable precaution, there are inherent costs associated with hiring candidates and retaining incumbents who demonstrate problematic behavior and disrupt organizational functioning. These costs include the time spent resolving workplace disruptions, unnecessary stress, as well as the increased legal liabilities associated with vicarious liability, negligent hiring, and negligent retention.

Historical Context

Fire service leaders can train people to be competent in technical tasks related to fire prevention, suppression, and emergency medical response. At one time, this type of training may have been considered sufficient to meet the needs of fire departments in the United States. However, according to the Wingspread I Conference Report (1966), fire service leaders first publicly mentioned through the “Statement of National Significance to the Fire Problem in the United States” the need to standardize how the fire service profession is defined and the need to employ firefighters who understand human relationships, demonstrate commitment and cognitive flexibility, while also serving as effective communicators. Fire service leaders expressed dysfunctional relationships within fire departments and communities had become a primary source of frustration for fire service leaders. These same challenges were mirrored twenty years later in the Wingspread II Conference Report (1986) when leaders mentioned the financial costs and time spent to manage even minor conflicts.

Over the years, fire service leaders have believed interpersonal challenges could be ameliorated through education. Although it can be helpful, it is difficult, sometimes impossible, to train people to be highly functional both emotionally and interpersonally. Unfortunately, the individuals who pose the most challenges often lack the insight or simply do not have the capacity to make the personality changes needed to be effective in these roles. It is time for the fire service to develop a comprehensive psychological selection process which is focused on the specific needs of our fire service. Both selection and education are valuable tools to be used to manage a workforce.

The National Fire Protection Association (NFPA) was created in 1896 to provide consensus codes and standards within the fire service (NFPA, 2022). Historically, the fire service candidate and incumbent standards for employment have been found in NFPA 1582. The 1992 version of this document defined “Category A” medical conditions as broken into two parts, A and B. For psychiatric conditions, part A reflected, “a history of psychiatric condition or substance problem shall be evaluated based on that person’s current condition.” Part B of the medical condition included, “any other psychiatric condition that results in a person not being able to perform as a firefighter.” They reported there were no psychiatric conditions identified as “Category A” medical conditions. No further information was provided to guide determination of impairment/ disability nor evaluate the current condition or performance. The same language was reflected in the 1997, 2000, and 2003 versions. In 2007, the language was expanded to reflect, “medical conditions shall include any psychiatric condition that results in the candidate not being able to safely perform one or more of the essential job tasks. Medical conditions shall include the following: (1) A history of psychiatric condition or substance abuse problem (2) Requirement for medications that increase an individual’s risk of heat stress, or other

interference with the ability to safely perform essential job tasks.” In 2013, the same language was adopted. In 2018, there was a shift when the document specifically identified psychiatric conditions. The language read, “Category A medical conditions shall include any psychiatric condition that results in the candidate not being able to safely perform one or more of the essential job tasks.” It also reported, “Category B medical conditions shall include the following: (1) A history of psychiatric condition or substance abuse problem. (2) Requirement for medications that increase an individual’s risk of heat stress, or other interference with the ability to safely perform essential job tasks.” These documents included no evidence or research as to how to determine whether the psychiatric condition translated to an impairment or disability, legal considerations (ADA, 1990), nor did it include specific instruments to be used in these assessments. Ultimately, listing psychiatric conditions alone does not provide enough information to establish a standard. Essential job tasks should be broken down into “job specific criterion related behaviors.” Psychologists should be used to choose the psychometric tools used to determine whether those behaviors are present as well as develop and test fire-specific measures.

Costs of Current Practices

Many studies have supported the notion that firefighting is inherently stressful. However, few research articles have parsed out whether the stress is operational, organizational, and/ or interpersonal. According to a study completed by Accountemps (2011), managers reported they spent at least 18 percent of their time each week intervening in employee conflicts. This translates into spending at least seven hours per week and nine weeks per year on conflict resolution. A survey of 1,400 CFOs found that nearly 1-day per week went to dealing with poor performing employees (17%). Compounding the problem was that 95% of these leaders found

that bad hiring decisions affected team morale and distracted leaders from business-critical initiatives and caused other team members to pick up the slack. “Bad personnel decisions rarely happen by chance. In retrospect, managers usually discover they failed to give proper attention to the hiring process” (Hollon, 2012). We can conceptualize that while firefighting may cause stress, employees’ interpersonal behavior may be a greater stressor than the job itself.

Risk Management

Leaders and organizations can be liable for the harm caused by acts of those they lead.

The legal concepts are:

- Vicarious liability- The organization, sometimes the leader, is responsible for the tortuous acts of those they employ and lead.
- Negligent hiring- Conducting employment hiring practices that are inconsistent with employment risk.
- Negligent retention- Continuing to employ an individual when they are not fit for duty (employee’s job specific criterion related behavior indicates impairment or disability.)

Vicarious Liability

Employers are often legally responsible for the actions of their employees. Fire departments should seek to hire and maintain individuals who represent their core values and who are ultimately going to behave in a manner consistent with the organization’s ethical code of conduct. Therefore, selecting candidates based on the psychological qualities consistent with those factors is in the department’s best interest. According to Murphy (n.d.), “Employers are vicariously liable, under the respondent superior doctrine for negligent acts or omissions by their employees in the course of employment. Since the training officer is an employee of the organization, the agency most likely will be held responsible for the employee’s action. The

principle involved here is that in such cases, the public interest is more important than the private interest, so vicarious liability is imposed to deter or to create incentives for employers to impose stricter rules and supervise more closely.”

Negligent Hiring

Firefighting and paramedicine are legally considered high risk occupations. To establish that a specific hiring process was not negligent requires there to be both job specific criteria and job-related behavioral criteria. This analysis must be more in-depth than the basic information provided on a job description, and it typically requires the use of selection experts with training and experience in employee selection.

According to Varone (2018), to prevail in a negligent hiring suit, the plaintiff would have to prove the fire department had a legal duty to conduct a background check (including psychological assessment). The check would have discovered the firefighter’s history of problematic behavior. The fire department breached its legal duty by not conducting the background check and ultimately this breach of the duty was the proximate cause of the harm. Varone offered the case example of a firefighter who was accused of sexual assault. In this case, the victim sued the firefighter’s employer saying that they had a legal duty to conduct a background check which would have indicated the firefighter was a sexual predator and that ultimately it breached its duty which was the proximate cause of the sexual assault.

There are other fire service case examples that demonstrate the impact of negligent hiring. In *Randy Barnett and Tracia Barnett v. Brandon Wilson, Jonathan Smith, and the Blacksburg Volunteer Fire Department, Inc.*, which was filed in March 2022, a man was injured following a collision with a fire department utility terrain vehicle which was reportedly being operated at an unsafe speed while there was no emergency in progress. The man’s injuries

resulted in a partial leg amputation. The suit named the not only the captain and firefighter who were operating the vehicle but the fire department which was accused of negligent hiring, negligent training, and negligent supervision.

Negligent Retention

Legally, an organization is responsible for their employees' behavior. When that behavior creates a claim of harm, the organization must be able to show they were not negligent in the hiring or management processes. They demonstrate their due diligence by having specific criteria for use in both selection of the candidate and management of the incumbent. These responsibilities are no different from agency obligations for tactical training.

In *Doe vs. Jefferson County; East Jefferson Fire Rescue; Patrick Nicholson Jr; and DOES 1-10*, a female firefighter accused a male colleague of secretly recording her at work and filed a lawsuit against both the department and its member. He allegedly violated the victim's civil rights and engaged in wiretap violations, invasion of privacy, trespass, and the intentional infliction of emotional distress. The agency was held liable for negligent hiring, negligent retention, and inadequate oversight (Varone, 2022).

In *Pittsylvania County Circuit Court vs. Keith Dean*, the court ruled an emergency medical services (EMS) organization liable for negligent hiring and negligent supervision of when one of their employees (a paramedic) was accused of sexually assaulting a woman during an ambulance transport after he had allegedly been twice investigated for similar conduct (Varone, 2015.)

Solution

To reduce workplace risk, the fire service should develop a psychological screening process to determine which candidates would be appropriate for the roles of firefighting and paramedicine.

1) Selection

The fire service does not have a selection tool or has developed the specific job-related behavioral criteria to determine psychological suitability or fitness for duty. These scientifically derived criteria would likely strongly focus on interpersonal skills, emotional maturity, cultural awareness, and emotional intelligence found to be essential in managing oneself, relationships, technical tasks, and critical incidents. At this time, psychologists who do perform preemployment psychological screenings do so based on the law enforcement occupation. Although some of the psychological qualities sought after for police candidates may also be preferred for firefighter candidates, the job duties are inherently different, and the interpersonal demands are unique to each job. The Peace Officer Standards and Training (POST) psychological standards identify attributes not developed for firefighters. Appendix 1 lists potential job-related behavioral criteria for a fire service standard. Ultimately, however, the fire service should work alongside psychologists to determine the desired criteria.

More practically, trying to use the peace officer selection criteria in a lawsuit related defense of negligent hiring actually establishes negligent hiring. Therefore, there is a need for the fire service and industry specific psychologists to develop the job-related behavioral criteria for the fire service.

2) Training

There is a need to support (through education) the development of firefighter interpersonal skills. Since the bulk of firefighter duties have transformed from fire suppression to

patient care (through the delivery of emergency medical services), firefighters are tasked with comforting ill patients and family members, managing emotionally overwhelming crises, and delivering uncomfortable news (e.g., death reports).

3) Industry Specific Professional Development

Psychologists who work in police and public safety are trained by other police psychologists. The standards for how fire service psychologists operate are developed outside of the industry and thus do not serve the fire service profession adequately.

The following organizations provide standards, support, and training for psychologists who select police officers:

- IACP Psychological Services Section

<https://www.theiacp.org/working-group/section/psychological-services-section>

- Society for Police and Criminal Psychology

<https://www.policepsychology.org/>

- American Board of Professional Psychology- Police and Public Safety Psychology

<https://abpp.org/application-information/learn-about-specialty-boards/police-public-safety/>

- American Psychological Association: Division 18

<https://www.apadivisions.org/division-18>

Although organizations like the Fire Service Psychology Association have sought to bridge the gap between professional psychology and the fire service, there is no specific section within the International Association of Fire Chiefs, an APA Division, or board certification process that focuses on how professional psychology is developed in the fire service.

- Fire Service Psychology Association

<https://www.firepsychology.org>

4) Representation

Without adequate representation from professional psychologists in the fire service, leaders are more likely to misunderstand and misrepresent the psychological needs of their members. Although well-intended, they may rely on anecdotal sources rather than professional research to identify and address psychological dynamics impacting the profession. According to California Business and Professions Code 2903, “The practice of psychology is defined as rendering or offering to render to individuals, groups, organizations, or the public any psychological service involving the application of psychological principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, emotions, and interpersonal relationships; and the methods and procedures of interviewing, counseling, psychotherapy, behavior modification, and hypnosis; and of constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivations. The application of these principles and methods includes, but is not restricted to assessment, diagnosis, prevention, treatment, and intervention to increase effective functioning of individuals, groups, and organizations.” (Lawserver, n.d.)

Metaphorically, the professional psychologists need a seat at the fire service table. They should be the ones advocating for best psychological practices based on their specialized knowledge and expertise. Additionally, psychologists within the fire service need the opportunity to congregate, engage in succession planning, and earn continuing education hours within the emerging discipline of fire service psychology. Fire service psychologists should be involved in decisions affecting the way their own professional discipline operates and be the professionals who determine what constitutes cultural competency for mental health clinicians.

5) Action


The United States Fire Administration (USFA) should facilitate and set aside funding for the development of a psychological assessment standard for both an entry level firefighter and promotional candidates. They should arrange meetings with major fire stakeholder groups to conduct a job analysis review and create focus groups to validate the identification of underlying job-specific behavior and necessary psychological attributes and skills therein. This information could be applied to firefighting/ EMS scenarios to determine desirable fire service psychological screening dimensions. It can become the standard in which psychological assessments used in the fire service are measured against. The results of this effort will assist fire service leaders to determine a candidate's potential for productive vs. counterproductive work behaviors and ability to perform essential firefighter/EMS job functions.

Rather than relying on other industries, the USFA could invest in the health, safety, preparation, and resilience of the workforce through identifying psychological indicators of suitable entry-level firefighters or promotional candidates and developing an industry standard of practice. The Fire Service Psychology Association (FSPA) seeks to engage with this development process as psychologists dedicated to bridging the gap between professional psychology and the fire service. FSPA offers continuing education courses to psychologists across the country and could assist in disseminating the standard to professionals interested in providing psychological assessments to fire departments across the country.

Appendix A

FIRE DEPARTMENT
WORK ETHICS/HABITS

	Cannot Predict	Problem Area	Potential Problem Area	No Predictable Problem
Show initiative	1	2	3	4
Enjoys work/ environment	1	2	3	4
Willing to do fair share	1	2	3	4
Positive outlook/half full	1	2	3	4
Does not keep score	1	2	3	4
Thorough	1	2	3	4
Self starter/Safety conscious	1	2	3	4
Flexible	1	2	3	4
Confident	1	2	3	4
Willing to accept responsibility	1	2	3	4
Tries to improve work ethic	1	2	3	4
Accepts all tasks equally	1	2	3	4
Enjoyment of preparedness	1	2	3	4
Neat	1	2	3	4
Compliant	1	2	3	4
Resents authority	1	2	3	4
Question and resent everything	1	2	3	4
Sloppy, incomplete work	1	2	3	4
Always has an excuse (why me)	1	2	3	4
Complains	1	2	3	4
Lack of energy	1	2	3	4
Everything becomes a problem/ spend more time dissecting/ negative	1	2	3	4
Actively avoids work	1	2	3	4
Late to work	1	2	3	4
Can't work with other people	1	2	3	4
Too concerned with process	1	2	3	4

 Very Productive


 Nonproductive

Figure A. The chart represents “job specific criterion related behaviors” that may be consistent with the essential job tasks of the fire service profession. Work ethics/ habits may represent one of many criteria that have yet to be identified. This sample was collected from a local source and has not been researched for generalizability. It should not be used without explicit written consent.

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