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The Ten Commandments

Charlton Heston as Moses created a commanding image. His paternal portrayal of the man who delivered God's message from a burning bush, is probably the first example of the language of the mandate. By mandate, I am referring to the "thou shalt not" type of dialogue that says that if you do something or don't do something you are likely to be punished for it.

As fire officers we live in a world of commandments also. Although they are not as broad reaching as the Ten Commandments that were brought forward by Moses, they do have a terrific impact on what we do or do not do in the fire service today. However, there is a possibility that there are sinners amongst us. Are there things that you are supposed to be doing that you aren't? Are there things that you are doing that you should not be doing?

This is not just an exercise in rhetoric. The word mandate means that you must do something. And, if you do not do it, there should be a form of coercion to hold you accountable. Therein lies a couple of things that we ought to be considering on a day to day management and leadership of a fire organization. So the word mandate does not mean maybe.

What initiated the discussion that created this column was a recent conversation over the increasing number of mandates that are being characterized as influencing how the fire service performs. I want to state up front that I am not an attorney. And this is not intended to be a legal dissertation on mandatory duties. I have never passed the bar. The one time that I did, Charlie Rule made me go back. I am not approaching this concept from a legalistic point of view.

The approach I prefer to take is one of practical managerial philosophy. Doesn't it make sense that if we are supposed to do something we should and if we are not supposed to do something shouldn't we refuse to do it?

Therein lies the managerial center, because quite frankly, the word mandate is thrown around in the fire service entirely too loosely. I am not really sure that it means what it really says. While I am not going to try to define these from a legalistic point of view, some of my legal friends have advised me that there are terms that we ought to be thinking about as we take responsibility. They are acts and omissions. Acts are those things that you do on purpose. Omissions are those things that you don't do on purpose. There is also a legal term called "duty to warn and perform".

I would hope that at some point in time my fire chief friends with law degrees might weigh in on this, but I would characterize those three things as being at the root of whether we are or are not complying with mandates today.



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From my perspective, the word mandate means must. Must means there is no option to do it. Yet, many of the things that are called mandates today are nothing more than recommended guidelines and/or sets of contemporary thought process that are being embraced as being important for us to follow.

Earlier in this column I mentioned the word coercion. That is an important word. If you are driving down the street and you are exceeding the speed limit and you are stopped by a police officer, he has the authority to issue you a fine. That is a form of coercion. If you happen to be exceeding the speed limit and you have been consuming alcohol they have the possibility of arresting you. That is coercion. Coercion is not finger wagging. It is the actual power to be able to inflict restraint.

When I look at that term in relation to many things that are being characterized as mandates today, I find they lack that component. There is no body to enforce them. For example, there have been documents that say that the ISO is a mandate. I cannot find any statute where failing to follow an ISO guideline is a coercive power. Ah ha, you are going to say that coercion is the fact that the ISO has the right to give you a bad score on your grading. That is not the same as a mandate. That is a policy choice. It is not exactly like saying that you have a stop sign at the intersection. The punishment in that case is highly indirect and in some cases totally absent are other factors that are working in your favor to overcome the deficiency.

To be sure, there are certain things that are mandates. If anybody thinks that the two in and two out is a recommended way of doing business, they are making a mistake. Two in and two out is backed up by the coercive power of the federal government and any act or omission that relates to someone getting hurt there are going to be consequences. They can be financial or they can be personal. That is coercion. There are a few locations in which you can find mandates. They are in the statutes and regulations of the various levels of government that overlay our land. One is taking a great deal of personal risk if you decide that you are not going to obey a provision of the federal government. Try violating the airport security by trying to get something on an airplane that has been declared contraband. State government is performing a similar function. In many of our states there are mandates regarding fire prevention. In the event that a serious event occurs in an occupancy that has such a mandate and you have not provided an appropriate response locally, there is a possibility of punishment. What many people fail to realize is that local governments create many of their own mandates themselves. They do this by adopting and utilizing standards that they think are relatively generic.

One has to be very careful when you adopt a standard by local government saying you are going to live by it because you then create the duty which you must perform. I was once involved in an investigation regarding an accident in which a firefighter was badly injured. I am looking at the development of the



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scenario and it appeared that the accident was truly one of those tragic events that nobody could be blamed for. However, the city was cited. Looking closely at the findings of the investigation they were not cited because the individual was injured. They were cited because they had adopted a standard saying that certain protocols were to be followed and the protocols were not. In fact, they got a citation for not following their own rules. In fact, they got the citation for not following their own rules.

So, what about all of you mandate sinners out there? Are there things that you should be doing because the federal government says you should? Are there things you should not be doing because the state says you should not? Or, are you picking and choosing those things that are convenient or traditional in your organization in response to what is considered to be a mandate. If you are a gambling person then you probably are hitting a few and missing a few. Most individuals, if they are well read and properly motivated make darn sure that all of the major mandates have been dealt with within their organization. The scenario that should be of concern to all of us is the situation where certain things are being called mandates which run up costs and cause conflict when in fact they are not. Another scenario that is difficult is when there are mandates that should be imposed such as the wearing of seatbelts and they are not.

You really can't have it both ways. Because as a chief, every morning when you get out of bed and go to work, you will be given an opportunity to make choices in your fire department. You can ignore all of the warning signs that are out there and you may be able to retire a comfortable and unbothered human being. On the other hand, you could be among those that wake up early in the morning to the rattling of a telephone and the advise that something has gone terribly wrong in your organization and – either way the investigators are already on scene trying to find out who they are going to hold responsible. As you climb out of your comfortable bed, you may find your feet in hot water unless you are thinking very seriously about the concept of mandatory duty to warn and perform.

I have been long on observations and short on details here. When I was preparing this article what I had in mind was of the constant dialogue that I hear at various conventions that people are worried about more and more standards being imposed on them. I am not really as concerned about that as I am worried about whether or not we really know what standards mean if anything at all to us.

Going back to my biblical metaphor and Charlton Heston's admonitions to his own masses, there are an awful lot of people that break the Ten Commandments every day. In some cases they pay in punishment in the moral world and in some cases I guess they are waiting for final judgment to determine whether or not they will be punished for violation of the Ten Commandments by the God who wrote them.

My reason for writing this article is to once again to raise a red flag of warning that the higher up you go in an organization the less you can take things for granted. You are, as a chief officer, at the top of a



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very complex pyramid of possibilities.

Pay attention!