

Polson City/Rural FIRE DEPARTMENT Operating Guidelines

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PURPOSE:

The job functions of the fire service necessarily include situations where there are threats to life and safety. It is therefore mandatory that all fire service personnel understand and comply with certain expected standards of discipline in the interest of all. The purpose of this disciplinary code is to set standards for identification and correction of conduct prejudicial to the good order and discipline of the Polson City and Rural Volunteer Fire Department. It is intended to serve as a teaching and learning tool, and to serve as a template for disciplinary action in appropriate cases. The City of Polson personnel manual disciplinary provisions do not apply to volunteer firefighters who are instead subject to the within disciplinary code.

Now, therefore, the following rights and responsibilities in discipline are defined.

DEFINITIONS:

Department: The Polson City and Rural Volunteer Fire Department.

Firefighter: All non-officer personnel within the organization of the City of Polson / Polson Rural Volunteer Fire Department.

Corrective interview: That interview between the firefighter having committed a violation and his next superior officer. Each such interview shall:

- Be held privately out of hearing of any other persons,
- In each such interview the officer shall explain in detail the nature of the violation,
- shall also explain the reason the conduct is a violation,
- What the firefighter must do on the next such occasion, and,
- The consequences of failure to do so.

Officers: Those members of the fire department appointed or elected fire service officers in the grade of lieutenant, captain, assistant fire chief, or fire chief.

RESPONSIBILITY FOR TASKS

Fire Chief: shall be responsible to train all firefighters as to the terms of this disciplinary code; to administer the same generally; and to keep any records required hereunder, in addition to performing the responsibilities of any other officer. The Fire Chief shall be the superior officer of any fire captain requiring discipline. The Fire Chief is at discretion to interpret the words of the policy herein in any case arising here under and his interpretation is binding.

Officers: are positively required to take all steps mandated to them herein, including identification of violations, necessary corrective interviews, and written memoranda if necessary.

Firefighters: shall familiarize themselves with the terms of this policy and shall take any corrective action mandated by any officer in any corrective interview.

Minor Violations:

A minor violation of policies or procedures shall be considered any firefighter action, which impairs or momentarily disrupts fire department operations, or is otherwise inappropriate in the specific circumstances. Identification of such minor violations is left in the sound discretion of any fire department officer

The following types of conduct comprise a non-exclusive list of "minor violations," which shall be addressed by the fire officer who observes or is reliably apprized of the minor violation who shall at the earliest chance hold a private corrective interview of the nature and containing the elements described above.

- A. Reporting late for duty or training.
- B. Misuse of District equipment.
- C. Substandard performance affecting work or other firefighter conduct.

All officers giving verbal reprimands shall state the conduct that contributed to impaired performance, the method of correction and the consequences of repeating the conduct.

Special Note: Depending on degree of violation these could be moved to moderate if deemed by the officer involved.

Moderate Violations:

Shall consist in that conduct by a firefighter which in the discretion of the firefighter's superior officer exceeds the standard for a minor violation and is manifestly prejudicial to good order and general discipline, where such conduct should be documented for future reference, but where the safety of the firefighters or the public are not at issue.

The following non-exclusive list describes conduct that generally would comprise a "moderate violations", instances of which shall be addressed by corrective interview by the firefighter's next superior officer:

- A. Failure to follow the orders of a fire service officer without just cause.
- B. Abusive language in the presence of third parties or member of the public.
- C. Receipt of three or more verbal warnings reprimand as a result of related minor violations within a one-year period.
- D. Failure to wear safety equipment.
- E. Fighting or allowing others to participate in a fight.
- F. Poor attitude or substandard performance that affects the firefighter and/or other members of the department.

A corrective interview memorandum shall be prepared by the firefighter's officer, a copy given to the firefighter, and the chief shall maintain a copy in the personnel file.

Special Note: Depending on degree of violation these could be moved to Major if deemed by the officer involved.

Major Violation:

A major disciplinary violation occurs whenever a firefighter's conduct directly endangers the health, safety, and welfare of himself, another firefighter, the department, or any member of the public, and where the Chief, on the advice of the firefighter's immediate officer, considers such conduct a major violation subject to severe disciplinary action.

Major Violations shall be considered "just cause" for severe disciplinary action where appropriate as determined by the Chief. Said action shall be the responsibility of the Chief of the Polson City and Rural Volunteer Fire Department. In all such cases a written report of the details of the conduct shall be prepared by the Chief, together with a written record of the disciplinary decision and the reasons therefore. In formulating a punishment appropriate to the conduct the Fire Chief may seek recommendations from the fire captains.

The following types of conduct are a non-exclusive list of Major Violations:

- a. Insubordination
- b. Deliberate falsification of records or reports.
- c. Theft
- d. Use of alcohol or illegal drugs on or in fire department property.
- e. Reporting for duty for duty while under the influence of alcohol or drugs.
- f. Failure to meet the requirements of a corrective interview or written reprimand.
- g. Endangering the life or property of another.
- h. Conviction of a crime amounting to a felony, or while driving under the influence of alcohol or drugs.

- i. Abuse of leave privileges.
- j. Embezzling or stealing fire department funds.
- k. Freelancing

Disciplinary action which may result from such major violations may include:

- Required attendance at appropriate treatment facilities.
- Immediate suspension (with or without pay where applicable)
- Immediate demotion in rank, or
- Termination from the fire department

Distribution of Reports of Disciplinary Action:

Only in cases of written disciplinary action, a report reciting the particulars thereof will be distributed to the following persons:

- Original to the fire department attorney if applicable.
- One copy to the member being disciplined.
- One copy to the department personnel file.
- One copy to be retained by the officer taking action.

Special Circumstances:

The Chief for the causes listed below may temporarily and summarily suspend members for disciplinary purposes. No such temporary, summary suspension shall last longer than that span of time necessary to compile the necessary report and determine appropriate disciplinary action.

- A. Convicted of a felony or misdemeanor.
- B. Violations of the rules and regulations, policies, administrative orders, etc. of the department after given written warning.
- C. Failure to obey a direct order given by any superior officer.
- D. Being under the influence of intoxicants while at an alarm.
- E. Guilty of insubordination or conduct unbecoming a firefighter.
- F. Offensive in conduct or language in public or towards the public, Administrative Officials of the governing bodies and firefighters either on or off duty.
- G. Careless or negligence with apparatus and equipment or other property of the department.
- H. Use of any fire department apparatus and/or equipment for personal use without prior authorization.
- I. Embezzling or stealing fire department funds.
- J. Freelancing.

Authority to Suspend:

- A. The Chief of the Fire Department may suspend the Asst. Chief of the Fire Department, any officer, or any firefighter for a like cause.

- B. The Assistant Chief of the Fire Department may suspend any officer or firefighter for a like cause.

Fair Hearing Procedure:

- A. In all cases of suspension the person suspended must be furnished with a copy of the charge against them, in writing, setting forth reasons for the suspension. Such charges must be presented to the next regular meeting of the City Commission/ Rural Board and when the suspended member may appear in person or by counsel and make his/her defense to said charges.
- B. Should the charges not be presented to the next meeting of the City Commission/Rural Board after the suspension or should the charges be found not proven by City Commission / Rural Board, the suspended person shall be reinstated and entitled to usual compensation for the time so suspended.
- C. If such charges are found proven by the City Commission/ Rural Board by a vote of the majority they may impose such penalty, as they shall determine the offense warrants. This may include but not be limited to continuation of the suspension for a limited time or in the removal of the suspended person from the Fire Department.

Policy

Each firefighter must be guaranteed fair and honest treatment in all aspects of fire department administration and operations. Officers shall treat each firefighter with respect, shall not demonstrate personal prejudice, or grant unfair advantage to one firefighter over another.

Each firefighter has the right to express to management views concerning policies and procedures of the Fire Department. Each firefighter is responsible to express views in a fair, professional, non-confrontational and honest manner. Every firefighter should be committed to making positive and constructive criticism of policies, procedures, practices and work performance of the fire department.

Each firefighter is responsible for following the fire departments policy and procedures without regard to personal opinion.

In the event that the firefighter does not agree that their conduct constitutes a violation, or does not agree with the discipline given they may protest the actions of the Department.

In all cases the following guideline will be followed in the protest of disciplinary action:

- a. The firefighter is entitled to fair discipline based on the facts.
- b. The firefighter is entitled to question the facts presented by the officer and to present a defense.

- c. The firefighter may in any case appeal the disciplinary action in accordance with established procedure or policy. It is a matter of discretion on the part of the Fire Chief as to whether a stay of the disciplinary action will take place during the appeal policy.
- d. The firefighter is entitled to progressive discipline in appropriate circumstances and the opportunity to correct performance or behavior.
- e. The firefighter has a right to be considered as an individual in their conduct and according to their personal circumstances. The department values its firefighters and their distinctive contributions and commitment; therefore, in any disciplinary case, the firefighter's prior service, performance, and disciplinary record shall be factors to be taken into account when executing any provision in this disciplinary code.

Nothing in this policy shall supercede any power or authority reserved to the membership exclusively as the same may be set forth in the Polson City and the Polson Rural Fire companies of Polson, Big Arm and Irvine Flats. Volunteer Fire Department By-Laws..