

DIVISION OF FIRE

ORDINANCE, RULES, REGULATIONS AND CODE OF CONDUCT

BE IT ORDAINED by the Town Council of the Town of Plainville in meeting duly assembled that pursuant to Chapter VI, Section 2(b) of the Charter of the Town of Plainville, the following ordinance, rules and regulations for the Division of Fire are adopted:

SECTION 1. DIVISION OF FIRE.

(a) There shall be a Division of Fire also known as Plainville Fire Department consisting of a Bureau of Fire Prevention, a Bureau of Fire Marshal and a Bureau of Fire Suppression. The Division of Fire shall be comprised of a Chief, a First Assistant Chief, a Second Assistant Chief, a Fire Marshal and a Deputy Fire Marshal.

SECTION 2. FIRE COMPANY.

(a) The Town of Plainville shall enter into an agreement with the Plainville Fire Company, Incorporated or other company or companies for the protection of the Town from fire with such conditions as to financial assistance, and the observance of such ordinances, rules and regulations as the Town Council shall prescribe.

(b) Until June 30, 2003, a Company shall consist of up to 64 call members, including Department officers, Company officers, Fire Police, Fire Marshal, Deputy Fire Marshal and Inspectors enrolled under the direct supervision of the Town Council. On and after July 1, 2003, a Company shall consist of up to 70 call members, including Department officers, Company officers, Fire Police, Fire Marshal, Deputy Fire Marshal and Inspectors enrolled under the direct supervision of the Town Council.

(c) Company officers shall consist of such officers as may be determined by the Company through its bylaws, not inconsistent with this ordinance and the rules and regulations of the Department.

SECTION 3. MEMBERSHIP IN THE DEPARTMENT AND COMPANY.

(a) An applicant for membership in the Department and Company must fulfill the following minimum requirements:

- (1) Applicant shall have attained the age of eighteen (18) years, or the statutory age of majority, whichever may be higher.

- (2) Applicant shall be a resident of the town of Plainville.
 - (3) Applicant shall be of good moral character.
 - (4) Applicant shall submit to all physical exams and medical tests, as required by the Director of Safety, by a physician licensed to practice the healing arts by the State of Connecticut or other person qualified to administer such test, attesting to the physical fitness for service with the Department and Company, prior to becoming a member. The applicant shall also execute a release of medical records directed to any physician if requested by the Director of Safety.
 - (5) Applicant must take all training courses for basic firefighting as established by the Chief of the Department. The training courses shall be completed within two (2) years of the applicant's acceptance as a probationary firefighter by the Town Council. Applicant with verified prior firefighting experience, or who has within two (2) years prior to application successfully completed training courses, which in the judgement of the Chief of the Department are of equivalent standing, may be granted a waiver of this requirement.
- (b) All members and officers of the Department and Company shall be retired from the Department and Company upon attaining the age of sixty-five (65) years.

SECTION 4. REQUIREMENTS FOR CONTINUED MEMBERSHIP

(a) Each member of the Department and Company shall be required to submit to the Director of Safety a certificate from a physician licensed to practice the healing arts by the State of Connecticut attesting to the member's physical fitness for continued service with the Department after any hospital confinement, bone fracture or burns. The member shall also execute a release of medical records directed to any physician if requested by the Director of Safety.

{b) The Chief may suspend a member of the Department and Company when he has substantial evidence of physical or mental impairment which may affect the member's ability to perform the duties and responsibilities of a firefighter.

(c) The Director of Safety, at the Town's expense, may require a member of the Department and Company to submit to physical exams and medical tests by a physician licensed to practice the healing arts by the State of Connecticut or by a person qualified to administer such tests when the Director of Safety has significant evidence of physical or mental impairment which may affect the member's ability to perform the duties and responsibilities of a firefighter. Such exams or tests are to determine the

member's physical and mental fitness for continued service with the Department and Company. The member shall execute a release of medical records directed to any physician who treated the member if requested by the Director of Safety. Should the member refuse to be examined or tested as directed by the Director of Safety, the member shall be immediately suspended from the Department or Company.

(d) All members and officers shall attend all special training sessions that, in the opinion of the Chief and Director of Safety, are demand, appropriate and necessary for the continued safe operation of the Department. Any member or officer who fails to attend those sessions as directed by the Chief may be subject to disciplinary action by the Chief.

(e) Members shall be required periodically to complete refresher training in basic firefighting skills.

- (1) Such training shall be made available through the Department and the content of said training program shall be determined by the Chief of the Department.
- (2) Each component of such refresher training program shall be offered by the Department no less than twice each year.
- (3) A tentative schedule for such training shall be posted no later than the first Monday in July of each year.
- (4) Each member shall be required to complete all components of the refresher training once every two (2) years.
- (5) Determination of successful completion of the refresher training shall be made by the Chief of the Department during January of even numbered years next following the establishment of the program.
- (6) Failure to complete said refresher training may result in suspension by the Chief of the Department.
 - (a) The Chief of the Department is authorized to grant extensions of the two (2) year period or to grant waivers from the provisions of this section when extenuating circumstances exist.
- (7) Members assigned to specialty units may be required to show proof of refresher training for such specialty areas in addition to the above-mentioned requirements.

(8) Such specialty training shall be subject to the requirements of subsection (e) (6) of this section.

(f) Any member who fails to respond to at least twenty-five (25%) percent of the alarms in each calendar year may be subject to disciplinary action by the Chief.

SECTION 5. CHIEF - APPOINTMENT, DUTIES AND RESPONSIBILITIES.

(a) The Fire Chief shall be appointed by the Town Council. Such appointment may be made following written test and/or oral interview with consideration given to firefighting experience and training, or by any other manner determined by the Town Council.

(b) The Fire Chief shall serve for a term of two (2) years, the term commencing on the first Monday of January of each odd year. The Fire Chief may be reappointed for three additional successive terms of two (2) years. No person shall be reappointed to Fire Chief after eight (8) continuous years in such position unless at least two (2) years have passed from the last term served.

(c) The duties and responsibilities of the Fire Chief are as follows:

- (1) The Chief shall have sole and entire command at fires, and alarms of fires, over all members of the Department and Company, and all apparatus and appurtenances belonging to the same, and may direct such measures as may be deemed expedient for the extinguishment of fire and the prevention of fire.
- (2) The Chief shall direct and command the Fire Police, Chaplains, and Fire Marshals not inconsistent with the Connecticut General Statutes.
- (3) The Chief shall inspect fire houses, apparatus and equipment as often as every month and make report to the Director of Safety as to the condition of the same, and such suggestions and recommendations as may be deemed proper.
- (4) The Chief shall have the power to take disciplinary action up to suspension from duty of any officer or member of the Company, and to supervise the administration of discipline by any line officer in accordance with Section 16 of this Ordinance, (regarding fire related duty, for insubordination, disorderly conduct, neglect of duty,) for violation of the ordinance, rules or regulations, or medical reason when he believes the member's life or other lives may be in jeopardy. Such suspension may be for a definite period not exceeding 180 days or, if dismissal is warranted, shall continue pending the action of the Town Council.

- (5) The Chief may call out the Company for parades, drills, inspections, or for testing apparatus.
- (6) The Chief shall be responsible for providing suitable training programs for fire personnel.
- (7) The Chief shall have the administrative responsibility for the Division of Fire.
- (8) The Chief shall perform such other duties as may be prescribed by ordinance or by order of the Director of Safety.

SECTION 6. FIRST ASSISTANT CHIEF - APPOINTMENT, DUTIES AND RESPONSIBILITIES.

(a) The First Assistant Chief shall be appointed by the Town Council. Such appointment may be made following written test and/or oral interview with consideration given to firefighting experience and training or by any other manner determined by the Town Council.

(b) The First Assistant Chief shall be appointed on the first Monday in January of each odd year for a term of two (2) years.

(c) In the absence of the Chief, the First Assistant Chief shall possess all the powers, duties and responsibilities of the Chief.

SECTION 7. SECOND ASSISTANT CHIEF – APPOINTMENT, DUTIES AND RESPONSIBILITIES.

(a) The Second Assistant Chief shall be appointed by the Town Council annually on the first Monday in January. The Second Assistant Chief shall be a past senior ranking officer of the Company.

(b) In the absence of the Chief and First Assistant Chief, the Second Assistant Chief shall possess all the powers, duties and responsibilities of the Chief.

SECTION 8. CHAIN OF COMMAND.

(a) There shall be established a continuity of command to assure direction and leadership. During the absence or inability of the Chiefs, the next ranking line officer shall possess all the powers, duties and responsibilities of the Chief.

SECTION 9. FIRE POLICE.

(a) Eligibility

1. A member who desires consideration for appointment as a Fire Police shall notify in writing the Chief or his designee not less than 30 days, nor more than 180 days before his 65th birthday of his desire.
2. Upon receipt of such written notice, the Chief, or his designee, shall schedule a medical and or physical examination of the member which shall be performed by a physician selected by the Chief, or his designee. The examination shall be at the Town's expense. The scope of the examination shall be a determined by the Chief. The member shall cooperate fully with the physician and provide any authorizations required for release of member's medical history, and other pertinent medical information. Member shall provide a release for the physician to release a written report to the Chief of the result of the examination required by the Town.
3. Upon receipt of a satisfactory report from the physician, and the Chief having been satisfied that the member is able to perform the duties of a Fire Police, the Chief shall submit a written request to the Town Council through the Town Manager that the member be appointed as a Fire Police.
4. A Fire Police shall be ineligible for service upon reaching the age of 70 years.

(b) Duties:

1. Fire Police shall perform powers and duties as set forth in Section 7-313a of the Connecticut General Statutes, as amended. Such powers and duties may be exercised in other communities when the department is engaged in mutual assistance.
2. Such powers and duties shall include traffic control and regulation, maintaining order at fire or incident scene, protection of property removed from fire or incident scene and such other powers and duties as directed by the Captain and Lieutenant of the Fire Police, all under the command of the Chief.
3. Fire Police may be passengers in any Fire Department vehicle, but shall have no right to operate or drive Fire Department vehicles and apparatus other than utility vehicles rated one ton or less.
4. Fire Police shall not perform any fire fighting duties.

(c) Continued Eligibility:

1. In order to remain a Fire Police after the member's initial appointment by the Town Council, within 30 days of member's next birth date, he shall submit to medical and or physical examination. Such examination shall be conducted and performed in the same manner as was the initial medical and/or physical examination provided for in Section 9(b) above.

2. If the physician reports that the member is not physically and/or medically fit to serve as a Fire Police, the Chief shall forward such report to the Town Council through the Town Manager for consideration of removal of the member from the Fire Police. Member shall execute a letter of understanding at the time of his appointment acknowledging that he understands that an unsatisfactory physical and/or medical examination make him ineligible for service and he has no right to a hearing before the Town Council pursuant to the Town Charter provision relating to removal of appointees of the Town.

(d) Miscellaneous Provisions

1. Upon appointment, a Fire Police shall be covered under the Town's Worker's Compensation Insurance, which coverage shall be the same as provided members of the Department.

2. Fire Police shall receive the same stipend as members of the Department and subject to the same rules and procedures as applicable to members.

SECTION 10. CHAPLAINS.

(a) The Company may designate three members of the clergy as Chaplains.

(b) Such Chaplains shall be acknowledged by the Town Council as holding the status of probationary firefighters, and shall thereafter be provided such insurance and worker's compensation coverage as is provided other firefighters of the Town. Such Chaplains shall not be compensated for their services.

SECTION 11. DUTIES OF MEMBERS.

(a) At an alarm of fire or other emergencies, all members shall respond in accordance with written rules and procedures established by the Chief.

(b) All members shall report back to the Fire House after each fire or other emergency unless excused by the Officer in command at the fire.

SECTION 12. BUREAU OF FIRE MARSHAL.

(a) There shall be a bureau of Fire Marshal within the Department. Said Bureau shall consist of the Fire Marshal, Deputy Marshal and Fire Inspectors as may be necessary as determined by the Town Council.

(b) The Fire Marshal, Deputy Marshal and Fire Inspectors shall be appointed by the Town Council giving preference to members of the Department and Company.

(c) The Fire Marshal, Deputy Marshal and Fire Inspectors shall complete all training courses, examinations, and other certification requirements as directed by Connecticut General Statutes.

(d) The Fire Marshal, Deputy Marshal and Fire Inspectors shall investigate the cause, origin and circumstances of any fire, shall make report thereof, and shall perform other duties as provided for within the Connecticut General Statutes.

(e) No Fire Marshal shall be dismissed unless he has been given notice in writing of the specific grounds for such dismissal and an opportunity to be heard in his own defense, personally or by counsel, at a public hearing before the Town Council. Such public hearing shall be held not less than five nor more than ten days after such notice. Any person so dismissed may appeal the decision of the Town Council in accordance with the Connecticut General Statutes.

SECTION 13. BUREAU OF FIRE PREVENTION.

(a) There shall be a Bureau of Fire Prevention within said Department. Said Bureau shall consist of an officer having the rank of at least Lieutenant and such other personnel as may be necessary.

(b) Members of the Fire Prevention Bureau shall be appointed by the Chief upon recommendation of the Fire Marshal.

(c) The Fire Prevention Bureau shall be responsible for the dissemination of fire prevention and safety information to the public, and shall conduct public education programs on fire safety.

SECTION 14. PENALTIES.

(a) Any member who shall upon investigation by the Town Council, be found guilty of disobeying or violating any ordinance, rule, regulation or bylaw of the Department or orders of any Officer, shall, at the discretion of the Town Council be subject to censure, reprimand, suspension or expulsion from the service, according to the gravity of the offense.

SECTION 15. BYLAWS.

(a) The Company shall not leave town with apparatus except by permission of the Director of Safety. Such requests shall be submitted to the Director of Safety within fifteen (15) days of the event and all information requested by the Director of Safety pertaining to location of the apparatus, members accompanying the same and other information necessary to assist in a determination of continued service shall be provided.

(b) The Company may make bylaws not inconsistent with the rules, regulations and bylaws of the Department, which it deems proper for the conduct of its affairs, or regulate the amount of fines for non-attendance at Company meetings or at fires. But no alterations shall be made to this Ordinance and the regulations and bylaws of the Department except by the Town Council.

(c) The Company shall be paid a stipend for members' attendance at alarms and emergencies from the time of the alarm, (or such time as the member arrives at the fire if later) until the member is excused or until roll is called.

SECTION 16. CODE OF CONDUCT

A. STATEMENT OF PURPOSE

This Code of Conduct establishes the platform for acceptable behavior within the Plainville Fire Service, the members of which represent the Plainville Fire Company, the Plainville Fire Department, and the Town of Plainville. Becoming a firefighter is accompanied by being granted the public trust, which requires exemplary behavior, a reputation that is beyond reproach, personal and professional discipline, professional competence, and responsibility for all actions.

Therefore, this Code of Conduct shall ensure that each member of the Plainville Fire Service conducts himself in such a manner as to not bring discredit to himself, the Company, the Department, or the Town. This Code shall apply at all times, whether in or out of uniform, in or out of town, and whether or not displaying any insignia that identifies him as a Plainville firefighter.

B. DEFINITIONS

1. **Chain of Command:** The fire service chain of command as defined in Section 5 through Section 8 of this Ordinance. The chain of command shall extend to superior officers or officials of other towns when acting in mutual aid.

2. **Fire Company:** The Plainville Fire Company, Inc., a corporation under the laws of the State of Connecticut, and its predecessor organizations, which staffs the Plainville Fire Department below the level of Chief Officers and has had an unwritten contract to provide fire protection and related services to the community since 1885.
3. **Fire Department:** The organization provided for and established by the Charter of the Town of Plainville, Chapter 6 Section 3b, to provide fire protection and related services to the community.
4. **Firefighter:**
 - a. Any person whose application has been accepted by the Fire Company and the Town Council and is training in firefighting and related duties
 - b. Any person who has completed the training necessary to be appointed an active firefighter and is awaiting appointment.
 - c. Any active firefighter.
 - d. Fire police
 - e. Any person who has resigned as a firefighter but retains associate membership in the Plainville Fire Company.
 - f. Any retired firefighter.
5. **Fire Service:** The officers of the Plainville Fire Department, the officers and firefighters of the Plainville Fire Company and the Office of the Fire Marshal, as elsewhere defined.
6. **Gender:** As used in this Code, the masculine gender shall also refer to the feminine gender.
7. **Line Officer:** Any person appointed as a Chief Officer by the Town Council, and any person elected as a line officer by the fire Company.
8. **May:** An optional action, or a choice of actions.
9. **Shall:** A mandatory action.

C. VIOLATIONS

While every act or omission which will be sufficient cause for disciplinary action is not and cannot be identified, the following constitutes serious violations that are prohibited on the part of firefighters and shall constitute grounds for disciplinary action.

1. Alcohol:

- a. Being under the influence of alcohol when responding to any fire or other emergency, or when participating in any Fire Service evolution, such as training or apparatus or equipment maintenance or repair.
- b. Operating any Department vehicle after having consumed any alcohol.

2. Bribes:

- a. Soliciting or accepting favors, privileges, bribes, gratuities or items of value.
- b. Failure to report attempted solicitation, offered bribes or gratuities, offered favors, privileges or items of value for personal gain.

3. Conduct Unbecoming: any act or omission that tends to discredit the firefighter, the Plainville Fire Service, the community as a whole, and/or the Town of Plainville as a municipal corporation, or tends to impede the operation or lower the morale of the Fire Service.

4. Confidentiality of information:

- a. Making unauthorized public statements, oral or written, concerning Fire Service activities or matters.
- b. Making public statements, oral or written, which are known to be false or to be in reckless disregard of known facts related to Fire Service matters.
- c. Releasing material concerning confidential Fire Service records, reports, information or matters.
- d. Spreading gossip or reports injurious to the character of another member or tending to be injurious to the welfare of the Fire Service
- e. Authority for any statement or release of information shall rest with the Fire Chief or his designee.

5. Disorderly Conduct: Including, but not limited to, public intoxication; breach of peace; immoral or indecent conduct; tampering with apparatus, equipment, radios or personal protective equipment; reckless or negligent behavior, including operation of a motor vehicle, that may result, or does result,

in damage to or destruction of Department property, the property of others, or injury to another person or persons.

6. **Falsification:** Intentional falsification of, or omission from, any document or record related to Fire Service membership or activities. Acts of commission consist of conscious and known deceptive statements and acts of omission consist of withholding of information necessary to correct false assumptions.
7. **Harassment:** Actions, words, jokes or comments based on an individual's sex, race, ethnicity, age, religion, handicap, or any other legally protected characteristic.
8. **Illegal drugs:** Possession, distribution, sale or being under the influence of illegal drugs at any time.
9. **Insubordination:** Including, but not limited to,
 - a. Refusal to follow the direct order of a superior.
 - b. Refusal to perform assigned tasks.
 - c. Refusal to cooperate in an inquiry or investigation.
 - d. Refusal to follow Standard Operating Procedures or Safety Rules and Regulations.
10. **Loss or damage:** Failure to report loss of, or damage to Department or Company property.
11. **Prescription medication:** Being under the influence of any prescription medication which in any way impairs abilities when responding to any fire or other emergency, or when participating in any Department evolution, such as practice or apparatus or equipment maintenance or repair.
12. **Theft:** The unauthorized use, removal or misappropriation of property, including but not limited to property of the Town, Department, the Company, other members of the Fire Service, and owners or occupants of emergency scenes. Also, misuse or misappropriation of Company or Department funds.
13. **Unauthorized entry:** Unauthorized entry into any office, storage space, desk or locker of another.
14. **Unsanitary conditions:** Knowingly causing or contributing to unsanitary conditions.
15. **Violence:** Threatened or actual physical violence, with or without a weapon.

D. DISCIPLINARY ACTIONS

1. Progressive Discipline is a process that assists a firefighter in meeting the standards of the Code of Conduct. Discipline addresses unacceptable behavior and attempts to prevent further violations.
2. If problems can be discussed and resolved informally, the need for discipline may be avoided. Therefore, this section of the Code of Conduct shall not prohibit any line officer from coaching any firefighter as to performance or behavior, which coaching shall not be construed to be discipline.
3. Disciplinary action may be initiated as the result of a formal complaint of an eyewitness to a violation, or by physical evidence of a violation.
4. Discipline regarding firefighters identified in Section B-4, paragraphs e and f, shall be referred to the Plainville Fire Company for action on the company level.
5. There are four levels of disciplinary action:

a. Level 1 – Documented oral reprimand.

- (1) Used for a first minor violation.
- (2) Shall be administered by any line officer, and must be initiated immediately upon an officer becoming aware of a violation

b. Level 2 – Written reprimand. Used for:

- (1) A second minor violation, or
- (2) A more serious violation.
- (3) Investigation must be initiated within three (3) days of an officer becoming aware of the offense.
- (4) Shall be administered by any line officer.
- (5) Documentation of a Level 1 or Level 2 reprimand shall be in an original and two (2) copies. The original shall be subsequently and promptly submitted to the Chief for his review and filing in the firefighter's personnel folder, one copy shall be given to the firefighter and

the second copy retained by the originating officer. The firefighter shall sign the original and all copies in the presence of a witness prior to its submission to the Chief.

c. Level 3 – Suspension for a definite period. Used for–

- (1) A third violation at level 1 or level 2, or a combination of these in any consecutive twenty-four (24) month period beginning on the date of the first violation, or
- (2) A first serious or significant violation
- (3) Investigation must be initiated within five (5) days of an officer becoming aware of the offense.
- (4) Shall be administered by the Chief of, in his absence, the next Senior Assistant Chief, may not exceed a period of one hundred eighty (180) days, and shall be in force pending action of the Disciplinary Appeal Board, if appealed.
- (5) May prohibit the firefighter from performing specific functions, or may prohibit the firefighter from participating in any way in Fire Department and/or Fire Company activities, depending upon the nature of the violation.
- (6) An exception to such prohibition may be made by the Chief for extenuating circumstances such as a funeral, participation in the Memorial Day parade, or meeting a required physical examination or SCBA fit test.
- (7) Documentation of the suspension shall be in an original and two (2) copies. The original shall be retained by the Chief and filed in the firefighter's personnel folder; one copy shall be given to the firefighter, and the second copy retained by the originating officer. The firefighter shall sign the original and all copies in the presence of a witness prior to its distribution.
- (8) Extension of a suspension, or consecutive suspensions, for the same offence are prohibited.

d. Level 4. Suspension pending dismissal. Used for-

- (1) A violation at Level 3, combined with two (2) additional offenses at lower levels in any consecutive twenty-four (24) month period beginning on the date of the first violation, or
- (2) A violation of such significance as to have severe and lasting impact upon the individual's ability to perform his duties as a firefighter, or brings discredit to himself, the Company, the Department or the Town.
- (3) Investigation must be initiated within five (5) days of an officer becoming aware of the offense.
- (4) Shall be administered by the Chief or, in his absence, the next Senior Assistant Chief, and shall be in force pending action by the Disciplinary Appeal Board, if appealed, and by the Town Council.
- (5) Shall prohibit the firefighter from participating in any way in Fire Department and Fire Company activities.
- (6) Documentation shall be in an original and four (4) copies. The original shall be retained by the Chief and filed in the firefighter's personnel folder, one copy shall be forwarded to the Director of Safety, one copy shall be forwarded to the Town Manager after five (5) days but in no more than ten (10) days excluding Saturdays, Sundays and legal holidays, together with the Chief's report and recommendation, for transmission to the Town Council, one copy shall be given to the firefighter, and one copy retained by the originating officer. The firefighter shall sign the original and all copies in the presence of a witness prior to its distribution.
- (7) Dismissal shall be by the Town Council, as appointing authority, subject to a hearing if requested by the firefighter. Such hearing shall be in executive session unless said firefighter requests that it be held in public meeting.

E. APPEALS PROCESS

1. Disciplinary Appeal Board.

- a. There shall be established a Disciplinary Appeal Board, which shall consist of five (5) regular members and two (2) alternates, as follows:

(1) An Assistant Chief, to be appointed upon adoption of this Code and thereafter annually in February by the Chief for a one (1) year term commencing March.

(2) A Company line officer, to be appointed upon adoption of this code and thereafter annually in February by the Captain for a one (1) year term commencing in March

(3) Three (3) elected Company members, active or retired, each of whom shall have served at least five (5) years as an active firefighter. Upon adoption of this Code, one (1) shall be elected for one (1) year, one (1) for two (2) years, and one (1) for three (3) years, or remaining portions thereof from March 1, 2008. Thereafter, election shall be held in December to fill the expiring term for three (3) years, commencing March 1.

(4) Two (2) elected Alternates, who shall be Company members, active or retired, each of whom shall have served at least five (5) years as an active firefighter. Upon adoption of this Code, one (1) shall be elected for one (1) year, and one (1) shall be elected for two (2) years, or remaining portions thereof from March 1, 2008. Thereafter, election shall be held in December to fill the expiring term for three (3) years commencing March 1.

(5) An alternate member may attend all meetings of the Board but shall have no voice in the proceedings, and shall sit only in the absence of one of the three elected regular members.

(6) The Chief or his designee shall call a meeting of the Appeal Board annually in March to elect a chairman, vice chairman and secretary for the year.

- b. Minutes of any appeal hearing shall be electronically recorded and transcribed verbatim. The Department shall be responsible for providing said recording and transcription, and shall be the official repository for the minutes of any appeal hearing and of any meeting for the purpose of rendering a recommendation. A copy of the minutes shall be kept in the firefighter's record. Both the electronic recording and the transcribed minutes shall be retained by the Department for the periods required under Section 7-109 of the Connecticut General Statutes.
- c. If an appeal is being heard or acted upon and will not be completed before March 1, the seated Disciplinary Board shall not vacate the appeal process, but shall remain in office until its duties are completed.

2. Appeal

- a. There shall be no appeal from Level 1 or Level 2 disciplinary action.
- b. Level 3 disciplinary action may be appealed only to the Disciplinary Appeal Board.
- c. Upon receiving notice of a Level 3 or Level 4 disciplinary action, a firefighter may, within five (5) days excluding Saturdays, Sundays and legal holidays, notify the chairman or, in his absence, the vice chairman, of the Disciplinary Appeal Board, in writing, of his intent to appeal the disciplinary action. However, he shall remain on suspension pending the outcome of the appeal hearing.
- d. Upon receiving an appeal from a Level 4 suspension, the chairman of the Board shall promptly notify the Chief, who shall not transmit the disciplinary action documents to the Town Manager for action by the Town Council, pending action by the Disciplinary Appeal Board.
- e. The chairman shall call a hearing not less than ten (10) nor more than fifteen (15) calendar days following receipt of an appeal, unless justifiable and extenuating circumstances delay said hearing. Notice of the hearing shall be provided to all members and alternates of the Board, the Chief, any officers involved in the disciplinary action, and the firefighter.
- f. Any Board member who is a party to the disciplinary action as plaintiff, defendant or witness shall not sit on said hearing but shall be replaced, in the case of an assistant chief by another assistant chief, in the case of a line officer by another line officer, and in the case of a regular member by an alternate member.
- g. The hearing shall be held in executive session.
- h. The Board shall hear testimony, under oath administered by the presiding board officer, from the officer initiating the complaint, from the chief officer initiating the disciplinary action, and from the firefighter.
- i. Both the Board and the firefighter shall be permitted to call witnesses to the incident in question, who shall be examined under oath administered by the presiding Board officer.

- j. Upon completion of the hearing, the Board shall meet in executive session to determine its recommendation. The Board may adjourn from time to time but shall reach a decision within five (5) days excluding Saturdays, Sundays and legal holidays. If the Board is unable to reach a decision within the time specified, the disciplinary action shall stand.
- k. Any recommendation of the Board shall require four (4) affirmative votes for adoption.
- l. It shall be the duty of the Board to determine if the disciplinary action was:
 - (1) Justified and should be upheld,
 - (2) Should be amended and reduced or increased, or
 - (3) Should be withdrawn.
- m. The Board shall submit its recommendation and the reasons therefore, in writing and signed by all board members who sat on the hearing, to the Chief in a meeting in executive session with the Chief, and shall transmit a copy thereof to the firefighter. A copy of the recommendation shall be included with the minutes of the meeting as filed with the Department.
- n. Upon receipt of the recommendation of the Board, the Chief shall take the recommendation into consideration in making his final decision.

Adopted by Town Council June 6, 1983
Amended December 21, 1998
Amended September 3, 2002
Amended April 21, 2008