

## **DIVISION OF FIRE SUPPRESSION**

### **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 Suppression are adopted:

#### **SECTION 1. DIVISION OF FIRE SUPPRESSION.**

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

#### **SECTION 2. FIRE COMPANY.**

(a) The Town of Plainville (hereinafter referred to as "Town"), shall enter into an agreement with the Plainville Fire Company, Incorporated (hereinafter referred to as "Company") 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) The Company shall consist of call members, which include Department officers, Company officers, Fire Police and Support Staff appointed by the Town Council.

(c) Company line 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 and shall be approved by the Town Council.

(d) The Company shall not leave town with Fire Department apparatus except by permission of the Director of Public Safety. Such requests shall be submitted to the Director of Public Safety by the Fire Chief.

(e) The Company may make bylaws not inconsistent with the rules and regulations of the Department, and Town ordinances.

(f) 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 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, or if a resident of a neighboring town, live within three driving miles of the Town of Plainville Fire Station. The Town Council will consider extensions of this distance, not to exceed five driving miles, upon recommendation of the Fire Chief. Applicants who are not residents of Plainville and do not meet the mileage requirement are eligible so long as they work full time in Town and have written verification from their employer that it is acceptable for them to answer fire calls during work hours.
- (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 Public Safety, by a physician appointed by the Town licensed to practice the healing arts by the State of Connecticut, 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 Public Safety.
- (5) Applicant must successfully complete all training courses for basic firefighting as established by the Fire Chief of the Department and Company By-laws. The training courses shall be completed within two (2) years of the applicant's appointment as a probationary firefighter by the Town Council. Applicants with verified prior firefighting experience, which in the judgment of the Fire Chief of the Department is 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 unless the person is appointed to the Fire Police or Support Staff. (See Section 10 and Section 11)

#### **SECTION 4. REQUIREMENTS FOR CONTINUED MEMBERSHIP.**

(a) Each member of the Department and Company shall be required to submit to the Director of Public 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 Public Safety. The member shall not return to Fire Department duties until cleared by the Town's medical advisor.

(b) The Fire Chief may suspend a member of the Department and Company when he/she 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 Public 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 Public 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 Public Safety. Should the member refuse to be examined or tested as directed by the Director of Public Safety, the member shall be immediately suspended from the Department and Company.

(d) Member shall execute a letter of understanding at the time of his/her appointment acknowledging that he/she understands that an unsatisfactory physical and/or medical examination makes him/her ineligible for service and he/she has no right to a hearing before the Town Council pursuant to the Town Charter provision relating to removal of appointees of the Town.

(e) All members and officers shall attend all special training sessions that, in the opinion of the Fire Chief and Director of Public Safety, are deemed 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 Fire Chief may be subject to disciplinary action by the Fire Chief.

(f) 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 Fire Chief of the Department or his/her designee.
- (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 February of each year.
- (4) Each member shall complete all components of the refresher training as required.
- (5) Determination of successful completion of the refresher training shall be made by the Fire Chief of the Department or his/her designee.
- (6) Failure to complete said refresher training may result in suspension by the Fire Chief of the Department.
  - (a) The Fire Chief of the Department is authorized 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.

(g) The Chief Officers shall establish the standards for response to alarms and other department functions. Any member who fails to meet these standards may be subject to disciplinary action by the Fire 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 his/her appointment at the first Town Council meeting in 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. Qualified Fire Department members can submit applications to the Town Council by October 15th of the even number years.

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

- (1) The Fire Chief shall have command at fires and alarms over all members of the Department and Company, and all apparatus and equipment belonging to the same, and may direct such measures as he/she may deem appropriate to bring the incident under control.
- (2) The Fire Chief shall direct and command the Fire Police, Chaplains, and Fire Marshals not inconsistent with the Connecticut General Statutes.
- (3) The Fire Chief shall inspect fire houses, apparatus and equipment as often as every month and make report to the Director of Public Safety as to the condition of the same, and such suggestions and recommendations as may be deemed proper.
- (4) The Fire 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 14 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/she 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 Fire Chief may call out the Company for parades, drills, inspections, or for testing apparatus.
- (6) The Fire Chief shall be responsible for providing suitable training programs for fire personnel.
- (7) The Fire Chief shall have the administrative responsibility for the Division of Fire Suppression.
- (8) The Fire Chief shall perform such other duties as may be prescribed by ordinance or by order of the Director of Public Safety.

**SECTION 6. DEPUTY CHIEF - APPOINTMENT, DUTIES AND RESPONSIBILITIES.**

(a) The Deputy 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 Deputy Chief shall be appointed at the first Town Council meeting in January of each odd year for a term of two (2) years. Qualified Fire Department members can submit applications to the Town Council by October 15th of the even number years.

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

**SECTION 7. 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 at the first Town Council meeting in January of each odd year for a term of two (2) years. Qualified Fire Department members can submit applications to the Town Council by October 15th of the even number years.

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

**SECTION 8. SECOND ASSISTANT CHIEF – APPOINTMENT, DUTIES AND RESPONSIBILITIES.**

(a) The Second Assistant Chief shall be appointed by the Town Council annually at the first Town Council meeting in January. The Second Assistant Chief shall have obtained the rank of Captain. 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. The initial appointment date of the Second Assistant Chief will be at the recommendation of the Fire Chief.

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

#### **SECTION 9. 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 Fire Chief.

(b) The Fire Chief will determine the chain of command at the beginning of his/her term and make changes as necessary. The following members shall be eligible to be included in the chain of command: Chief Officers, Company Officers, Fire Marshal, Safety Officer, and the senior ranking Company member.

(c) If there is a catastrophic event, the Town Council may appoint an Acting Fire Chief to insure a continuity of command.

#### **SECTION 10. FIRE POLICE.**

##### **(a) Eligibility**

- (1) An active member who desires consideration for appointment as a Fire Police shall notify in writing the Fire Chief or his/her designee of his/her desire.
- (2) Upon receipt of such written notice, the Fire Chief, or his/her designee, shall verify that the member is in compliance with Section 3(a) (4) of this Ordinance.
- (3) Upon compliance with Section 3(a)(4) of this Ordinance the Fire Chief having been satisfied that the member is able to perform the duties of a Fire Police, the Fire 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 incident commander, all under the command of the Fire 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, as directed by the Fire Chief.
- (4) Fire Police shall not perform any fire fighting duties or be issued any structural firefighting Personal Protective Equipment (PPE).

**(c) 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 to active members of the Department.

**SECTION 11. SUPPORT STAFF. (Non-Firefighting Position)**

**(a) Eligibility**

- (1) An active member who desires consideration for appointment as Support Staff shall notify in writing the Fire Chief or his/her designee of his/her desire.
- (2) Upon receipt of such written notice, the Fire Chief, or his/her designee, shall verify that the member is in compliance with Section 3(a) (4) of this Ordinance.
- (3) Upon compliance with Section 3(a)(4) of this Ordinance the Fire Chief having been satisfied that the member is able to perform the duties of Support Staff, the Fire Chief shall submit a

written request to the Town Council through the Town Manager that the member be appointed as Support Staff.

(4) Support Staff shall be ineligible for service upon reaching the age of 70 years.

**(b) Duties:**

(1) Support Staff shall perform powers and duties as assigned by the Fire Chief. Such powers and duties may include assignment as a Safety Officer, Accountability Officer, Rehabilitation Leader, Staging Officer and any other administrative functions as determined by the Fire Chief.

(2) Support Staff 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, as directed by the Fire Chief or Incident Commander.

(3) Support Staff shall not perform any fire fighting duties or be issued any structural firefighting Personal Protective Equipment (PPE) without the specific approval of the Fire Chief and acknowledgment by the Town Council.

**(c) Miscellaneous Provisions**

(1) Upon appointment, Support Staff shall be covered under the Town's Worker's Compensation Insurance, which coverage shall be the same as provided to active members of the Department.

**SECTION 12. CHAPLAINS.**

(a) The Company may designate 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.

(c) Chaplains shall not perform any fire fighting duties or be issued any structural firefighting Personal Protective Equipment (PPE).

**SECTION 13. DUTIES OF MEMBERS.**

(a) All members shall act in accordance with written rules and procedures established by the Fire Chief.

(b) All members shall report back to the Fire House after each incident unless excused by the Officer in command.

## **SECTION 14. 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/herself in such a manner as to not bring discredit to himself/herself, 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/her as a Plainville firefighter.

### **(b) Definitions**

- (1) **Chain of Command:** The fire service chain of command as defined in Section 9 of this Ordinance.
- (2) **Fire Company:** The Plainville Fire Company, Inc., a corporation organized 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 VI 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 appointed by 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 and Support Staff.
- (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 an officer by the Fire Company (Captain through Lieutenants).
- (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 activity, 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, or tends to impede the operation or lower the morale of the Fire Service.
- (4) **Breach of Confidentiality:**
- (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/her 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. 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) **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.
  - (10) **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.
  - (11) **Loss or damage:** Failure to report loss of, or damage to Department or Company property.
  - (12) **Theft:** The unauthorized use, removal or misappropriation of property, including but not limited to property of the Town, Department, 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/assault, 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 by an eyewitness to a violation, or by physical evidence of a violation.
- (4) All firefighters as defined in Section 14. (b)(4)(a) through (d) shall be subject to discipline under this section.
- (5) All firefighters as defined in Section 14. (b)(4)(e) and (f) shall be referred to the Plainville Fire Company for disciplinary action.
- (6) There are four levels of disciplinary action:
  - (a) **Level 1 – Oral reprimand.**
    - (1) 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.
    - (3) Documentation of a Level 1 reprimand shall consist of an original and two (2) copies, and shall be signed by the firefighter in the presence of a witness. The original shall be promptly submitted to the Fire Chief for review and filing in the firefighter's personnel folder. A copy shall be given to the firefighter and a second copy shall be retained by the originating officer.
  - (b) **Level 2 – Written reprimand.**
    - (1) A second minor violation, or
    - (2) A 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 2 reprimand shall consist of an original and two (2) copies, and shall be signed by the firefighter in the presence of a witness. The original shall be promptly submitted to the Fire Chief for review and filing in the firefighter's personnel folder. A copy shall be given to the firefighter and a second copy shall be retained by the originating officer.

**(c) Level 3 – Suspension for a defined period.**

- (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 Fire Chief or, in his/her absence, the next Senior Assistant Chief.
  - (4.1) 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.
  - (4.2) 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.
  - (4.3) An exception to such prohibition may be made by the Fire Chief for extenuating circumstances such as a funeral, participation in the Memorial Day parade, or meeting a required physical examination or SCBA fit test.

- (5) Documentation of a Level 3 suspension shall consist of an original and two (2) copies, and shall be signed by the firefighter in the presence of a witness. The original shall be promptly submitted to the Fire Chief for review and filing in the firefighter's personnel folder. A copy shall be given to the firefighter and a second copy shall be retained by the originating officer.
- (6) Extension of a suspension, or consecutive suspensions, for the same offense is prohibited.

**(d) Level 4. Suspension pending dismissal.**

- (1) A violation at Level 3, combined with two (2) additional Level 1 or Level 2 offenses 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/her duties as a firefighter, or brings discredit to himself/herself, 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 Fire Chief or, in his/her 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 activities of the Fire Department and Fire Company.
- (6) Documentation shall consist of an original and four (4) copies. The original shall be retained by the Fire Chief and filed in the firefighter's personnel folder, one copy shall be forwarded to the Director of Public 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 Fire 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 of the firefighter shall be by the Town Council, as appointing authority, subject to appeal if requested by the firefighter. Such appeal shall be in accordance with Chapter III, Section 13 of the Plainville Town Charter.

(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, the makeup of which shall be as follows:

- (1) A Deputy or an Assistant Chief, to be appointed annually in February by the Fire Chief for a one (1) year term commencing March 1.

- (2) A Company line officer, to be appointed annually in February by the Captain for a one (1) year term commencing March 1.

- (3) Three (3) elected Company members, active or retired, each of whom shall have served at least five (5) years as an active firefighter. 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. Election shall be held in December to fill the expiring term for three (3) years commencing March 1.

- (5) Alternate members may attend all meetings of the Board but shall have no voice or vote in the proceedings, unless acting in the absence of one of the three elected regular members.

- (6) The Fire Chief or his/her designee shall call a meeting of the Appeal Board in March to elect a chairperson, vice chairperson and secretary for the year. All Disciplinary Appeal Board members will annually sign a Confidentiality Agreement with respect to any proceedings held during their term.

- (b) Meetings and appeal hearings 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 in accordance with the retention schedule referenced in Section 7-109 of the Connecticut General Statutes.

- (c) If an appeal has been initiated and cannot be completed before March 1, the seated Disciplinary Board shall remain in office until the hearing(s) are completed.

## **(2) Appeal**

- (a) There shall be no right of appeal from Level 1 or Level 2 disciplinary action.
- (b) Level 3 disciplinary action may be appealed only to the Disciplinary Appeal Board.
- (c) Any firefighter desiring to appeal a Level 3 or Level 4 disciplinary action must within five (5) days excluding Saturdays, Sundays and legal holidays, notify the chairperson or, in his/her absence, the vice chairperson, of the Disciplinary Appeal Board, in writing, of his/her intent to appeal the disciplinary action. However, he/she shall remain on suspension pending the outcome of the appeal hearing.
- (d) Upon notification of a firefighter's desire to appeal from a Level 4 suspension, the chairperson of the Board shall promptly notify the Fire 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 Board shall hold an initial meeting to review the Level 3 or Level 4 disciplinary action and any relevant documents. The Board shall notify witnesses deemed necessary within the Company membership. Not to impede the progress of the hearing, any witnesses failing to appear at the designated hearing, without having a valid excuse given to the Fire Chief, shall be automatically suspended from the Department for 30 days.
- (f) The chairperson 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 Fire Chief, any officers involved in the disciplinary action, and the appealing firefighter.

- (g) Any Board member who is a party to the disciplinary action or witness shall be excluded from the Board from sitting on that hearing and 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.
- (h) All hearings shall be held in executive session.
- (i) The chairperson shall preside over the hearing. No formal rules of evidence shall apply but the chairperson may exclude irrelevant or duplicative evidence.
- (j) 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.
- (k) Both the Board and the firefighter shall be permitted to ask questions and to call witnesses to the incident, who shall testify under oath administered by the presiding Board officer.
- (l) 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.
- (m) Any recommendation of the Board shall require four (4) affirmative votes for adoption.
- (n) 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.
- (o) 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 Fire Chief in a meeting in executive session with the Fire 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.

- (p) Upon receipt of the recommendation of the Board, the Fire Chief shall take the recommendation into consideration in making his/her final decision.

**SECTION 15. EFFECTIVE DATE.**

- (a) This Ordinance shall take effect after passage and publication.

Adopted by the Town Council June 3, 2013  
Amended June 15, 2015