

# **Rawlins Fire Department Civil Service Rules**

FORMALLY ADOPTED ON NOVEMBER 21, 2017.



## **City of Rawlins Wyoming**

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## **CHAPTER I**

### **PREFACE**

#### **Section 1.1 Repeal.**

All previous rules and regulations of the Fire Department Civil Service Commission of the City of Rawlins, Wyoming, are hereby repealed.

#### **Section 1.2 Oath.**

Before entering on the duties of their office, all Commissioners shall take and subscribe before the City Clerk of Rawlins, Wyoming, an oath of affirmation that in no event will they appoint or remove any person because of his/her political opinions or for any reason other than the person's fitness or unfitness. The oaths or affirmations shall be filed with said clerk.

## CHAPTER 2

### GENERAL PROVISIONS

#### **Section 2.1 Purpose.**

The purpose of these rules and regulations is to govern the proceedings of the Fire Department Civil Service Commission, and classification of fire department employment, promotion on the basis of merit, experience and good record and the preparation of eligibility lists as well as the preparation and administration of examinations from which vacancies are to be filled. These rules do not apply to volunteer firefighters or the Fire Chief.

#### **Section 2.2 Validity of Rules.**

Should a provision of these rules, or their application to any person or circumstance, be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any rule or regulation should lose its force and effect, that judgment or action shall not affect the remainder of these rules.

#### **Section 2.3 Authority.**

In accordance with the provisions of Wyoming State Statute Title 15, Chapter 5, Article 1 the Fire Department Civil Service Commission of the City of Rawlins, Wyoming, adopts the following regulations to govern its procedure under said civil service laws relating to fire departments.

- a. All full-time, paid, uniformed firefighters, not to include the Fire Chief, engaged in fire prevention and suppression shall be subject to the authority of the Fire Commission. Civil service rules shall supersede City personnel policies only in those areas addressed in the Wyoming Statutes as specific powers ascribed to the Civil Service Commissions.

## CHAPTER 3

### ADMINISTRATION

#### **Section 3.1 Commission Established.**

The Fire Department Civil Service Commission is established pursuant to said Acts. The Commission shall consist of three (3) members who serve without compensation. Each commissioner shall be a qualified elector of the City of Rawlins, Wyoming, and shall serve for a term of three (3) years and until his/her successor is appointed and qualified. The commissioners shall be appointed by the Mayor and confirmed by the City Council. Not more than one (1) commissioner may be appointed from the governing body, and no officer or employee in the fire or police department is eligible to serve as a commissioner. In the case of a vacancy, or disqualification, of any commissioner, the Mayor, with the consent of the City Council, may appoint a person to serve during the remainder of the term.

#### **Section 3.2 Commission Chairperson.**

The Commission shall choose a chairperson from its own membership. The chairperson shall serve at the pleasure of the Commission and shall, subject to the direction of the Commission, have general authority and responsibility in the administration of the rules and regulations as are not inconsistent with the powers reserved to the Commission.

#### **Section 3.3 Meetings.**

The Commission shall hold meetings in accordance with the provisions of the Public Meetings Act located in Wyoming Statute Statutes §16-4-401 through §16-4-407.

#### **Section 3.4 Rules.**

Any interested person may make written petition to the Commission requesting the promulgation, amendment or repeal of any rule of the Commission and may accompany his/her petition with relevant data, views and arguments. The procedure for filing such a petition will be to file it with the City Clerk of Rawlins, Wyoming, who will submit it to the Chairperson of the Commission. At the next scheduled meeting, all interested persons will be afforded reasonable opportunity to submit data, views or arguments, orally or in writing. The Commission shall consider fully all written and oral submissions requesting the proposed rule as soon as practicable after said meeting. The Commission shall either deny the petition in writing, stating its reasons for the denial, or initiate rule making proceedings in accordance with Wyoming State Statute §16-3-102 -103.

## **CHAPTER 4**

### **ELIGIBILITY**

#### **Section 4.1 Employment of Eligible Persons.**

Unless otherwise provided by these rules, no person may be employed, appointed or promoted in the fire department as a classified employee except from the list of eligible persons certified by the Fire Department Commission to the City Manager.

## CHAPTER 5

### CLASSIFIED SERVICE

#### **Section 5.1 Classifications.**

1. The Commission shall classify the various employments in the fire department into classifications based upon the nature of the service to be rendered or duties to be performed.
2. The City Manager shall then establish uniform working hours and pay ranges for all employees in each classification and may regulate the rate wages and the number of employees in any classification as necessary.
3. All firefighters and positions in the fire department are classified into classifications as follows:
  - Fire Chief
  - Battalion Chief
  - Shift Captain
  - Senior Engineer
  - Engineer I
  - Engineer
4. The number of positions within each classification shall be determined by the City Manager and Fire Chief. The duties, nature of services to be performed, and responsibilities of said positions shall be determined by the Fire Chief, and approved by the City Manager.

#### **Section 5.2 Job Descriptions.**

The purpose of these standards is to specify in terms of performance objectives the minimum requirements of professional competence required for the various classifications in the fire department's career ladder. All candidates will be required to present valid State of Wyoming certifications when taking promotions to new levels. All certifications requiring re-certification or continuing education shall be maintained.

#### **General Hiring Requirements:**

- (1) Shall be at least 19 years of age at date of hire.
- (2) Must have a high school diploma or equivalent.
- (3) Successfully complete the Firefighter Combat Challenge or other physical fitness test.
  - (a) Shall be medically and physically fit and maintain fitness.
  - (b) Successful completion of Pre-employment physical.
- (4) Shall have completed the testing process as detailed in Chapter 11.3 of these rules.

**Engineer (1st Yr.)** - Shall serve a probation period beginning the date of hire and ending one (1) year thereafter. Probation may be extended by the Fire Chief upon a compilation of an Employee Evaluation if all requirements have not been met by the end of the first year of employment. During the probation period, the employee shall complete the following prior to promoting to Engineer:

- (1) Obtain current Wyoming CDL as required by the department. Probationary Engineers shall obtain a driver's license learning permit within 30 days of employment and obtain an appropriate Class CDL with appropriate endorsements within the following 30 days of employment (60 days total).
- (2) Completion of Fire Department Field Training Orientation program.
  - (a) Trainee must stay proficient on all apparatus and equipment.
- (3) Shall be able to operate fire department vehicles or apparatus under emergency response conditions.
- (4) Obtain Wyoming Firefighter I Certification.
- (5) Obtain Wyoming Fire Inspector I Certification.
- (6) Shall be able to perform routine tests, inspections and servicing functions required to insure operational status of all fire department vehicles.
- (7) Be familiar with all rules and regulations governing the safe operation of all fire department equipment.
- (8) Be familiar with and capable of operating all types of water supplies utilized by the department.

**Engineer I (2<sup>nd</sup>-3<sup>rd</sup> Yr.)** - Shall be required to obtain all of the following, prior to promoting to Senior Engineer:

- (1) Shall have met and maintained all qualifications of a Probationary Engineer.
- (2) Shall attain Wyoming Firefighter II Certification.
- (3) Shall have obtained or be in the process of obtaining Wyoming EMT Basic Certification.
- (4) Obtain Wyoming State Forestry Certified Red card FFT2 or equivalent.
- (5) Shall obtain Fire Instructor I Certification.
- (6) Shall obtain certification as an Apparatus Driver Operator Pumper.

**Senior Engineer (3+ Yrs.)** - Shall be required to possess the following at the time of appointment:

- (1) Shall have met and maintained all qualifications of an Engineer I.
- (3) Shall have three (3) years of service with the Rawlins Fire Department, and not be on probation.
- (3) Shall obtain Fire Officer I Certification.
- (4) Shall obtain Public Fire Educator I Certification.
- (4) Shall obtain Hazardous Materials Technician Certification.

- (5) Shall obtain Wyoming Apparatus Driver Operator Aerial Certification.

**Shift Captain** - The following shall be minimum requirements for a Shift Captain Position.

- (1) Pass Assessment Center Promotional Evaluation and testing process as listed in Section 11.3.
- (2) Shall hold a Wyoming Red Card Engine Boss or Operational level Single Resource or be working on a task book for certification.
- (3) Shall have three (3) years of service with the Rawlins Fire Department.
- (4) Shall be rank of Senior Engineer at the time of position vacancy.

**Battalion Chief** - The following shall be minimum requirements for a Battalion Chief position.

- (1) Shall have two (2) of the Following:
  - a. Shift Captain for a period of two (2) years or more.
  - b. Fire Officer II.
  - c. Associates Degree in Fire Science, Emergency Management or Paramedic.
  - d. Currently enrolled or have completed Managing Officer (lowered from EFO) course at the National Fire Academy. Be involved at a State Level of the Wyoming Fire Service; i.e. Wyoming Fire Certification Committee, Fire Chiefs Association, Rural Fire Chiefs Association, etc., to be verified by the Fire Chief to the Commission.

### **Section 5.3 Job Responsibilities.**

#### **ENGINEER I.**

- (1) Engineer's primary responsibility is to perform engineer duties. Fire apparatus operation will take priority over everything else.
- (2) Continuing goals and objectives (Community Risk Reduction, Training, and Station and apparatus maintenance).
- (3) Shall serve at the rank of Engineer.
- (4) Shall conduct daily duties of facilities and apparatus.
- (5) Interface with volunteer staff.
- (6) Continue education in management skills.

The following are courses of study for Engineer, and should be continued:

- a. Wyoming Firefighter II.
- b. Fire Service Instructor I.
- c. Apparatus Driver Operator Pumper.

#### **SENIOR ENGINEER.**

- (1) The Senior Engineer primary responsibility is to perform engineer duties, and to train engineers to become Senior Engineers. Fire apparatus operation will take priority over everything else.
- (2) Continuing goals and objectives (ISO, Inspections, training, Station and apparatus maintenance).
- (3) Shall serve at the rank of Senior Engineer.
- (4) Shall conduct daily duties of facilities and apparatus.
- (5) Perform all of the administration duties of the Shift Captain in his/her absence.
- (6) Serve as Incident Commander when necessary.
- (7) Interface with volunteer staff.
- (8) Supervision of subordinate staff.
- (9) Continue education in management skills.
- (10) Train Engineers for succession.

he following are courses of study for Senior Engineer, and should be continued:

- a. Wyoming Fire Officer I.
- b. Hazardous Materials Technician.
- c. Engine Boss.

### **SHIFT CAPTAIN.**

1. Shift Captains primary responsibility is to manage day to day operations of their shift.
2. Continue to work towards goals & objectives.
3. Shall serve with a rank of Captain.
4. Shall oversee daily operations (training, time sheets, budget expenditures, maintenance).
5. Perform all of the administration duties of the Fire Chief in his/her absence and absence of the Battalion Chief.
6. Shall serve as Incident Commander when necessary.
7. Interface with the Volunteer Staff.
8. Supervision of subordinate personnel
  - (a) Assign and evaluate job duties.
  - (b) Oversee on shift projects and be responsible for the achievement of goals.
9. Continue education in management skills.

10. The following are courses of study for Shift Captain, and should be continued:
  - (a) Wyoming Fire Officer II.
  - (b) Wyoming Fire Service Instructor II.
  - (c) Wyoming Fire Safety Officer.
  - (d) Origin and Cause Technician.
11. Train Engineers for succession.

**BATTALION CHIEF.**

1. Battalion Chief's primary responsibility is to oversee Shift Captains, and ensure that the day to day operation of the Department is operating effectively.
2. Continuing goals and objectives (Community Risk Reduction, Training and Maintenance).
3. Shall oversee daily operations (time sheets, budget expenditures, maintenance, work schedules, etc.).
4. Shall serve at the rank of Battalion Chief.
5. Perform all of the administration duties of the Fire Chief in his absence, and as delegated.
6. Shall serve as incident commander when necessary.
7. Interface with the volunteer staff.
8. Supervision of subordinate personnel.
  - a. Assign and evaluate job duties
  - b. Oversee special projects and be responsible for the achievement of goals.
9. Train Shift Captains for succession.

**Section 5.4 Certification and Education Compensation:**

The following list of Certifications and Education may have a fixed assessed compensation added to them:

Fire Officer I: (60 hrs.)	\$.25 per Hour
Fire Officer II: (80 hrs.)	\$.50 per Hour
Hazmat Technician: (80 hrs.)	\$.50 per Hour
EMT Advanced (80 hrs.)	\$.50 per Hour
Fire Public Educator I (20 hrs.)	\$.10 per Hour
Fire Investigator (unknown hrs.)	\$.25 per Hour
Fire Safety Officer	\$.50 per Hour
Origin and Cause Tech	\$.25 per Hour
Associates Degree in Fire Science or Paramedic (2 year degree)	\$2.50 per Hour
Managing Officer Course completion	\$1.25 per Hour
EFO course completion through the National Fire Academy (4 year course)	\$2.50 per Hour

Compensation may be made for any and all certifications that are current, and up to date.

Compensation may be increased at the given rates.

## CHAPTER 6

### APPLICANT REQUIREMENTS

#### **Section 6.1 Requirements for Application.**

a. No person may be appointed or employed as a fire fighter or officer of a fire department who has been convicted of, or against whom any indictment or information is pending for any offense, the punishment for which may be confinement in any penitentiary; or is a notoriously bad character; or is unable to read, speak and write the English language; or lacks ordinary physical courage; or is not at or above the age of 19 at the time of hiring; or is not a citizen of the United States; or does not have at least a high school education or equivalent.

b. Applications for examinations for positions in the classified service, which shall be available to all interested persons in the office of the City Manager, shall be presented to the Commission on a prescribed form, giving such information as the Commission may require. The statement of the applicant shall be made under oath and properly attested.

c. Applications when accepted shall be dated, numbered and recorded in the order of their receipt. An application that has been accepted and filed shall not be returned for any reason. All inactive applications will be canceled after they have been on file for one year.

d. In case of applicants for examination for positions requiring technical, professional or scientific knowledge and experience, or special qualifications, the Commission may require the submission of such certificates of competency or licenses as the laws and ordinances may require for the practice of the profession, art or trade involved.

e. Proof at any time produced to the Commission of the bad character or dissolute habits of an applicant, or of any false statement made by an applicant in the application or in the examination, or of any criminal or disgraceful act committed by him or of dismissal for cause from the public service, shall be deemed sufficient cause to exclude an applicant from examination or for removal from an eligible list.

f. All original examinations will be advertised at least ten (10) days prior to the closing date for the receipt of applications. Notice of examination will be posted at such places as the Commission deems necessary.

## CHAPTER 7

### EXAMINATION OF APPLICANTS

#### **Section 7.1 Examination Requirements.**

The Commission shall examine the qualifications of all applicants for eligible ratings. The Commission shall control all examinations, and may, whenever an examination is to be given, designate a suitable number of persons, either in or not in the official service of the City, to be examiners or assistants at said examinations, and if in the official service, it shall be a part of their official duty to conduct such examination as the Commission may direct, and to make return and report thereof to the Commission, which may at any time substitute any other person, whether in or not in such service, in the place of any one so selected. The commissioners may themselves act as such examiners; and all officers of the City shall assist them in every proper way in carrying out the rules of the Commission.

#### **Section 7.2 Permitted Matter.**

All examinations shall be impartial and relate only to matter which test the fitness of the persons examined to perform the services required.

#### **Section 7.3 Testing.**

The subjects to be covered by the examination and the weight to be attached to each subject shall be determined by the Commission. Written and oral examinations may be given, and the minimum passing score shall be 75%. All applicants must also pass each of the items on the agility test authorized by the Commission.

Each entrance examination shall consist of the following subjects:

- a. Written Test;
- b. Physical - Agility Test;
- c. Preference Points;
- d. Oral interviews;
- e. Criminal history check of successful applicant by state or local law enforcement;
- f. Background Check by the City or the City's agent;
- g. Pre-Employment drug and alcohol test.

#### **Testing Dates**

The Rawlins Fire Civil Service Commission will conduct testing for the purpose of developing and maintaining an eligibility list on the second weekend in June of every odd year starting in 2017. Additional testing will be performed as necessary when the need for a list of candidates to fill job openings arise.

#### **Written Examination**

Each applicant shall be marked independently as pass or fail on the written examination. The minimum passing score shall be 75%, only those applicants with a score of 75% or higher shall be eligible to take the physical agility test as determined by the Civil Service Commission. Written re-examination may be allowed in accordance with Section 7.6.

#### **Physical Agility Test**

The physical agility tests are a pass / fail examination of the candidate's ability to perform job related tasks in a controlled and timed environment. The candidates that successfully pass the written examination with a minimum score of 75% are eligible to take the physical agility examination. Candidates that successfully complete the physical agility test will then advance to the scenario based report writing examination.

### **Scenario Based Report Writing Examination**

Candidates that successfully pass the physical agility test will proceed to the scenario based report writing examination. The examination is a pass / fail evaluation of the candidate's ability to process a video presentation of an incident and provide a written report that accurately depicts the scenario. All candidates that successfully pass the scenario based report writing examination will proceed to the oral interview process.

### **Oral Interview**

The oral interview will be conducted by the Civil Service Commission or their designee's. The Civil Service Commission is aware of the subjective nature that an oral interview environment can produce, and at their discretion may request an additional interview by the Fire Chief or his designee.

### **Value or Weight of Examination**

The Civil Service Commission has set the value and weight to be given to each portion of the examination as follows. The written examination is a pass / fail with a passing point of 75%; Physical Agility Test is a pass / fail; Scenario Based report writing examination is pass / fail. A candidate must successfully complete all sections of the examination process to be eligible for an oral interview. Upon completion of the oral interviews, the Commission will rank the candidates. Ranking shall be determined by evaluating the results of the oral interview, the addition of any eligible preference points and the overall performance of the candidates.

### **Preference points**

- Red Card FFTII Certification = .5 points
- Firefighter I = 1 point
- Hazardous Materials Technician certification = 1.5 points
- Two (2) year Fire Science Degree = 2.5 points
- Wyoming Emergency Medical Technician Basic = 1.5 points
- Volunteer Firefighter Rawlins Fire Department = 1.5 points
- Volunteer Firefighter other department = .5 point
- Firefighter II = 2 points
- Apparatus Driver Operator = 3 points
- Bachelor Degree in Fire related field = 4 points

To receive credit for Firefighter I, Firefighter II, or ADO, Certification must be Wyoming State Fire Marshall's Office, Pro Board, IFSAC, or DOD and issued in the last 5 years.

Candidates will receive points for the highest level achieved in each area with a maximum of 10 points credit.

### **Section 7.4 Applicant to Receive Notice.**

Upon the completion of the marking, each candidate shall receive notice of his rating and shall, upon application, be permitted to inspect his papers under proper supervision.

### **Section 7.5 Review.**

No request for a review of the marking shall be entertained by the Commission unless made and filed with the Commission in writing within ten (10) working days of the date upon which the notice as to the standing of the competitors is sent out, and no change in rating shall be made unless there is some manifest error on the face of the papers.

**Section 7.6 Re-examination.**

The Commission shall have the power, whenever in its judgment the interest of the public service requires it, to order a re-examination of applicants and shall have power to correct any error or amend or revoke any schedule, list or other paper or record where it appears that an error has been made or injustice has been done, and after an eligible list has been so corrected, amended or revoked, notice shall be given to all persons whose standing upon such list may be affected by the alterations. The reason for every such action shall be recorded in full in the minutes of the Commission.

**Section 7.7 Retaking Examination.**

No applicant who has taken an examination or withdrawn therefrom shall be admitted to a new examination for the same position within one (1) year of the date of the previous such examination; however, for good cause shown and set forth in its minutes, the Commission may waive this provision.

**Section 7.8 Commission to Retain Papers.**

All examination papers shall be retained by the Commission in the office of the City Manager for a period of two years from the date of the creation of the eligible list.

**Section 7.9 Physical Examination.**

All applicants will be subject to examination by physicians designated by the Fire Chief or his designee, and the results of such examinations shall be certified to the Commission on forms furnished by the Rawlins Fire Department. The Commission may refuse to certify an applicant for employment on the basis of a physical disability related to the applicant's ability to perform the services required, provided that the reasons for such refusal are documented in the minutes of the Commission.

**Section 7.10 Retaking Physical Examination.**

Any application for the retaking of a physical examination must be accompanied by a physician's statement setting forth facts substantiating the application. The Commission may grant the retaking of a physical examination for good cause upon receipt of such statement.

## CHAPTER 8

### ELIGIBILITY LIST

#### **Section 8.1 Eligibility List.**

The names of candidates who receive a rating of 75% or over in the examinations shall be placed on the proper eligibility list in the order of their standing in the examination, and against each name shall be noted the date of the examination, the date on which the name was entered on the list, and the average rating of the candidate.

#### **Section 8.2 Priority of Candidates.**

When two or more candidates have received the same average rating, the name of the person first filing an application shall have priority, except in cases of persons honorably discharged from the military service of the United States who shall be given preference. In cases where applicants with identical scores are occupying the third position on the list, each such applicant shall be considered as occupying the same position on the list and shall be eligible as one of the top three persons on the list.

#### **Section 8.3 Removal of Names.**

Those eligible shall remain on the registers for two (2) years without reexamination and certification. A name will be removed from the eligibility list at the expiration of two years. At any time during the two year period, the Commission may update the eligibility list to determine if those listed are still interested in remaining on the list. The updating shall be done by notifying all those on the list by certified mail, sent to their last known address, that it is the Commission's intent to update the eligibility list, and that if the applicant is interested in remaining on the list, he or she must reply by mail using a postage paid reply card included with the notice. In the event no such reply from the applicant is received within a reasonable time, the Commission may remove the applicant's name from the eligibility list.

#### **Section 8.4 Filling Positions.**

When a position is to be filled, the Fire Chief shall request that the Commission provide the names of five (5) eligible persons. Upon such request, the Commission shall certify the names of the five qualified applicants having the highest percentage of proficiency, one of who may be employed by the City Manager. When all persons certified are unsuitable for the position, the Commission may certify additional names and shall state the reason for certification of the additional names in the certificate. If there are no registered eligible applicants, the Commission may allow provisional employment, or it may authorize the City Manager to select a suitable person for examination, and if after examination, such person is qualified, he or she may be certified for employment.

When an opening for a firefighter position is to be filled in the Rawlins Fire Department, the Fire Chief with the approval and consent of the City Manager shall request the Civil Service Commission for the names of five (5) eligible persons having the highest percentage of proficiency, one (1) of which shall be offered conditional employment by the City Manager.

In the event the Chief cannot reach an applicant by phone for the purpose of accepting or declining the open position within 24 hours, the Chief then shall send a certified letter stating the intention of the hiring the applicant. If by the time the Chief receives proof that the certified letter has been received, and has not heard from the applicant, their name shall be dropped from the eligibility list.

In the event the current list is reduced to, and not less than five (5) names, the Chief shall request the Civil Service Commission to establish another eligibility list in accordance with these rules and regulations. The Commission shall initiate the procedures to administer the entrance exam pursuant to these rules and regulations and applicable state laws within fifteen (15) days.

Once the Commission has established a second list, the second list shall not be activated until the first list has been vacated by either the remaining names having been hired or declined employment or the one year time limit has expired or at the discretion of the Commission a new list is authorized.

Any person on the existing list shall be notified by the City Managers' Office of the intent to establish a new list and they shall be entitled to take the exam and have their name placed on the second list in order of their relative marking on that exam.

In no event shall any list run longer than two (2) years.

The applicant offered conditional employment shall submit to a medical examination by a physician designated by the Rawlins Fire Department. These examinations shall be paid for by the City of Rawlins and will be conducted to determine if the candidate meets the minimum medical requirements for fire department candidate identified in the current Edition of the National Fire Protection Association's Medical Requirements for Firefighters, NFPA 1582.

The applicant offered conditional employment shall submit to a psychological evaluation by a physician designated by the Rawlins Fire Department if requested by the department. The applicant shall also submit to a criminal background check performed by state or local law enforcement agencies.

## **CHAPTER 9**

### **TRIAL EMPLOYMENT**

#### **Section 9.1 Trial Employment Term.**

The first year of employment may be terminated at any point with or without cause, during which time the trial employee may be dropped from the register with or without cause, with no right of hearing or appeal. At the end of that time, if the conduct of the person employed has been satisfactory and the employee has met the requirements set for Probationary Engineer, he / she may be promoted to Engineer.

## **CHAPTER 10**

### **REDUCTION IN FORCE**

#### **Section 10.1 Reduction in Force.**

Employees dropped because of a reduction in force are eligible for re-employment within two (2) years following the date of their discharge without further examination.

## CHAPTER 11

### PROMOTIONS

#### **Section 11.1 Filling Vacancy in Grade.**

When any vacancy occurs in the classification of Shift Captain, it shall be filled by a competent employee from the next lowest classification. In the event there is no qualified employee, the Commission may receive candidates from the next lower classification or may seek candidates from outside the department. The Commission shall determine the competency of the person to fill the vacancy.

#### **Section 11.2 Notice.**

Notice of examination for promotion shall be posted in the fire department facilities at least thirty (30) days in advance of such examination and shall state the character of the examination, positions eligible to take the examination, date for receiving applications for the exam, and date of the examination.

#### **Section 11.3 Promotional Examination.**

- a. Written and/or oral examinations supervised by the Commission shall be administered to all candidates for promotion. All testing materials shall be reviewed by the Fire Chief to insure the relevance of the material.
- b. Upon the completion of the marking, each candidate shall receive notice of his rating and shall, upon application, be permitted to inspect his papers under proper supervision.
- c. No request for a review of the marking shall be entertained by the Commission unless made and filed with the Commission in writing within ten (10) working days of the date upon which the notice as to the standing of the competitors is sent out, and no change in rating shall be made unless there is some manifest error on the face of the papers.
- d. The Commission shall have the power, whenever in its judgment the interest of the public service requires it, to order a reexamination of candidates and shall have power to correct any error or amend or revoke any schedule, list or other paper or record where it appears that an error has been made or injustice has been done, and after an eligible list has been so corrected, amended or revoked, notice shall be given to all persons whose standing upon such list may be affected by the alterations. The reason for every such action shall be recorded in full in the minutes of the Commission.
- e. All examination papers shall be retained by the Commission in the office of the City Manager for a period of two (2) years from the date of the creation of the eligibility list.

#### **Promotional examination testing for Shift Captain shall consist of the following:**

- a. Written examination administered by the Commission. All of the testing material shall be reviewed by the Fire Chief to insure the relevance of the material prior to testing.
- b. Scenario based interview, as to judge the decision making ability of the applicant.
- c. Written research project/proposal and presentation to the interview board on subject to be determined by the Fire Chief.
- d. Oral interview.
- e. Human Resource/employee discipline scenario questions.
- f. Review of Personnel File.

#### **Promotional examination of Battalion Chief shall consist of the following:**

- a. Scenario based interview, as to judge the decision making ability of the applicant.
- b. Human Resource/employee discipline scenario questions.
- c. Oral Interviews

d. Review of Personnel File

Upon the completion of testing and rating, each candidate shall receive notice of his rating, and be permitted to inspect his papers under proper supervision.

a. No request for a review of the marking shall be entertained by the Commission unless made and filed with the Commission in writing within ten (10) working days of the date upon which the notice as to the standing of the competitors is sent out, and no change in rating shall be made unless there is some manifest error on the face of the papers.

b. The Commission shall have the power, whenever in its judgment the interest of the public service requires it, to order a reexamination of candidates and shall have power to correct any error or amend or revoke any schedule, list or other paper or record where it appears that an error has been made or injustice has been done, and after an eligible list has been so corrected, amended or revoked, notice shall be given to all persons whose standing upon such list may be affected by the alterations. The reason for every such action shall be recorded in full in the minutes of the Commission.

c. All examination papers shall be retained by the Commission in the office of the City Manager for a period of two (2) years from the date of the creation of the eligible list.

d. Promotional examination for Shift Captain shall consist of an interview conducted by not less than three examiners to be recommended by the Fire Chief and approved by the Commission. Members of the Rawlins Fire Department, who hold the rank of Senior Engineer, or all engineers that are not on probation if no others qualify, are eligible to take the examination. Those promoted to Shift Captain must have successfully completed or successfully complete, within one year from the date of promotion, an approved course in personnel supervision or equivalent course approved by the Fire Chief.

e. Promotional examination for Battalion Chief shall consist of an interview conducted by not less than three examiners to be recommended by the Fire Chief and approved by the Commission.

**Section 11.4 Filling Positions.**

When a position is to be filled, the City Manager or Fire Chief shall request that the Commission provide the names of three eligible persons. Upon such request, the Commission shall certify the names of the three qualified applicants having the highest percentage of proficiency. The Fire Chief shall recommend one of the three persons to the City Manager who shall make the ultimate promotional decision. When all persons certified are unsuitable for the promotion, the Commission may certify additional names and shall state the reason for certification of the additional names in the certificate. If there are no eligible applicants, the Commission may allow provisional employment, or it may authorize the City Manager to select a suitable person for examination, and if, after examination, such person is qualified, he shall be certified for promotion or employment. All eligibility lists for promotional positions will be good for two years. When a list has less than three names remaining on it, the Fire Chief may choose to hire from the remaining eligible candidates or call for a new list. When a new list is called for, no candidate will be allowed to stand on previous test scores.

**Section 11.5 Vacation Time**

Employees of the Rawlins Fire Department follow the vacation time schedule as per the City of Rawlins Employee Manual.

**Section 11.6 Compensation Time**

Firefighters may be allowed to carry a maximum of seventy-two (72) hours (3- 24 hour shifts) of accrued compensation time.

**Section 11.7 Holiday Time**

Firefighters shall have off four (4) days for Holidays for each designated Municipal Holiday. This is in accordance with Rawlins City Policy Manual.

## CHAPTER 12

### DISCHARGE OR REDUCTION IN GRADE

#### **Section 12.1 Cause.**

Discharge from the fire department, or reduction in class or compensation, or both, may be made for cause that is not political or religious, which will promote the efficiency of the service, upon written notice and specifications filed with the Commission and served by the City upon the person affected, either by personal service or by registered mail sent to the person's last known address.

#### **Section 12.2 Hearing.**

The Commission will not investigate a reduction or discharge unless a written answer is filed by the person whose discharge or reduction is sought. The answer and demand for hearing must be filed with the Commission within ten (10) days from the service of the notice of the proposed discharge or reduction. The Commission shall establish a time and place for a hearing or investigation and shall notify in writing any person who is the subject of the discharge or reduction, and the City Manager and Fire Chief of the hearing or investigation and of their right to be heard at such hearing or investigation and that they may submit evidence. No such hearing or investigation shall be held less than ten (10) days after serving a mailing notice of the time and place of said hearing and investigation. The Commission, after hearing or investigation, shall determine whether the reason for discharge or reduction is sufficient and established. The decision of the Commission shall be certified to the City Manager who shall enforce said decision.

## **CHAPTER 13**

### **SUSPENSION**

#### **Section 13.1 Power of Suspension.**

Nothing in these rules shall limit the power of the Fire Chief to suspend a subordinate on a matter of discipline for any period and on any terms not to exceed ninety-six (96) hours or two (2) weeks in time. No suspension shall be for a longer period than ninety-six (96) hours or two (2) weeks without the written consent of the Commission. Successive suspensions of the same person shall not be allowed except for separate and distinct causes for such suspension.

#### **Section 13.2 Suspensions up to One Shift**

Battalion Chiefs and Shift Captains may have the authority to suspend an employee for a shift or partial shift when circumstances exist. Supervisors shall make every attempt to notify the Fire Chief or his designee prior to the suspension being given. Suspension shall be for remainder of shift, or for a following shift, but not to exceed 24 hours without the Fire Chief's written consent.

## CHAPTER 14

### VIOLATIONS OF RULES

#### **Section 14.1 Procedure for Investigation.**

Whenever the Commission receives information that there has been a breach of its rules, it shall cause an investigation to be made and shall enter a written finding as to the alleged violation and take appropriate action, including but not limited to the entry of a written order to the violator to refrain from further violations.

## **CHAPTER 15**

### **RETIREMENT**

#### **Section 15.1 Retirement.**

If any person in the fire department becomes sixty (60) years of age, the Commission shall order that person retired from further service. However, if the person can pass annual mental and physical qualifications tests set by a physician chosen by the Commission and City Manager and given at no cost to the employee, the employee may be retained. If any person in the fire department becomes sixty-five (65) years of age, the Commission shall order that person retired from further service.

## **CHAPTER 16**

### **REVIEW OF DECISIONS**

#### **Section 16.1 Review.**

The decision of the Commission reaffirming the decision to discharge or reduce any person in rank or pay may be reviewed by the District Court, Second Judicial District, Carbon County, Wyoming, pursuant to Rule 12 of the Wyoming Rules of Appellate Procedure.

## **CHAPTER 17**

### **FORCE REDUCTION**

#### **Section 17.1 Order of Lay Off.**

If it becomes necessary to reduce the employees of the fire department, at any time, the City Manager may abolish any position other than those appointed by the City Council. Selection of employees to be laid off shall be based on certification, performance and seniority. The last employee to be laid off within a job description shall be the first to be considered for rehiring for that, or a comparable job description.

#### **Section 17.2 Re-employment.**

Employees dropped because of a reduction in force are eligible for re-employment within two (2) years following the date of their discharge without further examination.

## CHAPTER 18

### RE-EMPLOYMENT OF FIREFIGHTERS

#### **Section 18.1 Disabled Firefighters.**

If a disabled, paid firefighter, drawing a disability pension, becomes fit for active duty and his disability pension is discontinued within eighteen (18) months from the date of disability, he shall be returned to service in the department without any loss of rank, seniority or other privileges, provided he has not been discharged or reduced in classification for cause.

#### **Section 18.2 Priority.**

Former firefighters who have been laid off within two (2) years because of reduction in force, and firefighters who have been on a disability pension for more than eighteen (18) months but who have thereafter become fit for active duty, shall be given priority, in the order of their original employment date, upon application, for any vacancy which cannot be filled by personnel then within the department, provided that the former fire fighter and formerly disabled fire fighters are then persons of good standing and qualified for the vacancy.

## CHAPTER 19

### DUTIES OF COMMISSION

#### **Section 19.1 Employee Roster.**

The Commission shall keep a roster showing the name, residence, position, date employed, compensation and duties of each person in the service.

#### **Section 19.2 Employee Certification.**

The Commission shall certify to the City Clerk the names of employees in the service, stating in each case the character and date of commencement of service and any change in service.

## CHAPTER 20

### CONTESTED CASES

#### **Section 20.1 Contested Case Defined.**

Contested case means a proceeding in which legal rights, duties or privileges of a party are required by law to be determined by the Commission after an opportunity for a hearing. Party admitted as a party or properly seeking and entitled as of right to be admitted as a party.

#### **Section 20.2 Notice to be given; Service of Notice.**

In any contested case, all parties shall be afforded an opportunity for hearing after reasonable notice served personally or by mail. Where the indispensable and necessary parties are composed of a large class, the notice shall be served upon a reasonable number thereof as representatives of the class or by giving notice by publication in the manner specified by an order of the Commission.

#### **Section 20.3 Statement in Notice.**

The notice shall include a statement of: the time, place and nature of the hearing; the legal authority and jurisdiction under which the hearing is to be held; the particular sections of Wyoming Statutes and Civil Service Commission rules involved; a short and plain statement of the matters asserted. If the Commission or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter, upon application a more definite and detailed statement shall be furnished.

#### **Section 20.4 Oaths, Subpoenaing Witnesses, etc.; Contempt.**

In all contested cases, depositions and discovery relating thereto, the Commission has the authority to administer oaths and affirmations, subpoena witnesses and require the production of any books, papers or other documents relevant or material to the inquiry. In case of contumacy or refusal to obey a subpoena issued by the Commission in a contested case, deposition or discovery relating thereto, to any person, the Carbon County District Court will, upon application by the Commission, issue to the person to appear before the Commission or other person designated by it there to produce documentary evidence if so ordered or there to give evidence touching the matter in question; and any failure to obey such order of court may be punished by said court as a contempt thereof.

#### **Section 20.5 Issuance of Subpoenas by Commission.**

In all contested cases the Commission, upon application of any party, shall issue a subpoena requiring the appearance of witnesses for the purpose of gathering evidence such as books, papers, materials, department records or other documents relevant to the inquiry.

#### **Section 20.6 Modification, etc., of Subpoena.**

The Commission upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may quash or modify the subpoena, if it is unreasonable and oppressive.

#### **Section 20.7 Application to District Court by Party.**

In the event a subpoena issued pursuant to this section is disobeyed and in the event the Commission fails to apply for enforcement, any party may apply to the Carbon County District Court for an order requiring abeyance of said subpoena.

#### **Section 20.8 Application of Civil Rules.**

In all contested cases, the taking of depositions and discovery shall be available to the parties in accordance with the provisions of Rules 26, 28 through 37 (excepting Rule 37 (b) (1) and 37 (b) (2) (D) of the Wyoming Rules of Civil Procedure and any subsequent rule amendments thereto. Provided, however, all references therein to the court shall be deemed to refer to the Commission; all references to the use of the subpoena power shall be deemed references to Section 4 of Chapter 20 of these rules; all references to trial shall be deemed references to hearing; all references to plaintiff shall be deemed references to a party. If a party or other witness refuses to be sworn or refuses to answer any question after being directed to do so by the Commission, the refusal to obey such Commission order shall be enforced in the same manner as is provided in Section 4 of Chapter 20 of these rules.

#### **Section 20.9 Discovery Provisions.**

The Commission in a contested case shall be subject to the discovery provision of this Chapter. Provided, however, neither the Commission, nor any member, firefighter or employee shall be required to disclose information which is confidential or privileged under the law and provided no member of the Commission shall be compelled to testify or give a deposition in a contested case. Provided, further, that evidence and discovery sought from the Commission shall be by written application for same. In the event the Commission refuses to furnish same in whole or in part, the aggrieved party may apply to the Carbon County District Court for an order directed to the Commission compelling discovery. The court shall enter such order as may be appropriate. The procedure provided for in this subsection for obtaining discovery from the Commission shall be exclusive.

#### **Section 20.10 Presentation of Evidence and Argument; Right to Counsel.**

Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. Any person compelled to appear in person before the Commission or representative thereof shall be accorded the right to be accompanied, represented, and advised by counsel or, if permitted by the Commission, by other qualified representative.

#### **Section 20.11 Right to Appear.**

Every party shall be accorded the right to appear in person or by or with counsel or other duly qualified representative in any Commission proceeding in accordance with these rules and the pertinent rules of the Supreme Court of Wyoming. So far as the orderly conduct of public business permits, any interested person may appear before the Commission or its responsible officers or employees for the presentation, adjustment, or determination of any issue, request, or controversy in any proceeding (interlocutory, summary, or otherwise) or in connection with any Commission function. The Commission shall proceed with reasonable dispatch to conclude any matter presented to it except that due regard shall be had for the convenience and necessity of the parties or their representatives.

#### **Section 20.12 Transcript.**

No process, requirement of a report, inspection, or other investigative act or demand shall be issued, made, or enforced in any manner or for any purpose except as authorized by law. Every person compelled to submit data or evidence shall be entitled to retain or, on payment of lawfully prescribed costs, procure a

copy of a transcript thereof, except that in a nonpublic investigatory proceeding the witness may for good cause be limited to inspection of the official transcript of his testimony.

**Section 20.13 Informal Disposition.**

Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

**Section 20.14 Record.**

The record in a contested case must include: All formal or informal notices, pleadings, motions, intermediate rulings; evidence received or considered including matters officially noticed; questions and offers of proof, objections, and rulings thereon; any proposed findings and exceptions thereto; any opinion, findings, decision or order of the Commission and any report by the officer presiding at the hearing.

**Section 20.15 Reporting Proceeding.**

In all contested cases, the proceeding, including all testimony, shall be reported verbatim stenographical or by any other appropriate means determined by the Commission or the officer presiding at the hearing.

**Section 20.16 Transcription of Proceedings.**

Oral proceedings or any part thereof shall be transcribed on request of any party upon payment of the cost thereof.

**Section 20.17 Findings of Fact.**

Findings of fact shall be based exclusively on the evidence and matters officially noticed.

**Section 20.18 Exclusion of Evidence, Etc.**

In contested cases irrelevant, immaterial or unduly repetitious evidence shall be excluded and no sanction shall be imposed or order be issued except upon consideration of the whole record or such portion thereof as may be cited by any party and unless supported by the type of evidence commonly relied upon by reasonably prudent men in the conduct of their serious affairs. The Commission will give effect to the rules of privilege recognized by law. Subject to these requirements, if the interests of the parties will not be prejudiced substantially, testimony may be received in written form subject to the right of cross-examination as provided below.

**Section 20.19 Documentary Evidence.**

Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given opportunity to compare the copy with the original.

**Section 20.20 Cross-examination.**

A party can conduct cross-examinations required for a full and true disclosure of the facts and a party is entitled to confront all opposing witnesses.

**Section 20.21 Judicial Notice.**

Notice may be taken of judicially cognizable facts. In addition, notice may be taken of technical or scientific facts within the Commission's specialized knowledge or of information, data and material included within the Commission's files; the parties shall be notified either before or during the hearing or after the hearing, but before the Commission decision of material facts noticed, and they shall be afforded an opportunity to contest the facts noticed.

**Section 20.22 Consideration of Record; Opportunity to File Exceptions and Brief; Oral Argument.**

The Commission shall consider the whole record or any portion stipulated to by the parties. In the event a recommended decision is rendered, all parties shall be afforded a reasonable opportunity to file exceptions thereto which shall be deemed a part of the record. All parties as a matter of right shall be permitted to file a brief with the Commission and oral argument shall be allowed in the discretion of the Commission.

**Section 20.23 Final Decision; Notification.**

A final decision or order adverse to a party in a contested case shall be in writing or dictated into the record. The final decision shall include findings of fact and conclusions of law separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Parties shall be notified either personally or by mail of any decision or order. A copy of the decision and order shall be delivered or mailed forthwith to each party or to his attorney of record.

**Section 20.24 Limitation of Inquiry; Consultations.**

Unless required for the disposition of ex parte matters authorized by law, members of the Commission, employees presiding at a hearing in contested case, and employees presiding at a hearing in a contested case, and employees assisting the foregoing persons in compiling, evaluation and analyzing the record in a contested case or in writing a decision in a contested case shall not directly or indirectly in connection with any issue in the case consult with any person other than a Commission member, officer, contract consultant or employee or other state or federal employee, any party other than the Commission or with any Commission employee, contract consultant or other state or federal employee who was engaged in the investigation, preparation, presentation or prosecution of the case except upon notice herein contained shall preclude any Commission member from consulting with other members of the Commission. No firefighter, employee, contract consultant, federal employee or agent who has participated in the investigation, preparation, presentation or prosecution of a contested case shall, in that or a factually related case, participate or advise in the decision, recommend decision or agency review of the decision, or be consulted in connection therewith except as witness or counsel in public proceedings. Provided, however, that a staff member shall not be disqualified from participating or advising in the decision, recommended decision, or be consulted in connection therewith except as witness or counsel in public proceedings. Provided, however, that a staff member shall not be disqualified from participating or advising in the decision, recommended decision or Commission review because he has participated in the presentation of the case in the event such staff members does not assert or have an adversary position.

**Section 20.25 Presiding Officers.**

There shall preside at the taking of evidence in all contested cases the statutory Commission or one (1) or more members of the Commission, or an employee of the Commission or an employee of the City designated by the Commission to act as presiding officer. The functions of all those presiding in contested cases shall be conducted in an impartial manner. Any such officer shall at any time withdraw if he deems himself disqualified, provided there are other qualified presiding officers available to act. Officers presiding at hearings shall have authority, subject to the published rules of the Commission and within its

power to: administer oaths and affirmations; issue subpoenas; rule upon offers of proof and receive relevant evidence; take or cause depositions to be taken in accordance with the provisions of this Chapter; regulate the course of the hearing; hold conferences for the settlement or simplification of the issues; dispose of procedural requests or similar matters; make recommended decisions when directed to do so by the Commission; and take any other action authorized by Commission rules.

## CHAPTER 21

### GENERAL RULES AND REGULATIONS

#### Section 21.1 Introduction.

The following rules and regulations are adopted for the government of the fire department and for the direction and guidance of its firefighters. Personnel guidelines are a necessity in any organization if it is to effectively achieve the purposes for which it is established. This is particularly true in a fire agency where the reputation of the organization is fundamentally dependent upon the personal conduct and professional competence of its individual firefighters. Although this manual is especially directed to the firefighters of the fire department, it is expected that all civilian employees will adhere to, and be guided by, all rules, regulations and procedures consistent with the positions they hold an with their duties and functions in the department.

- a. The delivery of fire services to a community is a unique and complex undertaking. It requires firefighters who possess a high degree of stability, sound judgment, physical and moral courage, fidelity and personal integrity. It requires that firefighters conduct themselves at all times within the limitations of their fire authority. They cannot act outside of, above or beyond their lawful authority and any abuse of their powers violates the authority entrusted to them.
- b. It cannot be expected that the contents of this manual of rules and regulations will cover all situations or emergencies that may arise. By the very nature of fire service work, firefighters in the field must perform their duties independently and with a minimum of direct supervision. Their own intelligence, practical experience, prudent discretion and common sense will often be their only available guidelines in carrying out their responsibilities.
- c. All firefighters are expected to be thoroughly familiar with the contents of this document and all revisions and amendments thereto. To serve its intended purpose, this document will be periodically reviewed and updated to meet current needs and requirements. All firefighters and employees are invited and encouraged to forward suggestions for the improvement of department operations, practices and procedures, in writing through department channels for the attention of the Fire Chief.
- d. These rules and regulations shall become effective on date of issuance and shall remain in full force and effect until amended or rescinded.
- e. All previous rules, regulations, orders, directives, policies or procedures inconsistent herewith are hereby revoked. If any part of these rules and regulations are rendered inoperable or declared illegal by any court or governmental agency of competent jurisdiction, the balance of the entire manual will remain in full force and effect.

## **Section 21.2 Definitions.**

- a. **Assignment** - A specifically established or prescribed fire service duty, requiring the person so directed to perform a certain fire task or tasks.
- b. **Chain of Command** - The unbroken line of authority extending from the fire Chief through the officer in command at each level of department operations.
- c. **Commanding Officer** - A firefighter assigned to command and direct any functional unit or subdivision of the department and responsible for its efficient operation.
- d. **Commission** - As used in this article commission means the Fire Department Civil Service Commission.
- e. **Department** - The fire department as organized and staffed to achieve its purpose and objectives.
- f. **Detail** - A fire assignment composed of one or more firefighters, for a specific purpose.
- g. **Duty** - The obligation to perform fire action or service.
- h. **Employee** - A civilian employee of the department who is not sworn to perform the duties of a firefighter.
- i. **Fire Chief** - The executive head of the fire department.
- j. **Firefighter** - A member of the fire department having the power and authority of a firefighter, regardless of rank or assigned duties.
- k. **Fireman First Class** - For pension purposes, shall be the highest paid member of the paid department.
- l. **Force** - The membership of the department possessing firefighter powers.
- m. **Grammatical Construction** - Whenever the context of this manual requires the use of the masculine gender will include the feminine, and when applicable, the use of the singular will include the plural.
- n. **Incompetence** - Being incapable of the satisfactory performance of fire duties, which may include a lack of initiative, diligence, sound judgment, or the ability to take decisive action or any other trait which demonstrates incapacity or ineptness in the performance of assigned tasks.
- o. **Manual** - The department manual of rules and regulations, including any amendments and additions thereto, as promulgated by the Fire Chief.
- p. **Member** - A firefighter duly appointed to perform firefighter duties requiring firefighter powers.
- q. **Memorandum** - Written communications issued by the Fire Chief or other authorized command officers for the following purposes:

- (1) To issue information or instructions which do not warrant a formal order.
  - (2) To direct the actions of subordinates in specific situations.
  - (3) To explain or emphasize portions of previously issued orders.
  - (4) To inform firefighters of actions or policies of other agencies.
- r. **Neglect of Duty** - Being absent from assigned duty without leave; leaving post or assignment without being properly relieved; or failing to take suitable and appropriate action when any fire, hazardous material incident or other incident required firefighter attention or service; failure to report for duty at the expiration of a leave of absence, or absence without leave after three (3) shifts unless subsequently shown that such failure to report or absence was unavoidable shall be construed as a resignation.
- s. **Officer-In-Charge** - The officer in command of any functional unit or subdivision of the department at any given time; or the officer in charge and responsible for any fire action or operation.
- t. **Official Channels** - The department chain of command.
- u. **Organization** - The organizational structure of the department consisting of major functional units and subdivisions grouped according to similarity of purpose and operational responsibilities.
- v. **Engineer** - A duly appointed firefighter, male or female, who serves at the first or entrance level of the department structure.
- w. **Post** - A fixed point or location to which a firefighter or employee is assigned to duty.
- x. **Rank** - The relative position of each firefighter of the fire department classified by grade and title.
- y. **Ranking Officer** - The firefighter having the highest rank or grade on duty at a particular time and place.
- z. **Relieved from Duty** - The official act of temporarily removing a firefighter from street or field duty, with pay, for a specific purpose.
- aa. **Superior Officer** - A firefighter of the fire department who has been promoted to administrative or supervisory responsibilities.
- bb. **Suspension** - The official act of temporarily removing a firefighter from all fire duties without pay for a specified period of time, for violation of department rules, regulations, orders or directives.
- cc. **Tour of Duty** - A regularly established work period to which individual firefighters are assigned.
- dd. **Uniform of the Day** - The fire department uniform specifically designated by the Fire Chief to be worn by all uniformed firefighters at particular times and occasions.

### **Section 21.3 Professional Responsibilities.**

All members of the department are a visible and readily-accessible representative of local government. They respond to calls for assistance of a diversified nature and are expected to resolve a wide variety of community problems, as they occur.

a. To accomplish these purposes, the professional responsibilities of the fire department, within their area of jurisdiction, include the following functions:

(1) The protection of life and the safeguarding of property and the implementation of Community Risk Reduction.

(2) The prevention and control of fires, hazardous materials and other incidents.

(3) The investigation of fire scenes and hazardous material spills and the apprehension of the offending party.

(4) The enforcement of statutes, ordinances and Standard Operating Guidelines within the fire management area of responsibility.

(5) The immediate response to public emergencies.

(6) The performance of such other related services as required by the community.

(7) The advancement of a cooperative relationship with the general public.

(8) The creation of a sense of safety and security for the entire community through Community Risk Reduction programs.

(9) The accomplishment of all fire management objectives within the law and the constitutional guarantees of all citizens.

#### **Section 21.4 Residency Requirement.**

All members of the Rawlins Fire Department shall have a primary residence in Carbon County, Wyoming, and shall reside within Carbon County, Wyoming. No member shall be excused from training, standby, duty shift, or any other department responsibility due to weather, traffic or any other reason concerning location of their residency. All staff that are on Standby shall be within a seven (7) minute response for calls.

#### **Section 21.5 Conflict of Interest.**

Since the position of a firefighter is a public trust, it is imperative to avoid any situation involving a conflict of interest whether in fact or in appearance.

a. Regarding membership in organizations, firefighters of this department shall not affiliate with or become a member of any organization, if such affiliation or membership would in any way impede or prevent their effective duty performance.

b. Regarding employment outside of the department, firefighters may engage in off-duty employment subject to the following limitations:

(1) Such employment shall not interfere with the firefighter's employment with the department.

(2) Firefighters shall submit a written request for off-duty employment to the Fire Chief, whose approval must be granted prior to engaging in such employment.

(3) Firefighters shall not engage in any employment or business involving investigative work for insurance agencies, collection agencies or attorneys that involves fire related activity within our jurisdiction.

c. Approval may be denied where it appears that the outside employment might:

(1) Render the firefighters unavailable during an emergency.

(2) Physically or mentally exhaust the firefighters to the point that their performance may be affected.

(3) Require that any special consideration be given to scheduling of the firefighter's regular duty hours.

(4) Bring the department into disrepute or impair the operations or efficiency of the department or firefighter.

d. All personnel engaging in outside employment should clearly understand that their primary obligation is to the Fire Department and the community they serve.

e. Regarding political activities, participation in political activities while in uniform or on duty is prohibited. All actions, which could give the impression that firefighters are using their official positions to influence the electoral process, are to be avoided. No firefighter or employee may discharge or change the amount of compensation of any other employee or promise or threaten to do so, for giving, withholding or neglecting to make contributions from any civil service employee.

(1) Political activity on the national, state or county level is unrestricted, except that any employee desiring to hold such office shall refrain from any campaign activity while on duty. The state level includes any governmental subdivision of the state.

(2) No employee shall use or attempt to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in employment, for the purpose of influencing the vote or political action of any person.

f. Regarding gifts or gratuities, firefighters and employees shall not under any circumstances seek, solicit or accept any gift, gratuity, loan, reward or fee where there is any direct or indirect connection between the solicitation or acceptance and their departmental membership or employment.

(1) Firefighters and employees must be especially guarded in their official relationship with persons holding or seeking to hold licenses issued by local licensing authorities, who might expect or seek preferential fire department treatment. All department personnel must offer and are expected to make payment for their meals and beverages.

g. Regarding unauthorized transactions, firefighters and employees are prohibited from entering into any transactions of material value at substantially lower than fair market value; or the value at which such goods or services are being offered to the general public, when such transaction takes place between

themselves and any person involved in any matter or case which arose out of their employment with the department. This rule shall not preclude firefighters and employees from taking advantage of standard firefighter discounts available, without obligation, to all departmental personnel.

h. Regarding use of their official position, firefighters shall not use their official position, department identification cards or badge:

- (1) For personal or financial gain.
- (2) For obtaining privileges not otherwise available to them except in the performance of duty.
- (3) For avoiding consequences of illegal acts.
- (4) Firefighters shall not lend to another person their identification cards or badges or

permit them to be photographed or reproduced without the approval of the Fire Chief. Firefighters shall not authorize the use of their names, photographs, or official titles, which identify them as firefighters, in connection with commercial enterprise, unless specifically approved by the Fire Chief and authorized by the City Manager.

i. Regarding complying with instructions from dispatcher, all messages transmitted over the fire department radio system by any firefighter or employee shall be direct and concise and shall conform to all departmental radio procedures and the rules and regulations of the Federal Communications Commission. No firefighter shall fail to obey or refuse to take cognizance of any communication transmitted by the radio dispatcher, unless directed to do so by a superior officer.

j. Regarding effectiveness of orders, all general orders, special orders, directives, memoranda or other orders in writing that have been approved or authorized by the Fire Chief, shall have the force and effect of a departmental regulation and shall be obeyed as such.

### **Section 21.6 Orders.**

An order is a special command or instruction, written or oral, given or issued by a superior officer. All lawful orders, written or oral, shall be carried out fully and in the manner prescribed:

a. **General Orders** - General orders are permanent written orders issued by the Fire Chief outlining policy matters which affect the entire department. A general order is the most authoritative written order the Fire Chief issues, and may be used to amend, supersede or cancel any previous order. General orders remain in full effect until amended, superseded or canceled by the Fire Chief. Arrangements shall be made to include general orders in the fire department manual.

b. **Special Orders** - Special orders are temporary written orders issued by the Fire Chief outlining instructions covering particular situations. Special orders are automatically canceled when their objective is achieved.

c. **Unlawful Orders** - No superior officer shall knowingly issue any order, which is a violation of any law, ordinance or departmental rule. Obedience to an unlawful order is never a defense for an unlawful action; therefore no firefighter or employee is required to obey an order, which is contrary to federal or state law or local ordinance. Responsibility for refusal to obey an unlawful order rests with the fire fighter or employee to whom such order was given. He or she shall be strictly required to justify such action.

d. **Unjust or Improper Orders** - When lawful orders which appear to be unjust or improper are given, the firefighter to whom the order is given shall respectfully notify the superior officer issuing such

order of its impropriety. If the order is not corrected, then the firefighter to whom the order was given may file a grievance.

e. **Conflicting Orders** - Should any order given by a superior officer conflict with any previous department order, the fire fighter to whom such order is given will call attention to the conflict. If the superior officer does not change his order to avoid such conflict, his order will be obeyed, but the firefighter obeying such order will not be held responsible for disobedience of the previous order. It should later be reported to the Fire Chief in writing for clarification.

f. **Personnel Orders** - Orders pertaining to assignments, change of duty assignments, administrative matters relating to conditions of employment and employee rights and benefits.

### **Section 21.7 Required Conduct.**

In addition to the specific duties of each individual rank and assignment, the following provisions are applicable to all firefighters and employees of the department insofar as they are pertinent to their particular functions and responsibilities.

a. Regarding furnishing assistance, firefighters shall furnish fire assistance to all persons making such request, consistent with their fire management duties and assignments. They shall assist and cooperate with all other agencies, provide them with any authorized information they are entitled to receive, and submit a report on all such action taken.

b. Regarding awareness of activities, upon returning to duty from any period of absence, all firefighters shall inform themselves about all new orders, regulations, memoranda and all other important matters governing their assignments. Every fire fighter of the force shall familiarize himself with all the laws, statutes, ordinances and regulations necessary for the proficient execution of his duty as a firefighter.

c. Regarding civil disputes, all firefighters shall take a neutral position in any dispute of a civil nature acting only to prevent or control any incident that may arise.

d. Regarding civil suits for personal injuries, any claims for damage to clothing or other personal property belonging to a firefighter caused by the performance of duty shall be made in accordance with current departmental objectives. Firefighters shall not seek in any way, nor accept from any persons, money or compensation for damages sustained or expenses incurred by them in the line of duty without first notifying the Fire Chief in writing. Firefighters whom have received municipal salaries for illness or for personal injuries sustained off duty shall notify the Fire Chief in writing of any intent to seek, sue, solicit, or accept compensation as damages for such illness or injury.

(1) Notices shall be filed before the action is taken which shall include the facts of the claim and the name of the defendant. The Fire Chief shall be kept informed of the status of the case and the final court determination.

(2) This provision shall not apply to private insurance policies held by firefighters for which premiums are not paid in part or in whole by the municipality.

e. Regarding departmental communications, all firefighters shall transmit all official communications promptly, accurately and completely to other firefighters of the department as required, and shall immediately inform their commanding officer of any matter of fire department importance coming to their attention during their tour of duty, or otherwise. They shall call to the attention of their relieving

firefighters any information regarding unresolved problems or problems that may arise during the next tour of duty.

f. Regarding courtesy, all firefighters shall be courteous and considerate to the public, to their superior fire fighters and to their fellow firefighters of the department. All firefighters shall at all times refrain from sarcasm and making derogatory remarks concerning each other. Subordinates shall be courteous and respectful to all commanding firefighters, and obey all orders and instructions issued to them in a prompt, cheerful and obedient manner. They shall be tactful in the performance of their duties and are expected to exercise the utmost patience and discretion even under the most trying circumstances.

g. Regarding defects in streets, roadways and hydrants, every firefighter shall observe and forthwith report in writing to the Fire Chief any defect, obstruction, or nuisance in the streets, sidewalks or other public areas which may cause a hazard to the general public or create a civil liability upon the community. Appropriate notification shall be made to the radio dispatcher for more immediate remedial action where necessary.

h. Regarding attention to duty, all firefighters shall at all times be alert and vigilant in the performance of their duties and respond prudently but decisively when fire management action is required.

I. Regarding devotion to duty, all firefighters while on duty, shall devote their full time and attention to the service of the Department and to the citizens of the community.

j. Regarding reporting for duty, all firefighters shall report for duty promptly at the time and place required by their assignments or as otherwise directed by the Fire Chief or their commanding officer. They shall be properly uniformed and suitably equipped, ready to immediately assume their duties. While on duty they shall avoid any activities not directly related to their fire management responsibilities and shall not absent themselves from duty without leave.

(1) Firefighters unable to report for duty because of sickness or injury shall notify, or cause to be notified, their station as soon as possible.

k. Regarding duty status, although firefighters of the department are assigned specific hours of regular duty, they shall be considered on call if summoned for the preservation of the public safety and the protection of life and property, and shall be prepared to take all reasonable fire management action to accomplish this purpose. All serious matters of public concern shall receive appropriate attention, even though a firefighter is not on duty at the time.

l. Regarding home address and telephone, all firefighters and employees shall have a telephone number where they can be reached, and shall report any change of telephone number or home address to their commanding officer within twenty-four (24) hours of such change. The telephone numbers or home addresses of firefighters shall not be given out to anyone outside of the Department, without authorization of a superior officer. In the event of an emergency request, the telephone number will be called with a notification to call the person making the emergency request.

m. Regarding identification, all firefighters shall properly identify themselves to any person requesting this information, while they are on duty, except when the withholding of this information is necessary for physical safety of a department member, or when authorized to do so by proper authority.

n. Every firefighter shall familiarize himself with the geography of the community, the location of street, highways, bridges, public buildings and places, commercial establishments, and such other information as may be disseminated by his/her superior firefighters from time to time.

o. Regarding leaving the community, whenever it is necessary in the performance of duty for a firefighter to leave the limits of the community. The approval of the Senior Officer or Fire Chief shall be obtained.

p. Regarding line-of-duty disability, any injury, illness, or disability incurred in the line of duty, shall be reported in writing by the firefighter concerned to his commanding officer, and this report will be properly investigated. Final disposition as to line-of-duty injuries, illnesses, or disabilities shall be made by the Fire Chief after a consultation with a physician. In each case of illness, injury, or disability incurred in the line of duty, no firefighter shall be returned to duty until his ability to be placed on full duty status is certified by proper medical authority. Light duty may be approved by the Fire Chief at his discretion with Physician Approval.

q. Regarding mutual protection, all firefighters shall come to the immediate aid, assistance, or protection of fellow firefighters who, in the performance of their duties, require such aid and assistance.

r. Regarding personal appearance, all firefighters shall be neat and clean in appearance while on duty, whether in or out of uniform. Public perception is an important component of the Fire Department. Facial jewelry, necklaces, bracelets, etc., that are not medical emergency related shall not be worn. Jewelry that is not part of the department uniform is subject to approval by the Department Chief. Firefighters shall maintain fire department lockers, desks, and vehicles used by them in a neat clean, orderly condition. Failure of firefighters to equip themselves and keep themselves equipped in accordance with departmental procedures may subject them to disciplinary action.

s. Regarding personal relationships, all firefighters shall be considerate and polite at all times to all department personnel and maintain good relations with their superior and their fellow firefighters in a spirit of mutual concern for their common objective. Romantic relationships between coworkers shall be made known to the Fire Chief, in cases dealing with Supervisor and Subordinate relationships the Fire Chief will take the necessary immediate action to protect the City of Rawlins, Rawlins Fire Department, its officers and personnel from any potential liability.

t. Regarding physical or psychological examination, a firefighter shall submit to a physical, medical or psychological examination at the expense of the department when so ordered by the Fire Chief. The Fire Chief may order any member of the force to submit to a physical examination whenever circumstances dictate that it is in the best interest of the member and of the Department. Each year all members of the force may be required to be examined by a department physician, who will file with the Fire Chief an affidavit stating that the member does or does not meet the requirements that follow and to report any other physical disability that he may find in such examination. Firefighters with a CDL shall also possess a current DOT medical card.

u. Mandatory physical fitness is as determined by the Fire Chief. The Fire Chief will have the sole discretion to evaluate the fitness level of the department in relation to job duties performed by staff.

v. Regarding care and custody of property, all personal property, including money, which comes into a firefighter's custody while on duty, whether lost, stolen, confiscated, abandoned, turned in to the Department, or taken from a victim, shall be suitably tagged, recorded and turned over to the proper Department authority, or placed in the designated place of storage for safekeeping in accordance with current departmental procedures.

w. Regarding public appearances, all requests for public appearances or speaking engagements by firefighters on the subject of Departmental operations or policies shall be submitted to the Fire Chief for

approval. Firefighters who are approached directly for this purpose shall suggest that such requests be forwarded directly to the Fire Chief.

x. Regarding submitting reports, all firefighters shall promptly and accurately complete and submit all reports and forms as required by departmental procedures. All reports shall be accurate, and shall be truthful in representation. No Firefighter shall update or change another's report content without prior authorization from the document creator or the Fire Chief.

y. Regarding trials and hearings, all firefighters concerned with cases before the courts, grand jury, or hearing boards shall be punctual in attendance. All firefighters shall have the cases in which they are concerned properly prepared; their witnesses shall be present and their evidence suitably arranged for presentation to the court, grand jury or hearing board. They shall afford the utmost respect toward the court, officers or hearing boards, members of the jury and members of the Civil Service Commission. When presenting evidence or testimony they shall speak calmly and explicitly in a clear, distinct and audible tone so as to be easily understood. They shall give evidence with accuracy, confining themselves to the case before the court and shall neither suppress nor overstate the slightest circumstance with an intention of favoring any person or projection ill-will to either a complainant or shall answer with the same civility and readiness as when giving testimony in support of the prosecution.

z. Regarding truthfulness, a firefighter shall truthfully state the facts in all reports as well as when he appears before any judicial, departmental or other official investigation, hearing, trial or proceeding. Firefighters shall also be truthful in dealings with fellow firefighters and Officers of the Department. Firefighters shall cooperate fully in all phases of such investigations, hearings, trials or proceedings.

aa. Regarding saluting National Colors, members and employees shall pay all due respect to the National Colors and the National anthem whether in or out of uniform.

bb. When two (2) or more members of the department of equal rank are on duty together, the senior firefighter in service present shall be in command, unless otherwise ordered.

cc. Regarding notifying commanding officers, all members of the department, on being detailed by their commanding officer to investigate any incident coming to his attention, shall immediately, after ascertaining the facts of the incident, notify him stating full details surrounding such incident.

dd. Every attempt shall be made to have a certified Fire Officer available to on shift personnel. This can be accomplished by having a standby officer, or delegation to an engineer that is Fire Officer Certified. In the event that no officer is available the senior engineer will be responsible for those duties as referenced in the City of Rawlins Pay plan concerning Job description.

ee. Upon the order of the Fire Chief or the Fire Chief's designee, firefighters shall submit to any medical, chemical or other tests. All procedures carried out under this subsection shall be specifically directed and narrowly related to a particular internal investigation being conducted by the Department. Failure to comply with such given orders is considered insubordination and is grounds for suspension or termination.

ff. The Rawlins Fire Department strictly adheres to the City of Rawlins Illegal Substance and Alcohol policy. Any firefighter that is believed to be under the influence of substance or alcohol may be tested for suspected use. Any firefighter found to be under the influence or alcohol or illegal substance as per defined in the City Employee Manual shall be subject to suspension or termination.

gg. Regarding Patient Privacy, all firefighters shall adhere to HIPPA regulations, and keep patient information confidential. Patient status and cases may be discussed inside of the station, as a teaching or learning tool. Patient Information should not be shared in these cases. Patient privacy is of the utmost importance.

hh. Regarding the use of tobacco products, all members of the Rawlins Fire Department are to follow NFPA 1582, as Wyoming Firefighter Health benefits requiring that firefighters do not use tobacco products found in chew, smoking, patches, or in any other form.

**CIVIL SERVICE RULES AND REGULATIONS**

**CITY OF RAWLINS  
RAWLINS FIRE DEPARTMENT**

**County of Carbon, Wyoming**

I certify that the attached is a true and correct copy of the Rules and Regulations of the CIVIL SERVICE COMMISSION OF THE RAWLINS FIRE DEPARTMENT adopted in accordance with Wyoming State Statute Title 15, Chapter 5, Article 1. These are new rules superseding and repealing all other rules and regulations previously adopted and filed.

Prior to adoption, these rules were made available for public inspection on November 17, 2017, and notices of intended adoption were mailed to all persons requesting notice of proposed rules.

The attached rules are effective immediately and upon filing with the Carbon County Clerk.

**PASSED, APPROVED AND ADOPTED** this 21<sup>st</sup> day of November, 2017.

CITY OF RAWLINS, A WYOMING MUNICIPAL CORPORATION.

By:

\_\_\_\_\_  
Mayor Robert L. Grauberger

ATTEST:

\_\_\_\_\_  
Marla K. Brown, City Clerk