

**LEICESTER-CUYLERVILLE
FIRE DISTRICT**

**POLICY MANUAL
2025**

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FINANCIAL POLICIES

ANNUAL INSPECTION DINNER

This policy is established in order to delineate appropriate expenditures for annual inspection dinners and clearly establish the circumstances under which such expenditures will be paid and the types of expenditures that will be paid.

The District is permitted but not required to fund the annual inspection dinner for the Fire District and its fire companies. However, District funds should be limited to reasonable expenditures. In that regard, the District establishes the following policies.

1. District funds may be utilized for the purchase of awards and certificates related to the fire service but shall never include advances of cash gifts.
2. The District and its fire companies may contribute financially to the event.
3. Active members who are at least eighteen (18) may invite one guest and those who are less than eighteen (18) may not invite a guest. In the event two members are married or dating, they are encouraged but not required to serve as each other's guest or cannot bring a separate guest unless permission is obtained from the Board of Fire Commissioners.
4. The District may invite politicians, dignitaries, the attorney and accountant of the District and officials of other fire districts and emergency service agencies, including the chiefs and commissioners and their guests and the from neighboring fire districts and districts. Only approved guests shall attend the event unless they are paid for by another source. Any person requesting additional guests shall submit the requests in writing to the Board of Fire Commissioners at least 30 days prior to the event.
5. Guests less than sixteen (16) years of age shall not be invited, except with the permission of the Board of Fire Commissioners.
6. The Board of Fire Commissioners may approve additional guests upon request.
7. Meals for stand-by crews may be purchased if they are in the District's firehouse.
8. District funds are permitted to be spent on food for the event. The District has attempted to determine the average cost paid by other fire districts in the area and attempts to avoid exceeding the average. The District has determined that it may pay up to \$75.00 per head for meals and drink and an additional amount for entertainment, awards and attendee recognition items.

9. The membership is granted permission by the Board of Fire Commissioners to expend its own funds to add food items or other features to the inspection dinner.
10. Awards including plaques but not cash or cash equivalents may be presented.

CELL PHONE USE POLICY

Cell phone plans and reimbursement are not made available at this time.

CHIEF VEHICLES USAGE POLICY

The District may provide vehicles for use by one or more of the Chiefs for the purpose of decreasing response time to emergencies and reducing the personal investment of the operator in carrying out Fire District/District duties. Use of the vehicle is not a right and shall at all times be a privilege which may be revoked or suspended without a hearing by order of the commissioners.

The vehicles shall only be used for Fire District purposes, during such times that the Chief is on duty and/or able to respond to an emergency. The vehicle shall not be used for personal business or taken to the Chief's workplace or place of employment (except their house) when the Chief is unable to perform duties or respond to an emergency. The Chief shall not pull personal trailers for personal business or otherwise render the vehicle unusable for emergency response at any time, other than for District/district purposes.

The Chief may be taken to work if work is within twenty (20) miles of the borders of the Fire District without permission of the Board of Fire Commissioners, except as used for District primary and mutual aid responses.

Chiefs may permit non-fire members in the vehicle. The Chief may drive the vehicle in "non-emergency mode" with any non-member in the vehicle, but may still go to the scene and be operational at the scene. Should the Chief reasonably believe that life may be saved by responding in an emergency mode, such as to a structure fire or serious medical emergency, the Chief may do so. If there is a person less than ten (10) years of age in the vehicle, and as long as another adult is in vehicle who can supervise someone, or the child is old enough to be left alone responsibly, they can respond and leave the child unsupervised.

No other person shall operate the vehicle except for a chief or a person designated by the Chief, typically being another Active Member.

The Commissioners may impose a limit on any Chief should the Chief abuse the privilege of utilizing the vehicle. The vehicle shall not be used as a “work vehicle” but may be taken to work to accommodate the Chief responding to a call while returning from work.

The vehicle may be taken to training events or conferences out of the District with the permission of the Board of Fire Commissioners.

An operator may not operate the vehicle if they are impaired by alcohol or drugs.

For District owned vehicles, fuel shall be purchased at a pre-arranged location by the District as needed and without charge to the operator. For personal vehicles, the District will reimburse mileage for actual, reasonable and necessary use for Fire District purposes, plus up to a total of ten gallons of fuel may be provided to reimburse the Chief in a personal vehicle for “running the engine” at scenes.

On District owned vehicles and for personal owned vehicles occurring in the line of duty, any damage to the vehicle shall immediately be reported to the commissioners. Any injuries caused by or to the occupants of the vehicle shall be immediately reported to the commissioners.

The vehicle shall only be operated while obeying all Fire District rules, procedures and policies including all New York State traffic laws including Vehicle and Traffic Law § 1104.

The chief vehicle is owned by the District and smoking is prohibited in the vehicle
The vehicle shall be kept clean by the Chief.

CONFERENCES

Each member of the Board of Fire Commissioners, as well as the District's Treasurer and Secretary, employees, and the Chiefs can be authorized to attend management and legal conferences related to the management of the District as determined by the Commissioners. The cost of registration, transportation, meals and housing shall be afforded to the attendees in accordance with the travel policy.

Any active member of the District may request permission and coverage of expenses to attend any other event which offers training, whether local, within or without the state of New York. The cost of registration, transportation, meals and housing may be afforded to the attendees in accordance with the travel policy.

CODE OF ETHICS

Declaration of policy and purpose

The proper operation of the District requires that District commissioners and officers be impartial and responsible to the Fire District and the public. They must not have interests that would be incompatible with the proper discharge of their responsibilities or tend to impair their independence of judgment or action in the performance of their official duties and responsibilities. Decisions and policies must be made in the proper channels of District structure and free from undue influence. Positions with the District must not be improperly used for personal gain. Commissioners and officers must strive to avoid even the appearance of impropriety. Each of these ideals is to ensure that the public has confidence in the integrity of this District. The purpose of this Code of Ethics is to maintain and enhance a tradition of responsible and effective public service by setting forth standards of ethical conduct to guide commissioners and officers in the conduct of their responsibilities.

Definitions

“Confidential Information” means any information, however transmitted or maintained, that is obtained, possessed or controlled by such District commissioners or officer by reason of their position with the District, and by its nature is such that it is not known to the general public or is not a matter of public record.

A prohibited gift, as addressed by this policy, shall include a gift of more than \$75.00 in value. Such a gift includes, but is not limited to, entertainment, food, beverage, travel and lodging to the extent that the gift value exceeds \$75.00 for any one occasion and \$150.00 total in any one year from the same person or business entity. A gift also includes a loan that is not commercially reasonable. Prohibited gifts do not include the following:

1. a loan made on terms that is commercially reasonable and not more favorable than loans made in the ordinary course of business;
2. any gift regardless of value from a family member;
3. certificates, plaques or other ceremonial awards costing less than \$75.00, except for any award given by a municipality or Fire District, not-for profit corporation, another Fire District or ambulance service or this District for service as a District commissioners or officer;
4. honorary degrees;

5. a meal, ticket, beverages, and lodging costing less than or equal to \$75.00, but only if the total of all such gifts from a particular person or business does not exceed \$150.00 in one year.

“Financial benefits” include promotions, commissions, rewards, raises and direct compensation.

An “interest” shall include a direct or indirect, pecuniary or material benefit accruing to such person as the result of a contract with the District.

Prohibited interests shall not include a contract or business advantage where no direct or indirect financial gain may be obtained, such as where a person is merely an employee that will not receive any financial benefit from the result of a decision of the District.

“Officers” for the purpose of this policy shall include the Fire District secretary and treasurer and the Chiefs of the Fire District.

Principles of the District

The principles which must guide the conduct of District commissioners and officers include, but are not limited to, the following:

1. District commissioners and officers shall endeavor to pursue a course which shall not raise suspicion among the public that they are likely to be engaged in acts that are in violation of their trust as District commissioners or officers;
2. No District commissioner or officer shall engage in, accept employment or render services when the employment or services: (1) are incompatible with the proper discharge of the official duties of such person; or (2) would tend to impair independence of judgment or action by such person in the performance of that person’s official duty;
3. District commissioners and officers shall not disclose confidential information acquired in the course of their duties as District commissioners or officers, nor use such information to further their own personal, family or present or known future business interests. This shall not prohibit revealing information known to the public at large;
4. District commissioners and officers shall not use or attempt to use their positions or influence to secure unwarranted privileges or exemptions for themselves or others, either before the District or otherwise;

5. District commissioners and officers shall not engage in any transaction as a representative of the District or municipality which contracts with the District or with any business entity in which they have a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of their duties as a District commissioners or officers;
6. District commissioners and officers shall not accept a gift, as defined above, from any person or business which has any pending business transactions or has an interest in a decision of the District, including but not limited to decisions involving purchases, provisions of supplies, construction, hiring and legislation. District commissioners and officers shall not accept privileges unavailable to the general public which are offered in order to gain favor from such individual regarding a decision of the District.
7. District members shall comply with the District's "Prohibition of Financial Interests" policy.

PROHIBITION OF FINANCIAL INTERESTS

Application of Policy

This policy shall regulate the conduct of District commissioners and officers. It shall apply to such person's financial and business interests.

Persons regulated by this policy shall be deemed to have an interest in a contract or business of:

1. his or her spouse, minor children and dependents;
2. a firm, partnership or association of which such individual is a partner, member or employee;
3. a corporation of which such individual is an officer, director or employee; and
4. a corporation, any stock of which is owned or controlled directly or indirectly by such individual, except that a prohibited interest shall not include an investment interest in a business in which such person owns or controls less than five (5%) percent of the business or outstanding shares.

This policy shall not apply to a contract in which a commissioner or officer has an interest if the total consideration payable under that contract, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum of seven hundred fifty (\$750.00) dollars.

Prohibitions

No interested commissioner or officer of the District may:

1. vote or speak on any matter in which they have any interest, financial or otherwise, direct or indirect;
2. vote to do business with any entity in which they have a prohibited interest;
3. attempt to implement, prevent or change any legislation before the Fire District, which is in substantial conflict with the proper discharge of their duties as a Fire District commissioner or officer or would obtain a financial advantage or himself, family, or business; or
4. represent a client before the District or appear before the District on behalf of a client;
5. express an opinion on any matter in which such person has a prohibited or conflict of interest.

Required conduct upon conflict arising

Prior to any vote, any duality of interest or possible conflict of interest on the part of any commissioner or officer shall be disclosed to the other persons voting on the matter and shall be noted in the minutes.

Such interested person may be counted in determining the quorum for the meeting. The minutes of the meeting shall reflect that a disclosure was made, the abstention from voting and the quorum situation.

No member, commissioner or executive or line officer having a duality of interest or conflict of interest on any matter shall vote or use their personal influence on the matter.

No conflict may be waived, even by vote of the commissioners. A person accused of having an interest but disagreeing with the accusation may vote by secret ballot. Such person's vote shall be sealed. Should the vote of such person affect the outcome of the matter, the District may seek an opinion from the Comptroller, the Attorney General, the District's attorney or a Code of Ethics Committee, or from any other trusted and non-interested source as to whether a conflict exists.

Every new commissioner and officer of the District, or a new chief must be advised of this policy upon entering on the duties of their office. Forms acknowledging this policy must be executed by

every new commissioner, officer or Chief. This policy shall be reviewed at least annually with every commissioner, officer and Chief.

Commissioners and officers shall be required to disclose annually, in writing, all financial interests in which they or family members may have before the District and any other information as required by the District.

Commissioners and officers must exercise their duties and responsibilities in the public interest of the inhabitants of the municipality(s) served.

A sample (brief) form is as follows:

Name: _____

Date of acknowledgement: _____ for the calendar year of _____.

Position held: ☐ Commissioner ☐ Secretary and/or Treasurer ☐ Chief

List all potential businesses with which the District presently does business in which any personal, family or business interest exists, as defined by the code of ethics policy. _____.

Do you now or in the next year expect to represent any person or business entity before the District? __Yes __No

Do you now or in the next year expect to solicit any business from the District? ____yes ____ no. If yes, state in full such disclosure.

ACKNOWLEDGMENT

I acknowledge that I have read the District's conflict of interest policy and code of ethics and I agree to abide by such policies at all times. I have made a full disclosure of all interests and shall make an additional written disclosure should such a conflict arise.

[name]

CONTROL OF DISTRICT EQUIPMENT

Fire equipment and apparatus shall only be utilized for the following purposes, and were indicated only with approval of the Chief and/or the Board of Fire Commissioners:

1. response to emergencies in the fire district or for mutual aid (no approval necessary);
2. response to state mobilization events, upon recommendation of the Chief to the Board of Fire Commissioners. The Board may approve via a text, email or verbal communication;
3. training, drills and education inside the County or a neighboring County, after approval by a Chief. The Chief and the Board of Fire Commissioners must consent to the use outside those areas;
4. parade use and special event/community events inside of Livingston County or a neighboring county, upon approval of the Chief only, and beyond that, requires the approval of the Board of Fire Commissioners after recommendation by the Chief;
5. fundraisers (regardless of location) after approval by the Board of Fire Commissioners;
6. travel by members to conferences, after approval by the Chief and the Board of Fire Commissioners;
7. stand-by coverage out of District for non-emergencies, after approval by the Chief;
8. pump-outs, there is no approval required, but for pool fills, upon approval by the Chief and the Board of Fire Commissioners (approved by email, text or verbal authorization);
9. Taking equipment anywhere for maintenance and service, no approval needed, and the mileage is hereby approved to bring a member back to the District in a personal vehicle.

Fire equipment and apparatus shall never be utilized for personal gain or for non-district use as listed above.

A member shall not take any Fire District equipment, turnout gear, coats, helmets, or any other property of the District out of the firehouse unless a request has been granted by the Chief or his Assistants, and except as approved for calls, trainings and drills for which attendance has been approved by the Chief/District.

CREDIT /DEBIT/STORE CARD POLICY

PURPOSE

To establish criteria for the use of credit cards and purchase cards issued on behalf of the Fire District in the course of performing Fire District business.

BACKGROUND

The Fire District recognizes that the commissioners and fire district officers and Chiefs are required or may be permitted to make expenditures of funds in the course of performing their functions in District business, including travel. The use of credit cards is beneficial to the District, and enables the Fire District to be more effective and more efficient. Statements provide detailed purchase histories and other important record keeping and time saving information.

PROCEDURES

Business Credit Cards. The individual to whom the card is issued is responsible for the card and its proper use. The Board of Fire Commissioners will have final approval authority on credit card issuance. The Treasurer will be responsible for verifying reconciliation of all credit card usage and charges pursuant to this policy and the Fire District's travel policy.

Members of the Board of Fire Commissioners may be issued credit cards in their names for their use. Cards also may be issued to a Chief Officer, Chief Mechanic, and the Treasurer and the Secretary of the Fire District.

The credit card is to be used for approved, official Fire District business only. There is hereby established a limit for any expenditure for Fire District business as follows, and as subsequently amended by resolution of the Fire District:

Meals: Limited to the amount permitted by the GSA, except with specific permission of the Board (See, override policy below).

Travel: Lodging, parking, tickets purchased are all permitted, but the amounts shall be authorized in advance.

Equipment and supplies purchases: Permitted up to an amount established by a resolution established in advance of such purchase.

The credit card will not be used in lieu of the normal purchasing procedures of the Fire District.

Personal use of District credit cards is strictly prohibited. In the event that personal charges which cannot be conveniently separated from appropriate Fire District charges are placed on a Fire

District Credit Card, such charges must be reported to the Fire District on the monthly reconciliation report and reimbursed to the Fire District immediately.

Sales taxes shall not be paid when possible. Sales Tax Exempt forms or the municipal exemption letter shall be utilized for every purchase whenever accepted by a vendor.

The Board in its organizational meeting shall declare the limits for each credit card.

The credit cards shall not permit cash withdrawals.

Reconciliation

Credit card activity must be reconciled as follows:

The Cardholder will submit original receipts and documentation describing each transaction. Any purchase lacking an original receipt shall not be reimbursed unless acceptable proof is submitted.

Receipts and documentation should be completed and the card returned to the Fire District not later than four (4) days after use or return from the trip or visit. In the event of a lost or missing receipt, the Fire District official must complete a statement explaining the absence of the documentation and confirming that the expenses were legitimately incurred in the conduct of municipal business.

The person making the purchase shall certify to the Board that the item purchased has been received or the service purchased has been rendered and that no part of the payment outstanding has been satisfied.

No interest or late payment charges shall be incurred by the District.

Certification

I, _____, hereby accept the privilege of carrying and utilizing a credit card in the name of the Fire District. I agree to comply with the purchasing policy of the Fire District. I shall not make any purchase without a sale tax exempt certificate provided to the vendor. I shall not make any personal purchases, except those made in the performance of my service of the District, such as travel expenses and equipment or supply purchases. I understand that only pre-approved or emergency purchases are acceptable and must be within the limits approved by resolution or policy. I understand that no purchase shall be paid by the Fire District unless I provide the original receipt and payment slip and a signed and certified voucher. I shall provide the receipt, slip and voucher at the first available moment in order to permit the Fire District to pay the credit card in a timely

manner. I hereby accept the responsibility and assume the obligation to pay for any debt incurred by me that violates this policy and that has been rejected by the Fire District. In no event shall I permit any other person to utilize this credit card. I understand that use of the Fire District credit card which intentionally violates this policy may constitute the crime of larceny. I will immediately report the loss of the credit card to the Fire District.

Store Credit Cards

The District may authorize store specific cards and shall approve such limits as it deems reasonable and shall follow the above rules and restrictions.

Gasoline Credit Cards

In some circumstances, the issuance of a gasoline credit card (in the name of the District) on a long-term basis is appropriate to avoid forcing District officials from utilizing their own funds for reoccurring purchases or special trips. The Treasurer is authorized to allow gasoline credit cards to be obtained and issued to District officials as is necessary in their opinion. Gasoline credit cards shall be treated in all respects as other credit cards for purposes of accounting and reconciliation. The Treasurer will monitor the use of the cards and advise the Board of Fire Commissioners immediately of any irregularities or deviations from this policy.

Cancellation of Cards

The Treasurer may immediately cancel or order the surrender of any card which appears to be misused or abused, and will bring the matter to the attention of the Board of Fire Commissioners. The Board of Fire Commissioners shall take the appropriate disciplinary action for misuse of credit cards as provided in the bylaws.

DISTRICT ELECTIONS AND SPECIAL ELECTIONS

The Fire District hereby establishes the following rules and regulations dealing with the process of voting on referenda in any regular or special election of the Fire District, but not for Commissioner elections, since all Commissioners are appointed:

1. the election itself shall be under the supervision and control of the Chair of the Election appointed by the Board of Fire Commissioners. They shall oversee the setup of the polling place and assure that there are proper facilities available for voters to exercise their ballot in secret. The County Board of Elections may oversee or administer the election;
2. the Chair shall supervise the polling place and its environs to make sure that no electioneering is conducted within the polling place or within 100 feet of the firehouse or other polling place building. The decision as to whether conduct constitutes electioneering shall be in the sole discretion of the Chair who may exercise their authority to promptly stop and, if necessary, report the conduct to the police for assistance;
3. the polling place shall open at 6:00 PM (prevailing time) and shall close at 9:00 PM (prevailing time) any prospective voters then on line shall be permitted to vote until all such persons have concluded their voting. After the last ballot is cast, the Chair shall then reopen the polling place so that the machines may be canvassed publicly.
4. the canvass of ballots shall be within the view of those members of the public wishing to be present. However, no interference with the counting process shall be permitted and no ballots (or machine) may be exhibited to any person other than the ballot clerks or election inspectors until the District Board of Election has concluded and publicly announced its results.

ABSENTEE BALLOT INSTRUCTIONS

The notice of the election should contain the following statements.

“PLEASE TAKE NOTICE that absentee ballots are available for qualified individuals and an application may be requested from the District Secretary. The application must be received by the district secretary at least seven days before the election if the ballot is to be mailed to the voter, or the day before the election, if the ballot is to be delivered personally to the voter or his or her agent.”

Make sure that the election inspectors are appointed at least 7 days prior to the election, as they have duties to review applications below.

Permanently disabled residents

An applicant whose ability to appear personally at the polling place of the district of which he or she is a qualified voter is substantially impaired by reason of permanent illness or physical disability and whose registration record has been marked “permanently disabled” by the board of elections pursuant to the provisions of the election law **shall be entitled** to receive an absentee ballot without making separate application for such absentee ballot.

The **secretary of the fire district**, upon being advised by the board of elections on or with the list of registered voters that the registration record of a voter is marked “permanently disabled”, **shall send an absentee ballot** to such voter at his or her last known address by first class mail with a request to the postal authorities not to forward same but to return same in five days in the event that it cannot be delivered to the addressee. The election inspectors of the fire district shall make an appropriate entry on the registration record indicating the fact that an absentee ballot has been sent and the date of mailing.

Duty of Election Inspectors to review applications (not the secretary of the fire district)

If, upon examining the application, the election inspectors of the fire district shall be satisfied that the applicant is a qualified voter of the district, and entitled to vote by absentee ballot, such election inspectors shall place his or her name upon a list, thereupon the applicant shall be issued or mailed an absentee voter's ballot and the election inspectors of the fire district shall make an appropriate entry **on the list** indicating that an absentee ballot has been applied for by, and issued to, the applicant.

*** Keep a list of all applications and the results (approved, rejected)

Include the ballot when mailing the envelope.

The absentee ballot shall conform to that part of the regular ballot which relates to the election of district members.

if the vote of such election shall be by voting machine, the absentee ballot shall be, as nearly practicable, in the same form as those to be voted in the district on election day and shall contain a space for a write-in or write-ins.

The Secretary shall enclose each absentee voter's ballot in an envelope which shall be labelled:

ELECTION MATERIAL, PLEASE EXPEDITE

Absentee envelope

- Use the form sent to you for the back and front of the envelope.

- The envelope shall be gummed, ready for sealing, and shall have printed thereon, on the side opposite the statement, instructions as to the duties of the voter after the marking of the ballot, which instructions shall include a specific direction stating that the envelope must reach the office of the district not later than five P.M. on the day of the election in order that his or her vote may be canvassed.
- The secretary of the fire district shall make a list of all persons to whom absentee voter's ballots shall have been issued and keep such list on file in the fire office where it shall be available for public inspection during regular office hours until the day of the election.
 - Any qualified voter may, upon examination of such list, file a written challenge of the qualifications as a voter of any person whose name appears on such list, stating the reasons for such challenge. Such written challenge shall be transmitted by the secretary to the inspectors of election-on-election day.
 - Such list shall also be posted in a conspicuous place or places during the election, and any qualified voter may challenge the acceptance of the absentee voter's ballot of any person on such list, by making his or her challenge and the reasons therefor known to the election inspectors before the close of the polls.
 - The election inspectors of the fire district may require any person to attend before them at the office of the secretary of the district and be examined as to any matter in relation to which such district is charged with a duty under this section, and may issue a subpoena therefor.
 - Each member of such election inspectors district shall be authorized to administer any oath that may be required or authorized by law in this connection.
- No absentee voter's ballot shall be canvassed, unless it shall have been received in the office of the secretary of the district not later than five P.M. on the day of the election.

Duties on the day of the election

- The secretary of the district shall, on the day of the election, transmit all absentee voters' envelopes, received by him or her in accordance with subdivision eight of this section, to the election inspectors.
- If, at the district election, any absentee voters' envelopes shall have been received at the polling place, the election inspectors immediately after the closing of the polls shall examine them, and shall compare the signature, if any, on each envelope with the signature, if any, on the register, of the person of the same name who registered from the same address.

- If the signatures are found to correspond, the election inspectors shall certify thereto by signing their initials opposite the name of the voter at the appropriate place in the register.
- If a person whose name is on an envelope as a voter, shall have already voted in person at such district election, or if his or her name, residence and signature, as stated on the envelope, are not on the register, or if there is no signature on the envelope, this envelope shall be laid aside unopened and be returned unopened to the secretary of the district.
- If such person is found to be registered and has not so voted in person, and if no objection is made, or if an objection made be not sustained, the envelope shall be opened and the ballot withdrawn without unfolding and deposited in the proper box or boxes. At the time of the deposit of such ballot, the election inspectors shall enter the words “absentee vote” at an appropriate place in the register.

Objections to ballots by voters

- During such examination, any qualified voter present in the polling place may object to the voting of the ballot contained in any envelope upon the ground or grounds:
 - that the person named thereon is not a qualified voter of the district, or
 - that he or she was within the county or city while the polls of the election were open, except where the applicant is a patient in a hospital located within the county or city or detained or confined in a jail located within the county or city and except where the ballot was obtained upon the ground of inability to appear personally at the polling place on the day of the fire district election because of illness or physical disability, or
 - that he or she was able to appear personally while the polls were open, in cases where the ballot was obtained upon the ground that the voter was a patient in a hospital located within the county or city or detained or confined in a jail located within the county or city or upon the ground of inability to appear personally at the polling place on the day of the election because of illness or physical disability, or
 - that he or she was not entitled to cast such ballot.
- An election inspector shall make such an objection if he or she shall know or suspect that the person named on such envelope is not such a qualified voter or was so within the district or was able so to appear personally, or was not entitled to cast such ballot.

- The election inspectors shall forthwith proceed to determine each objection including any written challenge transmitted to them by the district secretary as provided in subdivision six of this section.
- Unless the election inspectors, by majority vote, shall sustain the objection, the chairman, or if he or she refuses, another election inspector shall endorse upon the envelope the objection and the words “not sustained,” shall sign such endorsement, and shall open the envelope and deposit the ballot as provided in this section. Should the election inspectors, by majority vote, sustain such objection, the objection and word “sustained” shall be similarly endorsed upon the envelope, the envelope shall not be opened nor the ballots therein canvassed, and such envelope shall be returned unopened to the secretary of the district. If the election inspectors shall have received an envelope endorsed with the name of a person who to the knowledge of the election inspectors is deceased on the day of the election, the election inspectors shall return such envelope unopened to the secretary of the district with the words “deceased--objection sustained” endorsed on the envelope.

Empty envelopes/missing ballots

- If the election inspectors have received an envelope, and upon opening the same no ballot shall be found therein, the election inspectors shall make a memorandum showing that the ballot is missing.

After “casting”

- When the casting of absentee voters' ballots shall have been completed, the election inspectors shall ascertain the number of such ballots which have been deposited in the ballot box by deducting from the number of envelopes opened the number of missing ballots, and shall make a separate return thereof in duplicate.
- The number of absentee voters' ballots deposited in the ballot box shall be added to the number of other ballots deposited in the ballot box in order to determine the number of all ballots to be accounted for in the ballot box.
 - Such ballots shall then be counted or canvassed by the election inspectors along with the other ballots cast at such district election, or, where voting machines are used, shall be added to the votes recorded on such machines.

FUND BALANCE POLICY

The Fire District hereby adopts a fund balance policy with regard to its finances.

EXPENDITURES

Funds shall be spent in accordance with the District's budget. Any changes to the budget shall be approved by resolution of the Fire District.

CATEGORIZATIONS

The fire district recognizes general categories of monies, as follows:

1. Budgeted Funds: Monies planned to be spent on certain types and/or categories of items. Budget funds are not committed funds.
2. Reserved Funds: Monies placed into a fund to be spent for a general or specific purpose, potentially subject to various voter considerations and/or approvals. While New York State law recognizes and permits numerous types of reserve funds, the primary type of reserve fund is a "Capital Reserve Fund." Establishing these funds requires voter approval. There are generally two types of capital reserve funds, being "type specific" and "general."
3. Surplus funds: Monies not allocated to be spent on any anticipated, pending or incurred expense and not designated to be placed into reserve.

RESERVE FUNDS

1. The Fire District may save funds and deposit the same in reserve funds established for the stated general or specific purposes. The budget shall itemize the amount to be placed in reserve. The fire district may wait until the end of the year in order to place such amounts into reserve.
2. Establishing reserve funds. All resolutions establishing capital reserve funds are subject to voter approval in accordance with Town Law.
3. Each reserve fund shall be labeled for its purposes, including but not limited to whether the funds are to be used for the purchase, repair, maintenance, and/or replacement of a general or specific item.
4. There shall be two types of capital reserve funds, informally known as "type specific" and "general":

- A. a “type specific” fund is a fund that is established for a specific item and not a general class of item. For example, a “Tanker Purchase Fund” would be established to reserve funds for the future “purchase” of a Tanker, a very specific type of vehicle. When establishing this type of fund, the resolution subject to mandatory referendum shall state clearly that the fund is for a specific reason and shall state that reason. The expenditure of monies from a type specific fund is not subject to permissive referendum because the voters already have approved the specific use of the monies when the fund is established;
 - B. the opposite of a “type specific” fund is a fund that is established for a “general” purpose. An example of a general purpose would be a “vehicle purchase fund” which would be established to reserve funds for the future purchase of a vehicle, but not a specific type of a vehicle. Resolutions approving the expenditure of monies from this type of reserve account are subject to permissive referendum.
- 5. All reserve funds shall be maintained in separate bank accounts and shall not be comingled. An accounting shall be maintained for each reserve account, separately indicating transfers in and out of the fund, expenditures made and interest earned. Each fund shall be titled appropriately and consistent with the resolution that created the fund.
- 6. At the end of the year, the fire district shall perform an analysis of its needs for any surplus funds. Approximately ten percent of the tax levied funds may be carried over to the new year as surplus. All other funds shall be handled in the following matter:
 - A. a reasonable amount of funds may be added to a reserve fund so long as the fund does not become over-funded beyond its needs; or
 - B. the surplus funds may be used to reduce and offset the following year’s tax levy.

FINANCIAL POLICY OF FIRE DISTRICT

1. No bill shall be paid unless at least three (3) of the commissioners approve the bills, as evidenced by at least three (3) commissioner signatures on a form containing the bills. The invoice must be attached to the approval form. Past due invoices are not sufficient and must include an itemization of the purchase.
2. Checks may be prepared by the Treasurer in advance of the meeting so that the actual check will be compared against the voucher.
3. Each bill shall be audited and ensure as follows:
 - A. payment is a valid purchase/expense;
 - B. items were actually received or debt was actually incurred;
 - C. debt was budgeted;
 - D. no sales tax paid unless absolutely required.
4. Signatures: At least one person must sign each check, with the signators being either the Treasurer or the Chair, or any other Commissioners who is on the bank signature card, may sign the checks. The check book shall be maintained in the District's office in a secure location. No person shall sign a check payable to him/herself or payable to cash. In the event that a check is made payable to a check signer, then a Commissioner in place of the Treasurer shall sign the check.
5. At each meeting of the Board, the Commissioners each shall review a bank reconciliation statement to ensure that only those checks which were authorized were paid. The review shall be documented in the minutes.
6. The Treasurer also shall provide the Commissioners with a current balance sheet, profit and loss sheet and budget to actual reconciliation.
7. The Treasurer must provide the Secretary with an Abstract of Bills to be paid/approved to be attached to the Minutes of such meeting.
8. Proof of payment. Only an itemized statement or invoice shall be acceptable proof of an expense. Second statements that fail to itemize the actual expense are not acceptable.
9. Advance orders. No orders for items shall be made or expenses incurred unless it is verified that there are sufficient funds remaining in the appropriate line item to incur such expense. Transfers may be made upon resolution from other line items and the budget shall be adjusted accordingly.

10. The Treasurer shall issue cash receipts for all cash received and shall maintain a duplicate receipt log of the receipts issued, which shall be audited to ensure all receipts have been deposited.
11. Approval of Expenses in Advance of Charge. Expenses may be approved up to a certain amount in advance of the actual charge for such item. This shall permit persons to attend training, conferences and shows. However, limits shall be placed on the expenses incurred. Receipts and vouchers must be turned in just as any other expense in order for reimbursement to be made. Sales Tax Exempt Certificates or proof of exemption shall be utilized whenever possible.
12. Audits arranged by the commissioners shall be regularly conducted to:
 - A. ensure timely deposit of monies (within 10 days of receipt);
 - B. identify conditions that need improvement;
 - C. ensure actions are recorded properly;
 - D. ensure accountability;
 - E. provide oversight of District's financial operations.
13. An annual (at least annually) audit shall be performed of the books by one of the commissioners. The auditor shall examine the following:
 - A. bank reconciliations are performed and are current;
 - B. bank balances agree with the financial/accounting records;
 - C. monies are deposited timely;
 - D. cash payments were actually deposited and accounted for;
 - E. receipts are comparable between years, or otherwise explained;
 - F. records are posted up to date;
 - G. transactions are properly recorded and easy to review;
 - H. reports are timely and accurate;
 - I. reports agree with the records, receipts, vouchers, statements;
 - J. all voided checks are accounted for;
 - K. investment accounts are presented and reported;
 - L. the bottom of the bank statement is reviewed to make sure that there are no "out of sequence" checks written;
 - M. the vouchers are in order and missing checks are accounted for.
14. "Quickbooks" or similar accounting programs should be used to maintain financial records of the Fire District. Financial reports including a printout of all checks processed in the last

month, and including a reconciliation, shall be provided to the commissioners indicating the following:

- A. balance of each line item budgeted;
 - B. balance remaining in each line item budgeted;
 - C. starting balances at year end of each bank account;
 - D. ending balances, current, in each bank account.
15. Vouchers shall not be required for the following:
- A. wages of fixed salaries;
 - B. compensation of officers and employees regularly employed by the District at a pre-agreed wage by hour, day week, month or year;
 - C. principal or interest on obligations issued by the District;
 - D. fixed amounts on lawful contracts for purchase of water for fire protection;
 - E. amounts for state employees' retirement system.
16. The Board authorizes the treasurer to make payment in advance of audit of claims for utility (natural gas, electric, telephone, water, internet) charges, postage, freight and express charges. All such claims shall be presented at the next regular meeting for audit.
17. All deposits shall be made within ten (10) days of the receipt of the funds.
18. All financial records shall be open to the public for public inspection.
19. The District shall account on a cash basis as the budget is under \$500,000 per year.
20. The "Uniform System of Accounts" as suggested by the Comptroller should be used for budget line items of revenues, expenses and reserve funds.
21. Bond funds. All proceeds from bonds, bond anticipation notes and capital notes shall be placed in a separate bank account, entitled a "Capital Project Fund." Funds may be expended only for the purpose for which they are issued. Debt service on capital borrowings shall be paid from appropriations from the General Fund and not from the Capital Projects Fund, except that bond anticipation notes redeemed from the proceeds of bonds may be taken from the Capital Projects Fund. Interest on bond anticipation notes may be charged to the capital project, per the adoption of this policy.
22. The District shall comply with General Municipal law Section 10 regarding the proper insurance for any amount invested or deposited in excess of the insurance provided by the

Federal Deposit Insurance Act. All amounts in excess shall be properly secured or collateralized by the bank or trust company maintaining the funds or account.

FREEDOM OF INFORMATION LAW POLICY

The District shall abide by the New York State Freedom of Information Law. The District hereby implements policies required by law.

Access to viewing records

Records that are not protected shall be made viewable to the public at a reasonable time. A reasonable time for this District is not normal business hours for just any business. Reasonable times for the District shall include any period of time when the executive officers of the District are on duty and at the offices of the District. In lieu of any regularly scheduled times, the Secretary shall make diligent attempts to be present during the hours of 2:30pm – 4:30pm during the weekday for the purpose of meeting with any person submitting a sufficient response.

Records may only be obtained from the Fire District Secretary.

The fees for copies of records shall be twenty-five cents per photocopy not in excess of nine inches by fourteen inches, or the actual cost of reproducing any other record.

These policies shall be published on the District website (if any) or may be published in a newspaper once per year, on a public board in the fire house or in the town, or any other manner the Board may decide.

The District shall maintain an index “reasonably detailed by subject matter” of any records which must be produced. Resolutions within the minutes shall be categorized in a manner which permits locating resolutions by topic.

PUBLIC DOCUMENTS DEFINED

Documents which must be made public include:

1. minutes of meetings and hearings;
2. internal and external audits and financial records and statements;
3. itemized records of the names, addresses, titles and salaries of paid officers and employees.

DOCUMENTS WHICH ARE NOT PUBLIC

Not all documents must be made public by the District. The District may deny access to records or portions thereof that:

1. are specifically exempted from disclosure by state or federal statute;
2. if disclosed, would constitute an unwarranted invasion of personal privacy, as described below or would impair present or imminent contract awards or collective bargaining negotiations;
3. are trade secrets or are submitted to the District by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise;
4. are compiled for law enforcement purposes and which, if disclosed, would:
 - A. interfere with law enforcement investigations or judicial proceedings;
 - B. deprive a person of a right to a fair trial or impartial adjudication;
 - C. identify a confidential source or disclose confidential information relating to a criminal investigation;
 - D. reveal criminal investigative techniques or procedures, except routine techniques and procedures; or
 - E. if disclosed could endanger the life or safety of any person.
5. are inter-District or intra-District materials. However, inter-District or intra-District materials are not exempt from disclosure if they are:
 - A. statistical or factual tabulations or data;
 - B. instructions to staff that affect the public;
 - B. final District policies or determinations; or
 - C. external audits, including but not limited to audits performed by the comptroller and the federal government.

6. are examination questions or answers which are requested prior to the final administration of such questions;
7. if disclosed, would jeopardize the District's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures; or
8. are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-a of the vehicle and traffic law.

RIGHT TO PROTECT PERSONAL PRIVACY

Documents do not have to be disclosed if they would result in an invasion of the personal privacy of the members or employees of the Fire District. The rules on an invasion of personal privacy are as follows:

An unwarranted invasion of personal privacy includes, but is not limited to:

1. disclosure of employment, medical or credit histories or personal references of applicants for employment;
2. disclosure of items involving the medical or personal records of a client or patient in a medical facility;
3. sale or release of lists of names and addresses if such lists would be used for commercial or fund-raising purposes;
4. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the agency requesting or the Fire District in maintaining it; or
5. disclosure of information of a personal nature reported in confidence to the Fire District and not relevant to the ordinary work of the District; or
6. information of a personal nature contained in a workers' compensation record, except as provided by section one hundred ten-a of the workers' compensation law.

Disclosure does not constitute an unwarranted invasion of personal privacy:

- A. when identifying details are deleted;

- B. when the person to whom a record pertains consents in writing to disclosure;
- C. when upon presenting reasonable proof of identity, a person seeks access to records pertaining to him.

NO REQUIREMENT TO CREATE DOCUMENTS

Nothing requires the District to prepare any record not possessed or maintained by the District, except that if the file is on a computer program, reasonable efforts shall be made to extract the data including minor programming. If the document does not exist, the District will notify the person making the request that the District does not maintain the document.

PROCEDURES UPON RECEIVING FOIL REQUEST

The Fire District, within five business days of the receipt of a written request for a record reasonably described shall: (a) make such record available to the person requesting it; or (b) deny such request in writing; or (c) furnish a written acknowledgement of the receipt of such request and a statement of the approximate date, which must be reasonable under the circumstances of the request, when such request will be granted or denied.

The term “reasonably described” means that the request is clear and concise and can be easily understood. Requests that are not clear can be denied.

A sample response letter is as follows:

Dear _____:

We have received your request for documents from the Fire District. We are reviewing the request and will advise you within twenty (20) days whether or not we will grant your request. If we grant your request, you must produce the fee for the documents, which will be twenty-five (.25) cents per page. We will advise you as to the number of pages. If we deny the request, we will provide the reason for the denial.

If the District determines to grant a request in whole or in part, and if circumstances prevent disclosure to the person requesting the record or records within twenty (20) business days from the date of the acknowledgement of the receipt of the request, the District will state, in writing, the reason for the inability to grant the request within twenty business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part. The failure to conform to these requirements constitutes a denial on the part of the District.

The District must provide a copy of the documents upon payment of the fee for copying. The person making the request may also demand that the District certify the accuracy of the documents. Alternatively, the District may certify that it does not have possession of the documents or that it cannot find the documents after making a diligent search for them.

An acceptable certification is as follows, and should be signed by the person that maintains the document in the ordinary course of business.

_____, the secretary of the Fire District, hereby certifies and avers that I have produced a true and accurate copy of the document as requested. I maintain the original in the ordinary course of business of the Fire District.

ELECTRONIC RECORDS

There will be no charge to scan and transmit documents which can be put into electronic format unless the District incurs a charge for such scanning and processing.

APPEALS OF DENIALS TO RECORDS

A person denied access to a record has thirty days to appeal the denial in writing. The denial must be presented to the Chair of the Board of Fire Commissioners. The Chair shall have ten business days after the receipt of the appeal to fully explain in writing the reasons for the denial to the person requesting the record. Alternatively, the Chair may grant access. The Chair must also notify the committee on open government of the appeal and send a copy of the appeal and the determination to the committee.

RECORDING MEETINGS

The law does not require that meetings or hearings be recorded on tape or video. However, if the District records a meeting or hearing or any part of it, and the recording/video is requested while it still exists, it must be produced unless one of the above exceptions applies. Recordings may be destroyed only if no request has been made and the recordings are destroyed in the normal course of business. Recordings shall only be retained until the minutes are approved at the next meeting. Recordings shall not be destroyed any sooner than the approval of the prior months meeting. The recording of the prior months meeting shall be present at the next meeting where approval will be voted upon.

A SAMPLE FOIL FORM WHICH MAY BE USED IS AS FOLLOWS:

FREEDOM OF INFORMATION REQUEST

Date of Request: _____
Requestor Name: _____
Requestor Email: _____
Requestor Phone: _____
Requestor Mailing Address: _____
Item(s) Requested (identify and reasonably describe the requested item(s) as clearly as possible):

Date Range of Requested Items: _____ From _____ To _____
Please Provide the Item(s) in the Following Form:

☐ email ☐ mail ☐ in-person Other (specify): _____

Please notify me if the anticipated statutory fee is more than: \$ _____

NOTE: Public Officers Law § 89 requires that this Agency respond to this request within five (5) business days and, if unable to produce the requested records within twenty (20) business days of the acknowledgement of this request, must inform the requestor in writing with an explanation and a reasonable date certain upon which the information will be produced. Failure to initially respond within five (5) business days, or to respond within twenty (20) business days of acknowledgement of the request, constitutes a denial. Any denial may be appealed to the agency within thirty (30) days of such denial. This Agency is required to produce requested records electronically if available to do so.

FOR AGENCY USE ONLY

Date Received: _____ Date Acknowledged: _____ (attach to this form)
Acknowledged within five (5) business days? Yes ☐ No ☐
Notified requestor that response will be issued within twenty (20) business days? Yes ☐ No ☐
Date Response is due: _____ Response Sent? Yes ☐ No ☐
Notice given with written explanation requesting additional time (more than 20 bus. days)?
Yes ☐ No ☐
Date notice issued: _____ (attach to this form) New date response is due: _____
Initial Findings: _____ Approved _____ Denied _____ Denied in part
Written Appeal Filed? (attach to this form) Yes ☐ No ☐
Date appeal received: _____ Date appeal decision due: _____
Final appeal decision issued? Yes ☐ No ☐
Date appeal decision issued: _____ (attach to this form)

PARTICIPATION BY FIRE DISTRICT COMMISSIONERS VIA VIDEO
CONFERENCING

The fire district is permitted to utilize videoconferencing to conduct its meetings and to permit up to but not more than two (2) fire commissioners to participate remotely, but only if:

1. the fire district maintains a website;
2. the public notice for the meeting informs the public:
 - A. that videoconferencing will be used;
 - B. where the public can view and/or participate in such meeting;
 - C. where required documents and records will be posted or available; and
 - D. identifies the physical location for the meeting where the public can attend;
3. a quorum of fire district commissioners is physically present in the same room as the public where at least a quorum of fire district commissioners is present;
4. the board of fire commissioners has adopted a resolution authorizing the use of videoconferencing (the adoption of these policies shall constitute the resolution);
5. the board of fire commissioners has established written procedures governing member participation and public attendance consistent with these rules, and such written procedures are conspicuously posted on the fire district's public website (this rule shall constitute the written procedures);
6. the board of fire commissioners provides that each meeting conducted using videoconferencing is being recorded and that such recordings are posted or linked on the district's website within five (5) business days following the meeting, and remains available on the website for a minimum of five (5) years after such meeting; and
7. recordings shall be transcribed upon request;
8. members of the public are able to view such meeting via video and to participate in proceedings via videoconference in real time where public comment or participation is authorized;
9. the board ensures that videoconferencing authorizes the same public participation or testimony as in-person participation or testimony;
10. the board ensures that members of the public body can be heard, seen and identified while the meeting is being conducted, except during executive sessions;

11. the board ensures that the public is able to hear and see any motions, proposals, resolutions, and any other matter formally discussed or voted upon; and
12. the board ensures that the minutes of the meeting at which videoconferencing was utilized state which, if any, commissioners participated remotely.

Remote participation is only permitted if a fire commissioner is unable to be physically present at the location of the meeting unless the commissioner has “extraordinary circumstances” which prevent such attendance. Such extraordinary circumstances include, but need not be limited to:

1. disability;
2. illness;
3. caregiving responsibilities; or
4. any other significant or unexpected factor or event which precludes the commissioner's physical attendance at such meeting;

Open meetings that are broadcast or that use videoconferencing will utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act.

INVESTMENT POLICY

STATEMENT OF PURPOSE

The Fire District has authority to invest all funds of the Fire District. The purpose of this Investment Policy is to identify the investment objectives of the District and to establish procedures to achieve those objectives. The objectives of this investment policy are as follows: Safety of Principal; Maintenance of Adequate Liquidity; and Maximizing Earnings on the Investment Portfolio.

Policy Statement:

It is the policy of the District that, giving due regard to the safety and risk of investment, all available funds shall be invested in conformance with legal and administrative guidelines and, to the maximum extent possible, at the highest rates obtainable at the time of investment. The District may utilize the services of a consultant/registered investment advisor to assist the District with proper cash and investment management procedures and for the purpose of training District personnel.

Effective cash management is recognized as essential to good fiscal management. An aggressive cash management and investment policy will be pursued to take advantage of investment interest as a viable and material revenue source for all operating and capital funds. The District's portfolio shall be designed and managed in a manner responsive to the public trust and consistent with state and local law.

Earnings from investments will be used in a manner that will best serve the interest of the District and that will comply with applicable law.

Application of the Investment Policy:

This policy shall apply to all funds eligible for investment by the District. The District LOSAP Fund (if any) is expressly excluded from this policy and shall be subject to the investment objectives and policies adopted by the pension fund's board of trustees or other managing agent

GENERAL OBJECTIVES

The primary objectives of investment activities, in order of priority, shall be safety, liquidity, and yield:

Safety:

Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to reduce credit risk and interest rate risk.

Credit Risk:

The District will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:

1. pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisers with which the District will do business; and
2. diversifying the investment portfolio so that potential losses on individual securities will be minimized.

Interest Rate Risk:

The District will minimize the risk that the market value of securities in the portfolio will decline due to the changes in general interest rates by:

1. structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby minimizing the need to sell securities on the open market prior to maturity;
2. investing cash funds primarily in securities with maturities of one year or less in certificates of deposit or equivalent low risk investments; and
3. limiting investments to a maximum stated maturity of four years if such length is practical.

Liquidity:

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This will be accomplished by structuring the portfolio so that securities mature concurrently with cash needs to meet anticipated demands. Furthermore, since all possible cash demands cannot be anticipated, the investment portfolio will contain securities with active secondary resale markets. A portion of the portfolio may be placed in investments which offer one-day liquidity for short-term funds. Repurchase (or repo) arrangements are not permitted.

Yield:

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account investment risk constraints and liquidity needs. Return on investment is a lower priority than the safety and liquidity objectives described above.

STANDARDS OF CARE

Prudence:

Investment officials acting pursuant to this policy shall be subject to the "prudent investor rule". Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of person responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are conducted in accordance with the terms of this policy.

Ethics and Conflicts of Interest:

Officers and employees involved in the investment process shall refrain from personal business activity that could be perceived as a conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. Employees and officers shall not undertake personal investment transactions with the same individual with whom business is conducted on behalf of the District. Employees and public officials shall also be subject to the District's Code of Ethics.

Delegation of Authority:

Responsibility for the operation of the investment program is delegated to the Treasurer, who shall establish written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, delivery vs. payment, investment accounting, wire transfer agreements, and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Treasurer. The Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

SAFEKEEPING AND CUSTODY.

Authorized Financial Dealers and Institutions:

The Treasurer shall maintain a list of financial institutions authorized to provide investment services. In addition, a list also will be maintained of approved security broker/dealers who provide services to institutions, not retail dealers, selected by creditworthiness. These will include "primary" dealers and regional dealers that are qualified to execute transactions for the District. The Treasurer shall approve these lists annually. It is the intent of the District to have no more than four (4) qualified institutional oriented dealers/banks located in the area with which it will transact investment business, because of the size of the investment portfolio.

All financial institutions and broker/dealers who desire to become qualified for investment transactions shall provide the following:

1. their most recent audited financial statements;
2. proof of National Association of Securities Dealer (NASD) certification;
3. proof of state registration with the New York State Securities Commission;
4. documentation showing qualifications of individuals who will provide services to the District; and
5. certification that the financial institution and/or broker/dealer has read, understands, and agrees to comply with this policy.

An annual review of the financial condition and registration of qualified financial institutions and broker/dealers will be conducted by the Treasurer.

Internal Controls:

The Treasurer is responsible for establishing and maintaining an internal control structure designed to ensure that the investments of the District are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

The investment program shall be subject to an annual independent review by an external auditor to assure adequate internal controls. The internal controls should address the following points:

1. control of collusion;
2. separation of transaction authority from accounting and record keeping;
3. custodial safekeeping;
4. avoidance of physical delivery securities other than certificates of deposit;
5. clear delegation of authority to subordinate staff members;
6. written confirmation of transactions for investments and wire transfers; and
7. development of a wire transfer agreement with the main operating bank and third-party custodian.

Delivery vs. Payment:

All trades will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible financial institution simultaneously with the release of funds. Securities will be held by a third-party custodian, as evidenced by safekeeping receipts, held in the District's name.

Safekeeping of Securities.

1. To protect against potential fraud or embezzlement, the investments of the District shall be secured through third-party custody and safekeeping procedures. Ownership shall be protected through third-party custodial safekeeping. The District's external auditor shall review safekeeping procedures annually.
2. The District shall contract with a single financial institution for custodial and safekeeping services for the District's investment portfolio.
3. All securities owned by the District shall be held by a single safekeeping agent in the name of the Fire District.
4. Security for deposits with financial institutions will be held in a third-party entity and registered jointly to the District and to the depository financial institution as required by New York State law.
5. The authorization to release District securities and transfer District funds will be accomplished by authorized District finance staff.

6. Verification of securities and collateral will be part of the District's annual independent audit, if any.

SUITABLE AND AUTHORIZED INVESTMENTS.

The District is empowered to invest in certain types of securities. Among the authorized investments are:

1. investment deposits, savings accounts, money markets and certificates of deposits;
2. obligations of the U.S. Government, its agencies and instrumentalities. However, this authorization shall specifically exclude Collateralized Mortgage Obligations (CMOs), Real Estate Mortgage Investment Conduits (REMICs), and other Principal Only (POs) and Interest Only (IOs) obligations that are secured with mortgages issued by any federal agency, instrumentality or private firm;
3. prime banker's acceptances purchased on the secondary market with rating of A1/P1;
4. mutual funds and money market funds for bond proceeds subject to the arbitrage provisions of Section 148 of the Federal Internal Revenue Code;
5. bonds of the State of New York and any local government in the State of New York or of any other state, which bonds have at the time of investment one of the three highest credit ratings of a nationally recognized rating agency;
6. individual stocks listed on the NYSE, AMEX or NASDAQ, except for any stock deemed "high risk" and except for any stock valued at under \$10.00/share at the time of purchase.

Corporate Surety Bond:

The financial institution may provide a corporate surety bond of a surety corporation with an AAA investment grade rating authorized to do business in New York State in an amount equal to the amount on deposit including interest accrued.

Federal Home Loan Bank Letters of Credit:

The financial institution may provide a letter of credit from a bank in New York State, in an amount equal to the funds on deposit including interest accrued.

INVESTMENT PARAMETERS.

Diversification:

The investments should be diversified by:

1. limiting investments to avoid over-concentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities);
2. limiting investment in securities that have higher credit risks;
3. investing in securities with varying maturities; and
4. continuously investing a portion of the portfolio in readily available funds to ensure that appropriate liquidity is maintained in order to meet ongoing obligations;
5. no single financial institution should hold demand or time deposits which will exceed FDIC insured limits (presently \$300,000).

The following maximum limits, by instrument, are established for the District's total investment portfolio:

Investment Type Maximum Percentage of Portfolio

Collateralized Time and Demand Deposits 75%

U. S. Treasury Notes and Bills 100%

U. S. Government Agency Obligations 80%

Bank Trust District Municipal Pools 10%

Temporary Notes or No-Fund Warrants 10%

Additional investments established for Bond Proceeds until spent are as follows: Maximum limits are listed by instrument as a percentage of the District's total portfolio value. Invested amounts are not to exceed 80% for money market mutual funds and 75% for financial institution paper.

Portfolios:

The District's funds shall be separated into two portfolios for efficient investment management. The short-term portfolio is defined as maturities less than 1 year, and the long-term portfolio as maturities 1 year or greater. Funds will be allocated based on the cash flow needs of the District.

Maturities:

The District shall attempt to match its investments with anticipated cash flow requirements. The District will not directly invest in securities with stated maturities of more than four (4) years from the date of purchase, in accordance with New York State law.

The sale of securities before maturity shall require the prior approval of the Treasurer, who may approve the sale based on the following reasons:

1. a security with declining credit may be sold early to minimize loss of principal;
2. a security swap would improve the quality, yield, or target maturity of the portfolio; or
3. liquidity needs require that the security be sold.

REPORTING

Methods:

The District finance staff shall prepare a monthly investment report summarizing the month's investment activities. This report shall be provided to the Treasurer.

The Treasurer shall also prepare a detailed quarterly report, including a management summary and analysis of the status of the current investment portfolio and transactions made over the last quarter. This summary will be prepared in a manner which will allow the District to ascertain whether investment activities during the reporting period have conformed to this Investment Policy. The report will be provided to the Membership and the Board of Fire Commissioners. The report will include the following at a minimum:

1. listing of individual securities held at the end of the reporting period;
2. realized and unrealized gains or losses resulting from appreciation or depreciation by listing the cost and market value of securities over one-year maturity that are not intended to be held until maturity (in accordance with Governmental Accounting Standards Board (GASB) requirements);

3. average weighted yield to maturity of portfolio on investments as compared to applicable benchmarks;
4. listing of investments by maturity date;
5. percentage of the total portfolio which each type of investment represents;
6. percentage of the total portfolio which each institution holds.

Performance Standards:

The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. The investment objective is for the short-term portfolio to exceed the 91-day U.S. Treasury Bill rate and for the long-term portfolio to exceed the 1-year U.S. Treasury Note average rate of return, both of which are benchmarks for risk-free investment transactions.

Marking to Market:

The market value of the portfolio shall be calculated at least monthly, and a statement of the market value of the portfolio shall be issued at least monthly. The market values of all securities in the portfolio will be obtained from a reputable and independent source. The report will include the market value, book value and unrealized gains or losses of securities in the portfolio.

Safekeeping/Custodian Reports:

The safekeeping agent shall prepare a holdings report and a transaction summary report monthly. In addition, the safekeeping agent shall value collateral securities on a monthly basis and report values for each bank sub-custodial account.

POLICY CONSIDERATIONS.

Exemption:

Any investment currently held as of the first date of approval of this Investment Policy, that does not meet the guidelines of this policy shall be exempted from the requirements of this policy, but at maturity or liquidation, such monies shall be reinvested only as provided by this policy.

Amendments:

This policy shall be reviewed on an annual basis, if possible, with an investment consultant or advisor. The Board of Fire Commissioners must approve any changes.

RESPONSIBILITY FOR ENFORCEMENT.

The Treasurer shall have primary responsibility for the Investment Policy.

PETTY CASH FUND

The District may establish a Petty Cash Fund for the benefit of permitting the Treasurer and the **District** to purchase items with a temporary cash outlay in advance of audit.

The Treasurer shall be solely in charge of accounting for the for the Petty Cash Funds, including approving the use of such funds and overseeing the accounting therefore.

The Petty Cash Fund shall be maintained at the maximum and set amount of \$250.

All expenditures from the Petty Cash Fund shall be accounted for with receipts. All receipts shall be immediately remitted to the Treasurer within twenty-four hours of the purchase.

Any person failing to provide a receipt for a purchase shall be personally liable for reimbursing the Fire District for the purchase.

The Petty Cash Funds shall be properly secured by the Treasurer.

Payments may be made from the Petty Cash Fund in advance of audit, but all purchases shall be audited by the Commissioners at the next meeting of the Board of Fire Commissioners.

The Treasurer shall present to the Board a list of all expenditures from the Petty Cash fund at the meeting following the use of the funds.

The Board shall, by resolution, authorize the reimbursement of all properly expended funds to bring the Petty Cash Fund back up to the \$250 limit.

Pursuant to law, the Treasurer shall be personally liable to replace any Petty Cash Funds not authorized to be reimbursed. Any amount not immediately reimbursed shall be deducted from the salary paid to the Treasurer, if any. Such deductions shall be made from all such salary payments until the full amount of the unapproved expenditure is repaid.

Under no circumstances may anyone other than the Board direct the Treasurer to release funds and the Treasurer shall under no circumstances be held in any way responsible for refusing to utilize the Petty Cash Funds for any purpose.

PURCHASING POLICY

Policy Statement

The District has adopted these internal policies and procedures governing all procurements of goods and services. All such purchases using the funds or credit of the District shall be pursuant to this policy.

Goals of Purchasing Policy

The goals of the District in its purchasing policy are to:

1. assure the prudent and economical use of public moneys in the best interests of the taxpayers of the District;
2. to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and
3. to guard against favoritism, improvidence, extravagance, fraud and corruption.

Purchasing Through Office of General Services

For any such purchase exceeding five hundred (\$500.00) dollars and so long as the District shall accept sole responsibility for any payment due the vendor, the District is permitted to make purchases of materials, equipment, food products, or supplies, or services available, except of printed material, through the office of general services.

All purchases shall be subject to audit and inspection by the District. The District shall not make any purchase through the office of general services when bids have been received for such purchase by the District, unless such purchase may be made upon the same terms, conditions and specifications at a lower price through such office.

Report To Be Given Prior To Purchases

Before any purchase is made, other than those permitted to be made in advance of audit, and before any debt is acquired, a report shall be given before the District on what actions have been taken to determine the best price and product to be purchased.

In those cases where bids have been awarded to other than the lowest bidder (as opposed to lowest responsible bidder), even in those cases where informal bids have been accepted, the District shall

document the justification and documentation for such choice, setting forth the reasons such an award furthers the goals of this policy.

The District may determine, on a case-by-case basis or for certain types of procurements generally, that the solicitation of alternative proposals or quotations will not be in the best interest of the District.

In certain limited instances, the District may, in its sole discretion, determine that alternative proposals or quotations will not be in the best interest of the District. The commissioners will make such determination in the rare instances that such need arises.

The unintentional failure to fully comply with the provisions of this section shall not be grounds to void action taken or give rise to a cause of action against the Fire District or any commissioner, officer, volunteer or employee thereof.

Emergency (unanticipated) Maintenance and Repair

The Fire District authorizes the Chief to purchase / incur expenses of \$1,000 for unanticipated repairs to fire vehicles and equipment and emergency response supplies, and for non-emergent supplies in the amount of up to \$1,000 per month, so long as such funds remain in the corresponding line item of the budget. The purchase shall be reviewed for approval and payment at the next meeting.

Purchases When Bidding Is Not Required

When bidding is not required by this statute, and whenever feasible, the District shall obtain alternative proposals or quotations for goods and services by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of this policy.

Should a sufficient number of qualified vendors or suppliers be available, the following shall serve as a minimum number of quotations necessary for any purchase or public works contract.

Sole source products only need to receive one quote as none others would be available.

<u>Estimated amount of Purchase Contract</u>	<u>Pre-Purchase Requirement</u>
\$00.01 - \$999.99	no quotes
\$1,000.00 - \$9,499.99	2 written quotations
\$10,000.00 –19,999.99	3 written quotations
\$20,000+	Bidding Mandatory

<u>Estimated amount of Service Contracts</u>	<u>Pre-Purchase Requirements</u>
\$00.01 - \$999.99	no quotes
\$1,000.00 - \$9,499.99	2 written quotations
\$10,000.00 –34,999.99	3 written quotations
\$35,000+	Bidding Mandatory

Purchase authorization

The Chief must receive board approval to incur any expense or bill which is not otherwise an emergency as allowed above.

Bidding

General Municipal Law § 104-a(2)(a) requires that the District prescribe a procedure for determining whether a procurement of goods and services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law. In accordance with that requirement, the District has implemented the following rules as guidance.

Instances When Bidding is Required

Bidding shall be required for all contracts for public work involving an expenditure of more than thirty-five thousand (\$35,000) dollars and all purchase contracts involving an expenditure of more than twenty thousand (\$20,000) dollars. The contract shall be awarded to the lowest responsible bidder. The District shall determine what defines “responsible” for purposes of this requirement.

A contract for public works is defined as including an agreement for the erection, construction, reconstruction or alteration of buildings or lands.

Aggregate Purchases/ Items of Similar Nature

Separate purchases of the same or similar item purchased in a reasonably short time or in a single fiscal year that would exceed \$20,000 shall be considered a single purchase for determining whether bidding is required.

Items of a similar nature should be grouped together for purposes of determining whether bidding is required.

Yearly Service Contracts

A service contract that will likely exceed thirty-five thousand (\$35,000) dollars must be bid.

Service Contracts vs. Purchase Contracts and Professional Service Agreements

The District recognizes the importance of determining whether a contract qualifies as one for the purchase of services or goods, as the purchase of services has a higher monetary threshold to mandate bidding. Additionally, certain professional services might not require bidding at all.

A contract involving both a purchase and professional services may qualify under the professional services exception if two criteria are met: (1) the professional services component of the contract is the primary or predominant part of the acquisition; and (2) there is an inextricable integration of the professional services and the physical components. This means that a contract will only be deemed to constitute professional services when the biddable component of the contract cannot be separated from the professional services. The "total character" of the agreement must be examined to ascertain its essential character or focus.

In the event that a purchase involves both a service and the purchase of goods, the District will determine whether the contract is one for public works or for the purchase of goods and use the appropriate limit to determine whether bidding is required.

A contract is mainly one for public works when the services provided constitute a predominant portion of the contract as to render the equipment purchase merely incidental to the provision of the technical services.

When Bidding is Not Required

1. If there is only one “sole” source for the item:
 - A. in this instance, the District shall document the unique benefit of the item as compared to others and its advantage to any similar item in the market;
 - B. whether a particular contract involves a true sole source situation is a question of fact and municipal officials should be prepared to factually verify that the goods or services sought may only be obtained from a single source;
 - C. a sole source is where there is no reasonable equivalent and which is available from only one source so that there is no possibility of competition.
2. If the item is a “true lease.”
 - A. a true lease has no nominal fee buyout provision. A true residual value may be permitted for a buyout;
 - B. the title must always be with the leasing company, not the District.
3. Insurance is not subject to bidding under New York State law. However, the District shall make all reasonable attempts to obtain bids for general insurance coverage once every three years.
4. Surplus and second-hand supplies, material or equipment may be purchased without competitive bidding from the federal government, the state of New York or from any other political subdivision, District or public benefit corporation. Note that a fire company (hereinafter the District) is not considered a municipality.
5. Emergency purchases. In the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of the District, require immediate action which cannot await competitive bidding, contracts for public work or the purchase of supplies, material or equipment may be dispensed with for such purchase.

Examples of Services Not Required To Be Bid

Professional services which involve the application of specialized expertise, the use of professional judgment, or a high degree of creativity in the performance of the contract are not required to be bid. Professional service contracts often involve a relationship of personal trust and confidence

Therefore, the following are professional services:

- A. Attorneys;
- B. accountants for other than an audit;
- C. physicals performed by physicians;
- D. computer programmers;
- E. architects;
- F. printing:

Contracts which only incidentally involve printing, such as the purchase of forms, envelopes or letterheads containing the municipality's name, address and other related matter, are considered purchase contracts for goods. Where the printing is not incidental, however, but represents the major portion of the work and cost, such as in printing of briefs and records on appeal, such services fall into the category of public work

Alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of this section.

Advertising for Bids

1. Advertisement for bids shall be published in the official newspaper or newspapers of the District chosen for notice of meetings and elections at the organizational meeting in January.
2. The advertisement shall contain a statement of the time when and place where all bids will be received.
3. All bid solicitations shall state that it will not permit electronic bid submission.

4. The District will designate an officer to open the bids at the time and place specified in the notice. Such officer shall make a record of such bids including the name of the bidder, the date received and any other information deemed necessary for each bid.
5. All bids received shall be publicly opened and read at the time and place specified in the notice.
6. At least five days shall elapse between the first publication of such advertisement and the date so specified for the opening and reading of bids.

Bidding Process

1. All bidders shall provide an appropriate bid bond.
2. All bids shall be sealed until the time when all bids shall be opened together.
3. In any case where a responsible bidder's gross price is reducible by an allowance for the value of used machinery, equipment, apparatus or tools to be traded in by a political subdivision, the gross price shall be reduced by the amount of such allowance, for the purpose of determining the low bid.
4. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, the District may award the bid to any of such bidders.
5. The District may reject all bids and re-advertise for new bids if necessary.

Electronic Bid Submission

Although permitted by law, the District shall not permit electronic bid submission.

Developing Specifications

Whenever possible, practical, and feasible and consistent with open competitive bidding, the District may use the stock item specifications of manufacturers, producers and/or assemblers located in New York state in developing specifications for items to be let for bid in its purchasing contracts and may use the data and information contained in stock item specifications forms to assist in their determination of what constitutes a stock item of a manufacturer, producer and/or assembler located in New York state for the purpose of helping to retain jobs, business and industry presently in the state of New York and attracting expanded and new business and industry to the state of New York so as to best promote the public interest.

Best Value

The District hereby accepts the standard of “Best Value” for purposes of bidding and reviewing/accepting bids.

Prohibition on Certain Bidders and Vendors

No vendor or seller of goods or services, and no person, firm, partnership or corporation of which such vendor is a member, director or officer, who has refused to:

1. testify in front of a grand jury, head of a state district, temporary state commission or other state agency, the organized crime task force in the district of law, head of a city district, or other city agency, which is empowered to compel the attendance of witnesses and examine them under oath, to testify in an investigation concerning any transaction or contract had with the state, any political subdivision thereof, a public authority or with any public district, agency or official of the state or of any political subdivision thereof or of a public authority,
2. to sign a waiver of immunity against subsequent criminal prosecution; or
3. to answer any relevant question concerning such transaction or contract;
4. shall be qualified to sell to or submit bids to or receive an award from or enter into any contract with the District, for goods, work or services, for a period of five years after such refusal or until a disqualification shall be removed.

Any and all contracts made with the District or official thereof, by such person, and by any firm, partnership, or corporation of which they are a member, partner, director or officer may be cancelled or terminated by the District without incurring any penalty or damages on account of such cancellation or termination. Any monies owing by the District for goods delivered or work done prior to the cancellation or termination shall be paid.

Statement of Non-Collusion Required

All contracts for work and services shall contain a statement of non-collusion in bids and proposals to the District.

Security Bonds

Whenever a security bond is posted by a successful bidder for the faithful performance of a District project, for which state aid is approved, the name and address of the bonding company or person issuing the security bond, the number of such bond, and such other information as may be required by the state district or agency responsible for supervising the aid program regarding the project, shall be transmitted to such district or agency, where it shall be reviewed to determine its authenticity prior to award of such contract. The original of such bond shall remain in the office of the District. Upon request of such district or agency, the superintendent of insurance shall render such assistance as is necessary to determine the authenticity of the security bond.

Bid Mistakes

Where a unilateral error or mistake is discovered in a bid, such bid may be withdrawn after a showing of the following:

1. the mistake is known or made known to the District prior to the awarding of the contract or within three (3) days after the opening of the bid, whichever period is shorter; and
2. the price of the bid was based on an error of such magnitude that enforcement would be unconscionable; and
3. the bid was submitted in good faith and the bidder submits credible evidence that the mistake was a clerical error as opposed to a judgment error; and
4. the error in the bid is actually due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, material, goods or services made directly in the compilation of the bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of the original work paper, documents, or materials used in the preparation of the bid sought to be withdrawn; and
5. it is possible to place the District in status quo ante.

The sole remedy for a bid mistake in accordance with this section shall be withdrawal of that bid and the return of the bid bond or other security, if any, to the bidder. Thereafter, the District may, in its discretion, award the contract to the next lowest responsible bidder or re-bid the contract. Any amendment to or reformation of a bid or a contract to rectify such an error or mistake therein is strictly prohibited.

Recycled Goods

When purchasing products, the District may, wherever recycled products meet contract specifications and the price of such products is reasonably competitive, purchase such products.

"Recycled product" shall mean any product which is manufactured from secondary materials, as defined in subdivision one of section two hundred sixty-one of the economic development law, and which meets the requirements of subdivision two of section 27-0717 of the environmental conservation law and regulations promulgated pursuant thereto.

"Reasonably competitive" shall mean that the cost of the recycled product does not exceed a cost premium of ten percent above the cost of a comparable product that is not a recycled product or, if at least fifty percent of the secondary materials utilized in the manufacture of that product are generated from the waste stream in New York state, the cost of the recycled product does not exceed a cost premium of fifteen percent above the cost of a comparable product that is not a recycled product.

Whenever such officer, board or agency shall purchase or cause the purchase of printing on recycled paper pursuant to this section, they shall require the printed material to contain the official state recycling emblem if such paper has been approved by the district of environmental conservation as satisfying the requirements of such statute and regulations, or, if such paper has not been so approved, require the printed material to include a printed statement which indicates the percentages of pre-consumer and post-consumer recycled material content of such paper.

Purchase Orders

The District authorizes the use of Purchase Orders where the vender will accept them. Payments for partial shipments are strongly discouraged and are to be avoided when possible.

REFERENDUM REQUIREMENTS

1. All resolutions subject to mandatory referendum shall be approved at a properly noticed public meeting. The resolution shall be added to the minutes of the meeting, and separately signed by the secretary. At least three (3) commissioners must approve the resolution.
2. At the meeting, a date and place for the public vote will be announced. The time must be 6 p.m. – 9 p.m. on a Tuesday but hours can be extended though not shortened.
3. The secretary must post the resolution and notice in the newspaper, verbatim. The newspaper named by the District as its official newspaper at the organizational meeting shall be utilized.
4. The notice must be published between thirty-four and twenty-seven days **prior** to the date of the vote, not including the day of the vote. The notice must also be placed upon the District's and town of Livingston's sign board and website (if one exists) and the District's website (if one exists) not less than 15 nor more than 20 days prior to the hearing, and must remain there for at least 15 days.
5. A resident of the fire district who is registered to vote must be appointed to act as Chair of the vote. Two to four other persons, who are also residents that are registered to vote, shall be appointed as election inspectors and ballot clerks. No commissioner, treasurer or secretary may serve as an inspector or Chair. No politicking may occur within a 100-foot radius of the voting.
6. Persons must be residents of the district for 30 days prior to the election. A list from the county board of elections of persons entitled to vote should be obtained no sooner than 21 days prior to the vote.
7. "Affidavit ballots" may be obtained from the county, even though not required by law. These are used for persons that claim that they are entitled to vote but are not on the county list. Place the ballots of persons in this situation in the affidavit ballot envelope, have the voter complete and sign the affidavit and seal it until the election is over, in order to confirm the eligibility of the voter.
8. The inspectors must immediately review the results and announce them publicly. A certificate of the results of the vote must be filed by the Chair, ballot clerks and election inspectors with the town clerk within 72 hours thereafter. All ballots should be maintained for at least four months to determine if the election is challenged.

RECORD RETENTION

Mission

The Fire District's Record Management Plan is hereby committed to the efficient, organized and cost-effective method of managing the Fire District's records.

Purpose

The purpose of the Fire District's Record Management Program is to:

1. ensure that records of the Fire **District** are maintained, stored and destroyed in accordance with a written policy which is understood and implemented by all Fire **District** personnel;
2. provide an organized method to quickly search and locate records;
3. permit the Fire **District** and community access to appropriate records in a timely manner;
4. assist with the needs of persons who have use for such records;
5. reduce the amount of storage space required to store active and inactive records;
6. preserve records of historical importance for the **district** and the community; and
7. permit for the annual destruction of records no longer required to be maintained.

Program Goals

Goal 1 Systematically dispose of records in accordance with the LGS-1 or as otherwise required by this Records Management Plan.

Objectives:

1. adopt and follow the **district's** records retention and disposition schedules for the systematic disposition of records;
2. develop schedules to guide the retention and disposition of Fire **District** records;
3. develop and apply policies and procedures for the disposal of obsolete records in a method that obtains approval for such destruction, protects confidential information, and maintains a list of the records which are destroyed; and

4. train and educate all personnel in the requirements of the Records Management Program

Goal 2 Operate and keep current a program for the storage and management of active and inactive records.

Objectives: The Objectives of the Program are to:

1. house active records in the firehouse for easy access by permitted parties;
2. house inactive records either within or outside the firehouse;
3. develop, implement and annually review policies and procedures for the identification and storage of active and inactive records;
4. train all personnel in the policies and procedures;
5. update the Records Management Policy as needed;
6. set priorities in order to guide management as to the goals of the program;
7. set common goals for all managers and participants to understand;
8. establish a structure for the program which is followed by all participants;
9. assign responsibility to program participants and permits accountability of all participants.

Abbreviations

Records Management Plan	“RMP”
Records Management Officer	“RMO”

Records Management Officer & Program Structure

The Board of Fire Commissioners shall appoint and have the sole discretion to remove a Records Management Officer of the Fire District. The Records Management Officer shall be in charge of the Fire **District's** Records Management Program.

The Record Management Officer shall:

1. ensure the proper filing and storage of the **district's** records;

2. retain and have custody of such records for so long as the records are needed for the conduct of the business of the Fire **District**;
3. protect the **district**'s records;
4. dispose of records in accordance with legal requirements;
5. pass on to their successor records needed for the continuing conduct of business of the office; and
6. conduct training for the members of the **district** on the goals and requirements of the Records Management Program.

Responsibility

Proper records management is a requirement of all Fire **District** members and employees. All Fire **District** personnel shall be educated in and participate in the Records Management Program. The **district**'s policies will refer to the RMP and must never implement procedures which circumvent the program. No person shall deviate from the requirements of the RMP.

Therefore, no individual shall:

1. store records except as in compliance with the RMP;
2. file records except as dictated by the RMP;
3. destroy records, except as dictated by the process in the RMP; or
4. create and store new types of records unless the RMP is properly amended to account for such records.

Retention Rules and Schedules

The district hereby adopts a schedule which is designed to:

1. identify each record maintained by the **district**;
2. identify the location of each record and whether such records are in locked or open storage;
3. identify who has access to the records; and

4. cite the retention period and the source of that retention period (such as the LGS-1).

Every year, the Records Management Officer shall review the schedule to determine if it needs to be updated upon the determination that a new type of record should be maintained, the retention period for a record should be adjusted, or other included information should be addressed that is no longer current.

Records

“Records” consist of any type of document with information, which may include paper, electronic, photographic, or any other format. Records document decisions and actions. Records consist of any book, paper, map, photograph, or other information-recording device, regardless of physical form or characteristic, which is made, produced, executed, or received by any local government or officer thereof pursuant to law or in connection with the transaction of public business. Record as used herein shall not be deemed to include library materials, extra copies of documents created only for convenience of reference, and stocks of publications.

“Historical records are those records that have permanent value for historical and other research. These records have continuing legal or financial value, or document a significant person, event, or decision. Because historical records have permanent value, they require special attention to ensure their preservation and continued use.”

“Active records” are those which are still being utilized for an immediate or short-term purpose. They consist of records that are being referred to for a present issue or project. These records may be maintained in an office while being actively used, but are then moved to an on-site storage location if they are required for access during the year. They are those records which are not “Inactive.”

“Inactive records” are those which are no longer needed for an immediate or short-term use and are not needed for reference in the foreseeable future. These records are moved from an office or on-site location of easy viewing to a file storage area for safe storage.

For purposes of this policy, “Members” and “Personnel” shall include all paid employees and volunteer members. This policy applies to all such personnel.

Only records that are needed for the Fire District’s purposes will be created. **District** members shall not create records that the district does not need.

The **district** shall only retain essential records as defined in its Record Retention Schedule.

Forms

RDAF-1	Record Destruction Authorization Form
RTLF-1	Record Transfer List Form
RRF-1	Records Retrieval Form
RDN-1	Records Disposal Notice

Destruction of Records

All records will be identified and categorized and their retention period will be determined and stated in the attached Schedule. Once the retention period has expired, the record will then be disposed of in accordance with such Policy. The records of the destruction of each record will be maintained separately and permanently.

The district shall not destroy, sell or otherwise dispose of any public record without compliance with such Schedule.

The Fire District hereby adopts Form RDAF-1 (Record Destruction Authorization Form) for the log of destruction of records.

Maintaining Records After the Destruction Date

Should the district desire to maintain a record past its destruction date, the individual making the request shall present it to the District's Records Management Officer.

Copying the Record is Authorized

Prior to the destruction of a record, the Fire District may reproduce any record in any other form that "accurately and completely reproduces all the information in the record." The original may then be disposed of even if the record is destroyed prior to the time proscribed by Schedule LGS-1.

The electronic copy is intended be deemed to be an original record for all purposes, including introduction as evidence in proceedings before all courts and administrative agencies.

Should a record be destroyed, the destruction record shall also note that the record has been recorded electronically.

Scanned copies of records will not be preserved in an encrypted format and must be easily opened and accessed in any common format.

All electronic records must be backed up in a different location than the original scanned copy.

Creating New Types of Records

No person shall create a new type of record unless the Records Management Program's schedule is amended to provide for the new type of record. Personnel are not free to create their own records or their own storage locations.

Storage of Records in Groups

Records shall be organized and stored in such a manner as to permit records to be easily located and accessed. Each record shall be grouped by "type."

A new group type may be created for any type of record which does not fit into an existing group with the consent of the RMO. The Records Management Program's Schedule shall be updated to reflect this new group and type.

All locations of storage, including file cabinets and shelves, shall be clearly labeled. The location of the storage shall be consistent with that of the Schedule attached hereto.

When possible, each record should be labeled with a destruction date which is easily viewed.

Proper Storage Procedures

Records will be stored in a central location and will not be spread throughout the firehouse or other locations. Inactive records may be stored off site in a location designated for safe records storage.

Shelves or cabinets should be located in a central area which is protected from fire and other catastrophes. Cabinets which are locked shall not be left unlocked except temporarily and then only when directly supervised.

Folders in the cabinets shall be of the same size, divided by guides when possible, to maintain separate sections, be labeled and when possible, color coded. If color coded, a record of the coding schedule shall be maintained and also noted on each file cabinet.

Personnel Records shall be stored in alphabetical order, sorted last name first. Numerals in titles shall appear before letters and appear in numeric order. Punctuation in titles is ignored.

The most valuable of records should be maintained in a fireproof safe.

Keys will be used to control access to each record.

It is the responsibility of the district's Records Management Officer to place Inactive records in boxes that will be moved to an offsite records access room.

Records will be placed in storage boxes as follows:

1. upright position;
2. filled to capacity, if possible, but not overfilled;
3. only one subject of record in each box;
4. if records must be boxed in series of a different type in order to permit space savings, the records in the same box are grouped with the same destruction date; and
5. the box is labeled on the cover with the type of record and a destruction date or marked "Permanent" if the records shall be permanently maintained.

Should a records storage room be located within the fire house, the records storage room will be locked with access only to persons who require access, as designated on the Schedule. Access will be monitored with a log of entry available for inspection.

Should a record box be transferred to storage or to an off-site location, the RMO shall utilize form RTLF-1.

Records shall not be removed from the storage area except in accordance with this Policy. A log will document the removal of any record from the storage area and shall identify who removed the record and who authorized the removal. The date of the removal shall be noted along with the date the record was returned. A witness, when available, shall attest to the removal and/or the person who filed the returned record.

Smoking, eating and drinking shall not be permitted in a records storage room or near any record when removed from storage, a cabinet or a shelf.

Should records be requested for viewing by the public, copies should be made to avoid destruction. If the file is too voluminous or if copying is otherwise cumbersome, the person viewing the record shall be monitored and the record shall be viewed in a safe location, outside the records access room.

Should a record be desired to be retrieved from the record room, Form RRF-1 shall be completed and provided to the Record Management Officer by any party requiring retrieval of a record from Inactive Storage. Any person who does not have standing authority to access an Active Record shall obtain the approval of the Records Management Officer.

Only the Records Management Officer and the chief shall have copies of all of the keys or complete access to all records.

Should actual keys to a room with record storage or a cabinet be lost, the access shall be changed/rekeyed. Every key shall be clearly labeled. Universal keys shall not be provided to any individual other than the Records Management Officer or the chief.

The Records Management Officer shall maintain a key distribution log. This log shall document who has been provided a key to any type of file, and when such key has been returned.

No person other than the Records Management Officer shall make a copy of any key.

Persons carrying cabinet or access keys on their personal key rings shall not label the key to a cabinet in order to prevent unintentional access to the cabinet.

Electronic Storage

Electronic copies will be made of any records which are not replaceable and the electronic version shall be stored off-site and away from the location of the paper records.

Electronic data shall be backed up routinely. Backups will be verified at least weekly with failed and successful backups sent to the Records Management Officer.

The district shall maintain Disaster Recovery Plans for loss of Electronic Data.

Computer Databases

It is a goal of the Records Management Program that a computer database be implemented which assists in locating records by titles, dates, retention schedule numbers, shelf numbers, and the year of dispositions. Records maintained in electronic format should be converted or maintained in searchable text.

Minutes of District, District & Officer Meetings

Minutes of District meetings shall be maintained and kept permanently. Personal or Confidential items may be redacted from the minutes.

Copies of the minutes also shall be maintained online in one continuing document so that they are searchable.

Updating and Monitoring of the Records Management Program

This Records Management Program should constantly be evolving and be tailored to address new issues and new types of records. Policies will be reviewed at least annually by the Records Management Officer and updated, as necessary.

Any person that is involved with the creation, receipt, distribution, or destruction of records should be educated in the Fire District's record management program. Every person must know their role and responsibilities so that they can facilitate the program and not violate its requirements.

When possible, the Fire District's other policies should cite the records management program's policies

Any person who takes on a new role involving records creation or management shall be educated as to the Records Management Program's policies. Management and involved personnel must review the Records Management Program annually and should constantly evaluate the program's success.

SAMPLE FORMS

RECORDS TRANSFER LIST (RTL)

District Transferring Records_____

Signature/Title of Person Transferring Records_____

Date_____ Destruction Method_____

INSTRUCTIONS

All records coming to the Records Storage Center must be packed in standard cartons and have standard labels filled out and placed on each box. List the records below. Place this list inside the box on top of the contents. A completed copy with a locator number will be returned to you as a receipt for your records. Please keep it in your files.

Dept Box	LGS-1#	Description	Date Span	Destruction Date	Locator #

Records Received By: _____

Date: _____

Number of Boxes Received: _____

RECORDS DESTRUCTION AUTHORIZATION (RDA)

In accordance with current New York State retention/disposition schedules, the records listed below can be scheduled for destruction.

District _____ Date _____

Common Name of Records	Records Dates	LGS-1#	Disposition Date	Box Locator #

Approved by: _____

Date: _____

RECORDS DISPOSAL NOTICE (RDN)

To: _____ Date: _____

Subject: Disposal of Inactive Records

A review of the following records reveals their retention is no longer necessary. They are scheduled for disposal on _____.

Please look over the list and sign at the bottom, indicating approval/disapproval. If you wish to retain a particular records series beyond its legal retention period, a written justification is required. Please initial next to that listing as well.

Return this notice to my office, prior to the scheduled disposal date.

Locator # Records Description Disposal Date Initials

Approve____ Disapprove____

By: _____

RECORDS RETRIEVAL REQUEST (RRR)

Locator # Records Description Disposal Date Initials

REQUESTED BY:

Name: _____ Date: _____

RECORD RETENTION SCHEDULE

The following records should be maintained at least for the period stated:¹

<u>Record Type</u>	<u>Retention</u>	<u>LGS-1 #</u>
Alarm records	6 years	#1188
Attendance records of those at alarm	3 years	#1180
Controlled burn records/releases/approvals	3 years	#1215
Equipment issued to personnel	1 year after equipment disposed of	#1186(c)
Emergency Medical Service Records		
Reports containing billing information	7 years	#1203(a)
Reports not containing billing information:	1 year	#1203(b)
Summary data received from New York State District of Health	0 after no longer needed	#1203(c)
Fire investigation records:		
First, second or third-degree arson investigation records, disaster or casualty investigation records, or records of investigations of major fires or significant fires of suspicious origin:	Forever	#1208(a)
Fourth degree arson investigation Records	10 years	#1208(b)
Routine fire investigation records, not arson related	3 years	#1208(c)

¹ A complete list of record retention rules may be obtained from: archives.nysed.gov/common/archives/files/lgs1.pdf

Master summary of all investigations	Forever	#1208(d)
Fire hydrant records:		
Master record of hydrant location	0 years after superseded	#1213(a)
Installation, repair, location, maintenance, inspection and replacement records	3 years after hydrant replaced, removed or discontinued	#1213(b)
Fire mutual aid plans:		
Final plan with maps and attachments	Forever	#1210(a)
Background materials and supporting documents in producing final plan completed	3 years after final plan	#1210(b)
Fire safety inspection records:		
Master summary record of inspections	Forever	#1211(a)
Report on inspection at school, public building, multifamily dwelling, or commercial or industrial facility and notice of violation	21 years	#1211(b)
Report on inspection of single family dwelling and notice of violation	6 years	#1211(c)
Hazardous materials records	3 years after hazard abated	#1193
Information reports from county fire Coordinator	0 years	#1206 (d)
List of all calls/summaries	Forever	#1198
Patient care records	6 years, or 3 years after individual treated and/or transported reaches age 18,	#1198(a)

	whichever is longer	
Procedures and policies	Forever, even those that are superseded	#52
Readiness checklists	3 years	#1186(b)
Reports on firefighting activities, but not incident reports, dealing with serious incidents or problems, or major issues with long-term implications, such as covering overall status of fire-fighting apparatus, equipment and facilities, fire-fighting readiness capability and personnel performance evaluation, and fire casualty reports:	Forever	#1207(a)
Reports on routine activities (but not incident reports), including but not limited to daily activity report, daily communications report, false alarm investigation report, and other periodic report, which contain information of legal or fiscal value.	6 years	#1207 (b)
Rescue response reports	3 years, but not until 3 years after any minor involved attains age 18	#1201
Summary record of all patients treated	3 years	#1198(c)
Training records-generally	6 years after individual leaves service	#1187(a)
Application for training	6 months	#1200(a)
Certificate of training	7 years (or longer with personnel files)	#1200(d)
Vehicle upkeep records	3 years	#1186(a)

Drivers' License Review Records	5 years	#665
<i>Financial</i>		
Audits	Forever	#472(a)
Budgets	Forever	#490(a)
Cancelled checks	6 years	#476
Cash records	6 years	#508
Copy of Federal determination of error in wage reports (Form OAR-S30 or equivalent record):	6 years after determination received	#537
Direct deposit records, covering direct Deposit of employee's salary, including but not limited to application to begin or terminate direct deposit, and transaction log or similar reports:	5 years after authorization expires	#544
Employee's declaration of intention to decline membership or participation in retirement system or benefit plan, including copy of written notification of options provided employee by local government:		
For retirement system.	6 years after termination of employment	#636(a)
For benefit plan:	6 years after termination of employment	#636(b)
Employee's personal earnings record used to prove end-of-year total earnings, retirement or other deductions and taxes withheld:	6 years	#534

Employee's declaration of intention to accept or reject Social Security:	10 years after employee dies or reaches age 75, whichever is shorter	#535
Financial reports	Forever	unlisted
Invoices	6 years	#550
Purchase orders	6 years	#546
Signature cards	6 years after end of authorization	#33
Vouchers	6 years	#547
<i>Payroll</i>		
Employee request for and/or authorization given to employee to use or donate sick, vacation, personal or other leave, or to work overtime:	6 years	#530
Employee's voluntary deduction payroll form:	5 years after authorization expires	#532
Employer's copy of Annual Federal Tax Return (Form 940), Quarterly Federal Tax Return (Form 941E) and Continuation Sheets (Form 941a), Notice of Tax Return Due (Form TY 14), or equivalent forms:	5 years after tax period	#539
Employer's copy of: U.S. Information Return for Calendar Year (Form 1099), Withholding Tax Statement (Form W-2) or Transmittal of Wages and Tax Statements (Form W-3), or equivalent forms:	5 years	#540
Employee's Withholding Exemption Certificate (Form W-4), or equivalent	5 years after a superseding certificate is filed or	#541

form:	employment is terminated	
Employer's copy of New York State Income tax records relating to employees:	5 years after tax was paid	#542
Payroll, including information on gross and net pay, base pay, taxes, and other deductions:		
Year-end payroll, including detailed information necessary for salary verification for retirement and social security purposes:	55 years	#524(a)
Periodic payroll, including detailed information necessary for salary verification for retirement and social security purposes when no year-end payroll is maintained or year-end payroll does not contain this required detailed information:	55 years	#524(b)
Periodic payroll, not including detailed information necessary for salary verification for retirement and social security purposes:	6 years	#524(c)
Warrant authorizing payment of salaries based on a specific payroll, if maintained separate from payroll itself:	6 years	#524(d)
Preliminary draft of payroll:	0 after warrant authorizing payment of salaries is signed	#524(e)
Municipality's information copy of school, fire or special district payroll:	0 after no longer needed	#524(f)
Payroll or related report covering all employees or an individual employee, and not covered by specific item in		#525

this section:

When needed for audit or other purposes	6 years	#525(a)
Payroll distribution breakdown record used to distribute or classify labor costs:	6 years	#526
Summary record of employee's payroll Changes	6 years	#527
Employee's timecards, sheets or books	6 years	#528
Payroll report submitted to New York State Employee's Retirement System, Policemen's and Firemen's Retirement System, or any other official pension system:	6 years	#538
Quarterly or other periodic report of wages paid prepared for Social Security, and report of any adjustments or corrections:	6 years after year in which wages were reported	#536
Record of employee's absences:	6 years, but if posted to cumulative time record, 1 year	#529
Record of assignments, attachments, and garnishments of employee's salary:		
When employment was terminated prior to satisfaction:	6 years after termination of employment	#531(a)
When satisfied:	5 years after satisfaction	#531(b)
Schedule or other notification from issuing bank showing savings bond purchased for employee:	5 years after latest bond issue	#533

Internal investigations	6 years from resolution of complaint	#25
<i>Games of chance</i>		
Application for and copy of license, investigation report, correspondence and all related records, except financial reports:	3 years after expiration of license or denial of application	#562(a)
Annual financial/operational report submitted to municipality:	6 years	#562(c)
Authority to license bingo and games of chance delegated to local official by local governing body:	0 after superseded or obsolete	#563
Financial report submitted quarterly, weekly or at the conclusion of each day's games:	4 years	#562(b)
Lottery, raffle, or other fund-raising game or event records, except bingo or games of chance:	3 years	#565
Master license register, summarizing all information on bingo and games of chance operations in municipality:	6 years after last entry	#564
<i>Miscellaneous</i>		
Certificates of Insurance	6 years after expiration	#582
Complaints complaint	6 years after resolution of	#77(b)
Correspondence – routine matters	6 years	#53(b)
Correspondence- significant events/issues	Forever	#53(a)

Correspondence -	If no value – may destroy immediately	#53(c)
Fundraising records	6 years	#1214
Legal Agreements	6 years after expiration	#32
Legal opinions	Forever	#29
Workplace Violence Prevention Program	5 years	663
<i>Length of Service Awards Program (LOSAP)</i>		
Benefit plan	0 years after superseded	#1216(a)
Drafts and supporting documentation used in producing and updating plan	1 year	#1216(b)
Annual report (census) received from plan administrator	1 year	#1217
Summary records of volunteers listing credits earned and providing breakdown of types of services and how credits earned:		
Annual report:	55 years	#1218(a)
Monthly report	3 years	#1218(b)
Records showing credits earned and providing breakdown of types of services and how individual earned credits:	6 years after individual leaves service	#1219(a)
Copy of initial and vested certificates of membership in award plan	6 years after individual leaves service	#1219(b)
Copy of application to join service awards plan and/or life insurance plan,	6 years after individual leaves service	#1219(c)

along with declination statement and related records:

Beneficiary designation records	0 years after obsolete	#1219(d)
Records relating to individual's challenge to plan's, district's or district's assignment or of number of points earned	3 years after appeal concluded or disagreement resolved	#1219(e)
Grant applications and documents	6 years after awarded grants are fulfilled	#55(a)
	6 years for rejected grants	#55(b)
Minutes of meetings	Forever	#48(a)
Proof of publications	6 years	#36
Records used in legal actions	1 year after completion of legal action	p.xxii
Special program files	6 years after program ends	#54
Successful bids	4 years	#478(a)
Fuel records	6 years	#490
Maintenance & repair records	6 years after vehicle is no longer in use	#817(e)
<i>Personnel</i>		
Personnel records	Forever	#636(a)
Acceptance letter	Forever	636
Job description	Forever	#390(a)
Letter of resignation	6 years after termination of Employee	#636(b)

Investigative/Disciplinary Records	3 years after final decision rendered	637
Oaths	Forever	#305
Reference letters	6 years after term of employment	#636(b)
Resume	6 years after term of employment	#636(b)
Postal records	1 year	#66
Telephone logs	1 year	#64
Theft reports/vandalism	6 years	#26
<i>Election Records</i>		
Voter registration records	5 years	#362(a)
Vote recording and tabulating records		
Sample ballot	Permanently	#363(a)
Voted ballot	1 year after election	#363(b)
Application of absentee ballot	30 days after election	#363(c)
Final election results	Permanent	#363(d)
<ul style="list-style-type: none"> ▪ Including election inspectors' return and statement of canvass ▪ Including election result reports from the fire district 		
Records used to compile final election results, including:	1 year after election	#1363(e)
<ul style="list-style-type: none"> • Tally sheets • Voting machine tabulation 		

- Election district breakdown results
- Election inspectors' returns
- Statements of canvass

Election readiness records, including voting machine testing	1 year after election	#364
Election officials' appointment records	1 year after election	#365
Notification & publication of notice of election	1 year after election	#366
Referendum records, including:	Permanent	#367(a)
<ul style="list-style-type: none"> • petitions for election; • public hearing prior to election; • narrative justification for election 		
Referendum records, including:	1 year after election	#367(b)
<ul style="list-style-type: none"> • actual petitions • records of signature verification • routine correspondence 		
Election officials' training and qualifications	3 years	#368
Candidate designation/nominations	1 year after election	#369
Certificate of acceptance of office	1 year after person leaves office	#370
Election challenge or investigation Records	6 years after last entry	#371
Informational records received from county board of elections including:	0 years after superseded	#373
<ul style="list-style-type: none"> • list of election officials 		

- enrollment/registration lists
- district maps
- instructional materials

REFRESHMENTS AT EVENTS

The District may provide funding for refreshments at meetings of the members.

The District may spend up to \$25.00 per active member estimated to be present (or anticipated to be present) for refreshments at meetings, drills, trainings, parades, funerals, stand-bys, inspections and reviews. The purpose of the refreshments shall be to maintain the health and safety of the individual. The District shall not purchase refreshments for the sole purpose of entertainment of the members.

All purchases shall require receipts.

There shall be no limit on the amount of refreshments permitted for food and drinks purchased for rehabilitation of firefighters at fire events and other emergencies and expenditures are not limited only to members of the District, but also all responders from other fire districts.

RENTAL OF FIREHOUSE AND PROPERTY

The District shall use the following form for all rentals:

LEICESTER-CUYLERVILLE FIRE DISTRICT

RENTAL AGREEMENT

Renter's Information and questions:

Name: _____
Renter's address: _____
Contact phone number: _____

Purpose of rental: _____

Is the renter aged 18 or over:	Yes _____	No _____
Will there be children present:	Yes _____	No _____
Will alcohol be served/available	Yes _____	No _____
Approximate number of:	Adults _____	Children _____

Date of Event: _____
Time(s) of Event: _____

AGREEMENT

"Renter", in exchange for use of the Leicester-Cuylerville Fire District's building, hereby agrees to the following terms and conditions of use.

1. Renter is solely responsible for supervising its guests, for ensuring the safety of its guests and for the proper use of the Fire District's Building. The Fire District is not responsible in any manner for supervision of the event or of persons attending.
2. Renter assumes the obligation to review the Building for safety and for the appropriateness of the use of the Building for Renter's purpose. The Fire District does not make any representations that the Building is appropriate for the Renter's intended use.
3. Renter will ensure that its guests do not engage in any dangerous or hazardous activities in or around the Building.
4. Renter will ensure that it complies with all laws governing alcohol and assumes the risk of use, service or distribution of alcohol (if allowed by the District). No person will be served alcohol who is impaired.
5. Fire District reserves the right to terminate the event and dismiss all guests should Fire District receive or become aware of any complaints about Renter's use of the Building. However, this

right shall not require the Fire District or the Fire District to supervise the event or users of the Building.

6. Renter shall assume all responsibility and shall reimburse the Fire District for the cost of repairing of any damages to the rented premises, adjacent rooms or the contents thereof arising out of the use of the rented premises.
7. Renter has read the additional rules and agrees to abide by these rules on behalf of itself and its guests.
8. Renter shall pay a fee in the amount of: \$300.00 rental fee and \$100.00 cleaning deposit to Fire District or District for use of the facility. Such fee shall be fully paid prior to the date of use. The cleaning deposit fee will be returned upon inspection of the premises after use.
9. For member use there will be no fee.
10. Renter agrees to the following, without exception or limitation:

HOLD HARMLESS / INDEMNIFICATION AGREEMENT

RENTER, ON BEHALF OF ITSELF AND ITS GUESTS, HEREBY **ASSUMES THE RISK** OF ANY AND ALL PERSONAL INJURIES. RENTER AGREES TO HOLD THE LEICESTER FIRE DISTRICT AND THE LEICESTER DISTRICT INC. (AND ITS MEMBERS, OFFICERS AND DIRECTORS AND COMPANIES) **HARMLESS AND TO DEFEND AND INDEMNIFY** THE FIRE DISTRICT FROM ANY AND ALL CLAIMS BY ANY PERSON ARISING FROM SAID USE OF SAID BUILDING.

Name/Organization: _____

Name of Contact: _____

Signature: _____

FIRE DISTRICT USE BELOW

- ☐ Received signed hold harmless agreement.
- ☐ Explained areas which are “off-limits” for guests.
- ☐ Explained Cleaning and Termination Time condition room is expected to be in upon conclusion.
- ☐ Explained Fire District’s indoor smoking policy.

☐ Explained Fire Dept.'s alcohol policy.

☐ Explained proper use of Facilities

☐ Explained/Handed out all safety rules.

Fire District Representative Conducting Walk through:

**RENTAL RULES
REQUIRED OF ALL RENTERS**

1. The Fire District reserves the right to refuse any rental and cancel the same for any reason.
2. Renters shall inspect the premises utilized and report any issues prior to use.
3. All Fire District functions shall take priority. Emergencies can arise which will require cancellation, though rare.
4. The Renter must supply all paper products, beverages, etc. Fire District will not provide or supervise any distribution of food or beverages and Renter is solely responsible for the supervision and distribution. Kitchen pots, pans, and dishes and utensils are allowed to be used, and shall be cleaned and returned to storage where found. Coffee maker can be used but supplies shall be brought in as stated above.
5. Renter must remove all trash from the Building and grounds generated from their use, must clean up fully and restore the areas to mopped clean status. DO NOT leave trash for the Fire District.
6. Any damage caused to parking lot/lawn area due to vehicles, erecting of tents, etc. is the responsibility of the Renter. All repairs shall be made at Renter's expense.
7. Groups with children shall provide adequate adult supervision. A recommended ratio is one adult to every five minors.
8. The "bar" area cabinets as well as the cooler in the area are to be locked for non-district events. In the event they are not locked, they are not to be opened at anytime. . Popcorn machine is for members use only.
9. No use of Tape of any kind on any walls, Windows, Ceilings anywhere inside the building. Tape can be used on chairs and tables, but shall be removed when cleaning up after use.
10. No person shall enter the apparatus garage without supervision of a Member of the District.
11. All Renters shall vacate the premises by _____PM .
12. A fee may be charged, covering the following may be imposed on a case by case basis, as necessary:
 - i. Cleaning (before and after event)
 - ii. Insurance
 - iii. Supervision of the Premises
 - iv. Use of utilities
13. The Renter Shall be required to provide the Fire District with proof of rental insurance in the amount of at least \$1,000,000 protecting and indemnifying the Fire District against any injuries or damages to persons attending the event and arising out of the occupancy or use of the leased space or the unauthorized use of any adjacent space.
14. No fireworks are permitted. No weapons, firearms, bows or other hunting equipment are permitted.

15. Constant loud noises shall not be permitted. Please respect our neighbors.
16. Cancellations shall be permitted, but only up until the following date:_____.
Any cancellations after this date shall be require renter to pay 50 percent of the Rental Amount to the Fire District.
17. Animals are not permitted in the firehouse, except that a properly trained/certified service animal is permitted.

ALCOHOL RULES

1. If alcohol is permitted on the premises, insurance is mandatory and a rider providing “Dram Shop” coverage naming the Leicester Fire District, Leicester Fire District and their fire companies as insured, shall be provided.
2. No alcohol shall be provided on premises, unless specifically approved in writing by the District.
3. No alcohol may ever be sold on premises, unless Renter provides insurance covering the Fire District for liability and has agreed to indemnify the Fire District (above).
4. At any event where alcohol is being sold, the Renter shall be required to obtain a license to serve alcohol from the State Liquor Authority, if required by law.
5. No persons shall be served or possess an alcoholic beverage who are not at least twenty-one years of age or who are intoxicated.
6. No person may operate a motor vehicle if they are leaving the premises intoxicated.

STANDARDIZED EQUIPMENT

The Fire District hereby adopts standardized equipment for certain purchases. The General Municipal Law permits standardization, and all pieces of standardized equipment are listed here:

- Scott SCBA
- Motorola pagers

TRAVEL POLICY

Expense Reimbursement of Commissioners, Employees and District Officers

Applicable to: Chiefs, Commissioners, Fire District Secretary and Treasurer, Paid Employees

The chiefs, commissioners, the secretary, the treasurer and any paid employees of the Fire District may be reimbursed for travel expenses incurred in the performance of their duty. These travel expenses include but are not limited to reimbursement for actual and necessary driving expenses, or in lieu thereof, a mileage allowance for the use of their own automobiles used in performance of their duties as a line officer or paid employee.

Line officers such as the captains and lieutenants may not be reimbursed for travel expenses, unless they are training expenses as defined below.

A reasonable expense also includes the amount of time a chief's personal vehicle was left idling while at the scene of an emergency or other fire or rescue call.

Reimbursement for Attendance at Conferences

Applicable to Chiefs, Commissioners, Fire District Secretary and Treasurer

The Fire District Board of Fire Commissioners may, by a majority vote, authorize any or all of the commissioners, the secretary and/or the treasurer, the chief or assistant chief of the Fire District to attend a conference. Such authorization must be by resolution adopted prior to such attendance, entered in the minutes of the Fire District.

For purposes of this policy, a conference is defined as a convention, conference, or school conducted for the betterment of any Fire District or a convention or conference of firefighters or fire officers if believed to be of benefit to the Fire District.

Such conference travel shall be for official business and shall be made using a cost-effective and reasonable method of travel.

All actual and necessary registration fees, all actual and necessary expenses of travel, meals and lodging and all necessary tuition fees incurred in connection with attendance at a conference must be paid by the Fire District. However, the charges will be audited, allowed and paid in the same manner as are other claims against the Fire District.

Attendees must utilize a payment voucher and attach the voucher to the receipts as a request for

reimbursement. The payment voucher must be signed by the Chair of the Fire District authorizing the claimant to attend such conference or if the Chair is absent from such meeting at which the request is made, by another commissioner. If travel is by car, owned by any person authorized to attend, they will receive an amount not to exceed the amount which the Fire District allows as mileage. Mileage will be paid at the IRS mileage reimbursement rate.

No volunteer is entitled to any compensation for the time spent attending a conference.

Advances of money for estimated expenditures, for registration fees, travel, meals, lodging and tuition fees may be made to a commissioner, chief, secretary or treasurer of the Fire District to attend a conference. However, itemized vouchers showing actual expenditures must be submitted after the conference and moneys advanced in excess of such expenditures must be refunded to the municipality. Expenditures in excess of any estimated rate payment must be audited and re-paid, if necessary, to the Fire District. If an attendee fails to return the excess advance, at the time of submitting their itemized vouchers or upon demand after audit of such voucher, the Fire District will deduct the amount of the unreturned excess advance from the salary or other money owed the officer or employee by the Fire District.

Reimbursement for Attending Training

Applicable to Chiefs, Commissioners, Fire District Secretary or Treasurer

The actual and necessary expenses incurred by a commissioner, Fire District secretary or treasurer, or the chiefs must be reimbursed if the expenses were incurred for attending a course of training for their office provided by the town and county officers training school of New York State for the purpose of improving the administration of municipal affairs. A reasonable mileage allowance is permitted for attending such training in lieu of auditing and allowing a claim for actual and necessary expenses for travel in attending these courses.

This reimbursement is not permitted for attending a regional school unless the District is included within the area of the region established by the board of trustees of the town and county officers' training school of the State of New York. Mileage will be paid at the IRS mileage reimbursement rate.

Applicable to all volunteers

The chief officer of the Fire District may authorize the volunteers to attend training schools. The Board of Fire Commissioners must also approve attendance at that training. The District notes that the law requires commissioner approval of all courses taken outside of the county, and for all

courses taken outside of the state. Courses taken outside of the state may only be approved if a similar course is not offered within a reasonable distance and a reasonable time period.

The Board must determine that a significant portion of the course is related to technical training of firefighters. This is a question of fact strictly left to the commissioners.

The Board of Fire Commissioners, in approving the training, may by resolution provide for all actual and necessary registration fees and all actual and necessary expenses of travel, meals and lodging and all necessary tuition fees incurred by the volunteer members in attending the training school or course, whether located in the United States or even Canada.

A volunteer firefighter that travels in their own car may be paid a reasonable mileage allowance for each mile actually and necessarily traveled by him in attending the school or course. Mileage will be paid at the IRS mileage reimbursement rate.

Any claim for the expenses or reimbursement (utilizing a payment voucher) submitted to the Fire District must have attached a statement by the chief that attendance had been authorized by him.

Court Proceedings

The chief officer of the Fire District may authorize reimbursement for the volunteer officers or members of the district who appear before a court or other tribunal:

1. when the judicial or other proceeding relates to activities arising from the duties of the volunteer fire officer or firefighter; and
2. the volunteer fire officer or firefighter is not involved in any criminal activity or is the subject of or is personally charged with a violation of any section of law, rule or regulation being investigated by the court or other tribunal; and
3. the volunteer fire officer or firefighter has not been given immunity by a court or other tribunal in relation to such proceedings; and
4. the volunteer fire officer or firefighter has no financial interest in the outcome of such proceedings; and
5. the volunteer fire officer or firefighter has been issued a subpoena to appear and give testimony in such action or proceeding; and
6. the chief officer has been notified of the volunteer fire officer's or firefighter's receipt of a subpoena.

Such authorization from the chief officer shall not be unreasonably withheld. Failure to obtain such authorization shall not be deemed to excuse a volunteer fire officer or firefighter from complying with a lawfully issued subpoena, but shall not entitle him to the payment of expenses incurred.

The Fire District by resolution may provide for the payment, in the same manner as other claims against the Fire District are audited, allowed and paid, of all actual and necessary expenses of travel, meals and lodging necessarily and reasonably incurred by such volunteer fire officers and firefighters in appearing before a court or other tribunal. Such resolution may also provide for the reimbursement of all actual lost wages necessarily and reasonably incurred by such volunteer fire officers and firefighters, up to a maximum of one hundred (\$100.00) dollars per day. If such travel is by a car owned by the volunteer fire officer or firefighter, they may be paid a reasonable mileage allowance for each mile actually and necessarily traveled by him in appearing before such court or other tribunal. If such claim includes any amount for actual lost wages, a statement by the volunteer fire officer's or firefighter's employer shall be attached. Any claim for such expenses or reimbursement shall have endorsed thereon, or attached thereto, a statement by the chief officer of the Fire District that they were notified of the volunteer fire officer's or firefighter's receipt of a subpoena requiring him to appear and give testimony before a court or other tribunal, such chief officer's authorization therefore and copy of such subpoena.

Reimbursement of Expenses

The Fire District adopts the Receipted Method of income reimbursement.

A full per diem is considered to be dinner the first day, lodging, and breakfast the following day. Incidental expenses such as tips to bellmen, porters, and housekeepers are included in the per diem.

Breakfast on the first day and dinner on the last day will also be reimbursed provided they meet the same requirements for arrival and departure times as for day trips. Only breakfast and dinner are reimbursable meals. Lunch is not a reimbursable expense.

Receipted Method

This method provides reimbursement of actual lodging costs based on the area of assignment, and an allowance for meals. Rate is based on federal rates for the area of the lodging. This is the preferred method utilized by the District.

1. Receipts for lodging are required. IRS maximum per diems apply.

2. Receipts are not required for any meals associated with overnight travel.
3. Meals to be paid are dinner for the first night and breakfast the next morning.
4. Individuals must attach the original lodging receipt to the travel voucher.
5. All taxes are included in the maximum allowances. For out-of-state travel, taxes are not included in the maximum lodging amount, and may be reimbursed.

The GSA should be consulted for applicable rates, at: <https://www.gsa.gov/travel/plan-book/per-diem-rates>

Overriding the GSA

The District may override the GSA limits by up to two-and-one half times for food and hotel limits during times of the year and certain areas in which the GSA is too low to be reasonable or accommodated.

Additional Reimbursements

Meal allowances in extraordinary circumstances that do not meet these requirements may be reimbursed at the discretion of the commissioners.

Breakfast

Individuals will be allowed reimbursement for breakfast if they have to leave at least one hour before their normal work starting time.

ex: regular hours are 9-5, they are entitled if they have to leave before 8.

Dinner

Individuals are allowed reimbursement for dinner if they return at least two hours later than their normal work ending time.

ex: regular hours are 9-5, they are entitled to dinner if they return after 7.

Day Trips

Meals may be reimbursed if time of departure and return meet the requirements discussed earlier, up to the maximum per diem meal allowance for area.

All meal reimbursements not associated with overnight travel, called day trip reimbursements, are considered taxable to the recipient by the IRS.

For breakfast on the first day or dinner on the last day of an overnight trip, travelers may claim the federal per diem allowance for the area of assignment.

Lowest Price Required

All travel must be made by the lowest cost option. If travel by air or vehicle is the cheapest option, and a more expensive option is chosen, only the lowest reimbursement method will be paid.

Plane Travel

The lowest cost airfare and seating must be utilized. If higher priced seating is used, the maximum reimbursement will be the amount of the lowest cost airfare and seating. Fairs from taxis or busses, and parking, may be reimbursed to get to and from plane and point of destination. Persons that cancel a trip without a legitimate and unavoidable reason are required to obtain a refund or repay the expenses associated with the trip.

Cash Advances

A cash advance may be provided to travelers who are in travel status for at least one day. The advance = number of days of travel x per diem rate for that area.

If lodging is paid by another method, the amount of the advance will only be the meal rate for that area multiplied by the number of days. The maximum amount that may be advanced at one time is \$400. Travel out of state permits advances to be made in advance of \$400. Receipts must be provided to the Treasurer upon return accounting for the expenditure of all of the cash advances or expenses.

Non-Reimbursable Travel Expenses

1. Personal grooming services, such as barbers, hairdressers and shoeshines
2. Car rental insurance purchased for domestic travel

3. Childcare
4. Corporate card delinquency fees or finance charges
5. Dues in private clubs
6. Frequent flier and other similar awards for hotel and car rentals
7. Gym and recreational fees, including massages and saunas
8. In-room movies
9. Insurance costs such as life insurance, flight insurance, personal automobile insurance and baggage insurance
10. Laundry or valet service for travel of fewer than five days
11. Lost baggage
12. Loss or theft of cash advance money, airline tickets, personal funds or property
13. "No-show" charges for hotel and car service
14. Parking tickets or traffic violations
15. Personal automobile repairs
16. Personal credit card annual fees
17. Personal telephone charges in excess of reasonable calls home, generally one per day
18. Pet care
19. Upgrades (air, hotel, car, etc.)

Income Tax

Amounts paid to persons to reimburse them for substantiated business expenses are not subject to income tax or employment tax, unless the reimbursements exceed the federal amounts permitted for such reimbursement.

WEBSITES MAINTAINED BY THE FIRE DISTRICT

The Fire District is authorized to maintain a website for the primary purpose of providing the public with an additional means to obtain information on the Fire District's affairs, elections and other events. The following laws govern the maintenance of a website by a Fire District.

The Public Officers Law

The Public Officers Law and several other laws require posting certain documents on websites if they exist. The legislative history of Public Officers Law § 103(e) provides in part:

1. "Requiring the records to be posted on the agency's website will make it easier and more convenient for citizens to access them, and will reduce the cost and time required to fulfill multiple requests for the same documents."
2. "The goal of the open meetings law is to increase government transparency and citizen participation in the governmental process. In many instances, however, a public body covered by the open meetings law conducts a discussion of a record that was not made available to the public prior to or at the meeting, making it impossible for members of the public to participate in the proceedings in a meaningful way."

Public Officers Law § 84 provides in part that "...The people's right to know the process of governmental decision-making and to review the documents and statistics leading to determinations is basic to our society." It further provides that "...government is the public's business and that the public, individually and collectively...should have access to the records of government in accordance with the provisions of this article."

Public Officers Law § 87(1)(b) provides that "Each agency shall promulgate rules and regulations, in conformity with this article ..., and pursuant to such general rules and regulations as may be promulgated by the committee on open government ..., pertaining to the availability of records and procedures to be followed,..." Section 87(2) "Each agency shall, in accordance with its published rules, make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that: ..." Section 100 instructs that the purpose of the Open Meetings Law is to ensure that "...public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy."

Public Officers Law § 103(a) requires that "[e]very meeting of a public body ... be open to the general public". Section 102[2] defines "public body" as: "any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or district thereof."

“Public Officers Law § 103(e) provides that agency records need to be available to the public pursuant to FOIL, which include any proposed resolution, regulation, policy or any amendment ... scheduled to be discussed by a public body at an open meeting. These records must be available no less than twenty-four hours prior to the meeting at which they shall be discussed. Such records “shall be made available upon request to the extent practicable as determined by the agency or the district, prior to or at the meeting during which the records will be discussed” and if the agency maintains a website and uses a high-speed internet connection; then the documents **must be posted on the website** to the extent practicable as determined by the agency or the district, at least twenty-four hours prior to the meeting.

Fire districts are not required to establish websites (unless they choose to utilize video conferencing), but if they do so with a high-speed internet connection, it must contain certain information. The fire district is not required to spend extra money to accomplish compliance with Public Officers Law § 103(e).

The following documents need to be posted regularly and currently on the website:

1. agendas, all meeting minutes, resolutions, meeting notices, proposed resolutions and proposed policies;

Note that minutes of regular meetings are required to be posted within two weeks of the meeting and that minutes of executive sessions must be posted within one week (if notes were taken).²

2. hearing & election notices, permissive ref. abstracts;
3. financial records (budgets, audits, monthly abstracts);
4. “[a]gency records available to the public pursuant to FOIL” (see below); and
5. public voting requirements.

The Freedom of Information Law

Under the Freedom of Information Law, a fire district is required to maintain a reasonably detailed current list by subject matter of all records in the possession of the agency.³ The fire district must update its subject matter list annually and the date of the most recent update must be conspicuously indicated on the website.

² Public Officers Law § 106 (3)

³ Public Officers Law § 87 (3)

The Freedom of Information Law requires that the District/District must have policies for making records available for public inspection. These policies need to be published on a website if one exists. Policies pertaining to the availability of records and procedures to be followed, including, but not limited to:

1. the times and places such records are available;
2. the persons from whom such records may be obtained, and
3. the fees for copies of records which shall not exceed twenty-five cents per photocopy not in excess of nine inches by fourteen inches, or the actual cost of reproducing any other record, except when a different fee is otherwise prescribed by statute.

Fire district election and meeting laws

If the fire district maintains a website, it also must post:

1. Notice of elections and special elections no less than 15 days and up to 20 days prior to an election/special election and keep the post online until the election.⁴
2. Notice of meetings and special meetings in accordance with the Open Meetings Law (usually more than 72 hours in advance)
3. Abstracts of permissive referendums

Miscellaneous posting requirements

1. Copy of the proposed and final budgets of the fire district.⁵
2. Notice that the fire district intends to alter the boundaries of the fire district.⁶

WEBSITE PRIVACY POLICY

The following policy is adopted and shall be posted on the District's website.

The fire district/district hereby adopts and maintains an internet privacy policy. This policy addresses generally:

1. what personal information is collected;

⁴ Town Law § 175-c

⁵ Town Law § 181

⁶ Town Law § 172-a

2. how information is stored;
3. if cookies are placed on your computer; and
4. how the information will be disclosed if requested.

The Policy stated on the website shall state:

Thank you for visiting the Fire District's Web site. This Web site is designed to make it easier and more efficient for individuals and businesses to interact with the Fire District. The Fire District recognizes it is critical for individuals and businesses to be confident their privacy is protected when they visit the Fire District's Web site.

Consistent with the provisions of New York's Internet Security and Privacy Act, Freedom of Information Law and Personal Privacy Protection Law, and applicable federal laws, this policy describes the Fire District's privacy practices regarding information collected from users of this Web site. This policy describes what information is collected and how that information is used. When you link from the Fire District's Web site, please refer to the linked site's own privacy policy before you volunteer any personal information.

For purposes of this policy, "personal information" means any information concerning a person that, because of name, number, symbol, mark, or other identifier, can be used to identify that person.

Information Collected Automatically When You Visit This Web Site

When you visit this Web site, the Fire District may automatically collect and store the following non-personal information about your visit:

- The Internet Protocol Address and domain name used, but not the e-mail address. The Internet Protocol Address is a numerical identifier assigned either to your Internet service provider or directly to your computer;
- The type of browser and operating system you used;
- The date and time you visited this site;
- The Web pages or services you accessed at this site;
- The Web site you visited before coming to this site;
- The Web site you visit as you leave this site;
- If you downloaded a file, the file that was downloaded; and
- Any server error messages you may receive while using our site.

The information that is collected automatically is used to improve this Web site's content and to help the Fire District understand how users are interacting with the Web site. This information is

collected for statistical analysis, to determine what information is of most and least interest to our users, and to make it easier to use the material on the Web site. The information is not collected for commercial marketing purposes and the Fire District does not sell or disclose this information for commercial marketing purposes.

Cookies

Cookies are simple text files stored on your Web browser to distinguish among users of this Web site. The use of cookies is a standard practice among Internet Web sites. To better serve you, we use "session cookies" to enhance or customize your visit to this Web site. Session cookies can be created automatically on the device you use to access the Fire District's Web site. These session cookies do not contain personal information and do not compromise your privacy or security. We may use the cookie feature to store a randomly generated identifying tag on the device you use to access this Web site. A session cookie is erased during operation of your browser or when your browser is closed.

The software and hardware you use to access the Fire District's Web site allows you to refuse new cookies or delete existing cookies. Refusing or deleting these cookies may limit your ability to take advantage of some features of this Web site.

Information and Choice

As noted below, the Fire District does not collect any personal information about you during your visit to this Web site unless you voluntarily provide that information by sending an e-mail or conducting an online transaction. If you choose not to participate in these activities, your ability to receive specific services or products through this Web site may be limited, but it will not prevent you from requesting some of our services by other means, nor will it affect your ability to take advantage of other features of the Web site, including browsing or downloading publicly available information.

The New York State Internet Security and Privacy Act

The collection of information through this Web site and the disclosure of that information are subject to the provisions of the state's Internet Security and Privacy Act. the Fire District will collect or disclose personal information through this Web site only if you have consented to the collection or disclosure of personal information. By using the Fire District's Web Site, you give the Fire District permission to collect, use and disclose the information you voluntarily provide.

However, the Fire District may collect or disclose personal information without user consent if the collection or disclosure is: (1) necessary to perform the statutory duties of the Fire District, or necessary for the Fire District to operate a program authorized by law, or authorized by state or federal statute or regulation; (2) made pursuant to a court order or by law; (3) for the purpose of validating the identity of the user; or (4) of information to be used solely for statistical purposes that is in a form that cannot be used to identify any particular person.

The Fire District may disclose personal information to federal or state law enforcement authorities, or use this personal information to enforce the Fire District's rights against unauthorized access or attempted unauthorized access to the Fire District's information technology assets.

Information Collected When You E-mail This Web Site

During your visit to this Web site you may send an e-mail to the Fire District. Your e-mail address and the contents of your message will be collected. The information collected is not limited to text characters and may include audio, video, and graphic information formats included in the message. Your e-mail address and the information included in your message will be used to respond to you, to address issues you identify, to improve this Web site, or to forward your message to another state agency for appropriate action. Your e-mail address is not collected for commercial purposes and the Fire District does not sell or disclose your e-mail address for commercial purposes.

Access to and Correction of Personal Information Collected Through This Web Site

Any user may request the Fire District's privacy compliance officer to determine if personal information pertaining to that user has been collected through this Web site. Request shall be made in writing to the address below and must be accompanied by reasonable proof of identity of the user. Reasonable proof of identity may include verification of a signature, inclusion of an identifier generally known only to the user, or similar appropriate identification.

The privacy compliance officer shall, within five (5) business days of the date of the receipt of a proper request: (i) provide access to the personal information; (ii) deny access in writing, explaining the reasons therefore; or (iii) acknowledge the receipt of the request in writing, stating the approximate date when the request will be granted or denied, which date shall not be more than thirty (30) days from the date of the acknowledgment.

If the Fire District has collected personal information pertaining to a user through the state agency Web site and that information is to be provided to the user pursuant to the user's request, the privacy compliance officer shall inform the user of his or her right to request that the personal information be amended or corrected under the procedures set forth in Section 95 of the Public Officers Law.

Disclaimer

The information provided in this privacy policy should not be construed as giving business, legal, or other advice, or warranting as fail proof, the security of information provided through this Web site.

MEMBER CONDUCT POLICIES

DEFINITIONS

In these policies, the word “District” shall refer to the Fire Company of the District.

ANTI-BULLYING

“Bullying” is unwanted, aggressive behavior among individuals that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Bullying includes actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose with the only intent to be to harm them emotionally.

“Bullying” or “harassment” is any gesture or written, verbal, graphic, or physical act that is reasonably perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress and may be motivated either by bias or prejudice based upon any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic, or is based upon association with another person who has or is perceived to have any distinguishing characteristic. Bullying and harassment also include forms of retaliation against individuals who report or cooperate in an investigation under this policy.

Cyberbullying is bullying that takes place using electronic technology. Examples of cyberbullying include mean text messages or emails, rumors sent by email or posted on social networking sites, and embarrassing pictures, videos, websites, or fake profiles.

POLICY

The Fire District hereby prohibits bullying of any type, as defined above, or as otherwise may be reasonably defined. Bullying shall not be permitted between any members of the Fire District, whether on or off duty. Cyberbullying is similarly prohibited.

Any person engaging in bullying shall be subject to no less than a three-month suspension, but may be terminated from membership.

Additionally, persons who stand-by and watch bullying, without attempting to cease the conduct, may also be disciplined, as the “ganging up” perception is part of bullying. Participating in or watching bullying is also prohibited.

ANTI-HAZING

Hazing is the ritualistic initiation of an individual into a group through harassment, abuse or humiliation. The District recognizes that there are some activities which assist with bonding of the members in the District, but hazing is not one of them.

The Fire District and its members shall not engage in any activity constituting hazing. No person shall be part of conducting, participating in, watching or receiving hazing.

HARMFUL PRANKS

Harmful pranks are individual instances of embarrassing, humiliating, tricking, deceiving or otherwise mentally harming others through various actions. Pranks conducted with the intent of causing any emotional or physical harm to any individual are strictly prohibited.

REPORTING

Any person aware of bullying, hazing or prohibited pranks, whether to themselves or to others, shall immediately report the conduct or perceived conduct to the Chief or to the Board of Fire Commissioners. No person may be retaliated against for reporting. Reports may be made confidentially if desired, but these reports are not preferred as they prohibit thorough investigations.

At a minimum, the Complainant should provide the following information, in writing:

Name of Accuser:

Name of Accused:

Witnesses:

Date of incident:

Location(s) of Incident(s):

Description of Incident(s):

Why do you believe that you have been subject to bullying, hazing or prohibited pranking?

ALCOHOLIC BEVERAGES (PROVISION OF)

Alcohol shall not be stored in any firehouse.

Alcohol is not permitted in the firehouse(s) except with express permission of the Board of Fire Commissioners.

Any deviation from or violation of these rules may result in discipline, including and up to termination.

No alcoholic beverages are to be paid for by the District. All alcohol is to be paid for by the Fire Company.

Under no circumstances does the ability to serve or consume alcohol on any occasion relieve the active members of the District from compliance with the Zero Tolerance Policy. No person who shows any signs of alcohol impairment may operate any vehicles or participate in any on-duty fire activity.

No alcoholic beverages may be opened or consumed in any vehicle.

No alcohol may be sold to the public or to any member of the District, except through use of a caterer with state authority to do so and with specific permission of the Board of Fire Commissioners.

No person under the legal drinking age may consume or possess alcohol. No person under 21 years of age shall be left alone in a room with any access to alcohol. "Alone" shall mean without the presence of at least one adult who is at least 21 years of age. Alcohol must be locked when not being served.

Alcohol may be served at District picnics, holiday parties or other annual events for Fire Company members and families only, except that the District may permit guests to be served upon request. An admission fee may not be charged.

At no event may any person consume or be served alcohol who is intoxicated.

No alcoholic beverages may be dispensed through any vending machine and all alcoholic beverages must be locked and secured in a manner so as to permit any person who is under 21 years of age from consuming alcohol.

All service of alcoholic beverages, either within the District or at any fundraising event of the District, must be supervised by an active member of the District who is at least 21 years of age and who has attended and successfully completed a program dealing with the supervision of alcoholic beverages, such as the TIPS program. Such supervision shall utilize all of the recommendations concerning observations for intoxication, ages of persons being served and quantity of alcohol being consumed by individuals.

Alcohol shall not be consumed by members before or during parades but may be consumed after the parade. Any person holding any container of alcohol shall remove all District identification. The vehicle operators may never consume alcohol, including after the parade. If alcohol is consumed by any member after a parade and the member will return to the station in a fire vehicle, the vehicle must be placed out of service. No vehicle which is available to respond to an emergency during a parade will have any member on the vehicle who has consumed alcohol.

No standby crew may be served, possess or consume alcohol.

Any person serving alcohol to a person under 21 years of age or permitting possession shall be immediately terminated from membership.

ANTI-DISCRIMINATION

No applicant shall be rejected due to gender, race, sexual preference, ethnicity or religion, military status, sex, sexual orientation, gender identification or for being a victim of domestic abuse or sexual assault (hereinafter “protected criteria”).

The Fire District shall not discriminate against any person who is otherwise qualified to perform the duties of an operational position and shall not consider any of the protected criteria as factor against hiring or promotion.

The Fire District shall not tolerate the discrimination of any person by the Fire District or its members and will discipline an individual for engaging in discriminatory conduct, up to and including termination.

All promotions will be based upon experience, qualifications, education and other relevant criteria but shall never be based upon any of the protected criteria above.

No decision on any topic of hiring, promotion, benefits or discipline will be based upon any claim of discrimination made in good faith.

No individual shall ever be retaliated against based upon any protected criteria above.

APPLICATION FOR MEMBERSHIP & MEMBERSHIP

Applications for membership shall only be considered as they are submitted.

Applications are submitted to the district and not each company.

Active Membership is not automatic. There is nothing that requires the acceptance of any applicant, but no applicant shall be rejected due to sex, gender identification, race, sexual preference/orientation, military status, familial status, ethnicity, religion or status as a victim of domestic violence. All active members must be at least sixteen (16) years of age. They must be of good moral character and be able to meet any other qualifications as stated in these bylaws or policies. They must be able to speak and understand the English language such that they can receive and follow orders and gather information from the public. Persons sixteen are to be exterior firefighters only. Additional restrictions may be imposed upon persons less than eighteen (18) years of age.

A person who has been convicted of or pleas to arson in any degree or attempted arson in any degree shall not be entitled to apply for or maintain membership of any category. A certificate of relief of disabilities will not relieve this prohibition. The additional crimes listed below have been evaluated to determine whether they comport with firefighting and emergency medical services and the District has determined as follows:

- A. A person who has been convicted of or pleaded to any felony shall not be entitled to apply for membership for ten (10) years from the date of the conviction or plea.
- B. A person who has been convicted of or pled to a misdemeanor involving violence, assault, theft, burglary or fraud, shall not be entitled to apply for membership until the passage of five (5) years from the date of the conviction or plea or from the end of probation, whichever is later.
- C. No person convicted of or who has pleaded to any level crime stated in Article 130 of the New York State Penal Law (sexual based offenses) may apply for membership if they were over twenty-five (25) years of age at the time of the offense. Persons who were less than twenty-five (25) years of age at the time of the offense and were convicted of a misdemeanor may apply ten (10) years after the date of the conviction.
- D. A member of the District who is convicted or pleas to any felony automatically shall be dropped from the rolls without due process.

- E. A member of the District who is convicted or pleads to a misdemeanor involving assault, theft, burglary or fraud, or any misdemeanor level crime stated in Article 130 of the New York State Penal law, shall be terminated for membership without due process and may not reapply for three (3) years from the date of the conviction or plea.
- F. Any member of the District who is convicted of or who pleads to arson or attempted arson in any degree automatically shall be terminated and shall not be permitted to reapply regardless of receiving a Certificate of Relief from Disabilities.

No applicant shall perform any task in the Fire District or Fire Company until such person is approved by the District as an Active Member. This includes, but is not limited to responding to emergencies, training, drills, meetings, fundraising and any other activity which would otherwise be covered by the Volunteer Firefighters Benefit Law.

Applicants shall complete an application approved by the District. The Fire Company shall interview the applicant. Applicants may be required to submit to interviews before the Board of Fire Commissioners and may be required to submit additional information. The District, if it so chooses, may require its own application for membership in addition to that of the Fire Company.

Once approved by the Fire Company, the name and application of the member shall be turned over to the District's Secretary. The District secretary shall bring the name and qualifications to the Board of Fire Commissioners for consideration at the next meeting. See also the "Residency" policy.

Applicants, if approved by the Fire Company and the District, shall be approved "contingent" upon a successful arson background check and a successful evaluation of their physical and mental abilities. Applicants must be able to meet the physical and mental fitness policies.

The Fire Company may impose a probationary period for the applicant, though the District shall only view the individual as an Active Member, regardless of probationary status. The Fire Company may impose requirements in order to be granted full membership status. The member shall be admitted (or rejected) under the bylaws of the Fire Company.

After the individual is accepted by the District, they shall be required to provide a copy of their driver's license, if any.

All members must enroll prior to their first anniversary date and subsequently complete the New York State course in Firefighter 1 (or equivalent) before their second membership anniversary date.

The operational classification of members, based on physical examination results, shall be as follows: no more than fifty (50) interior firefighters and fifty (50) exterior firefighters. Existing members can be classified into an exterior role if the interior roles are filled. A new candidate for membership who is classified as an exterior firefighter may not be accepted if the operational category exceeds its limits.

The Fire Company shall notify the District immediately of any change of status of any Active Member, including but not limited to terminations, suspensions, leaves of absence, and resignations.

CHIEF AND LINE OFFICER QUALIFICATIONS

The District's Officers shall consist of a:

1. Chief
2. Assistant Chiefs (up to two)

QUALIFICATIONS FOR LINE OFFICERS

1. All Chief officers shall have been qualified as an interior firefighter for at least five (5) years but need not remain qualified. Chief officers need not remain interior qualified to serve as a Chief officer.
2. All Chief officers must have completed at least twenty-four (24) hours of training in Hazardous Materials Incident Command.
3. Lieutenants must have been in this District as an interior firefighter for at least one (1) year. Lieutenant candidates must have completed at least three or half (whichever is greater) of the Fire Officer 1 modules.
4. Captains must have served as a Lieutenant in this District for at least one (1) full term. Captains must have completed Fire Officer 1 in order to be eligible to run.
5. Assistant Chiefs must have served as a Captain for at least one (1) full term. Assistant Chiefs must have completed Fire Officer 2 in order to be eligible to run.
6. The Chief must have served as an Assistant Chief for at least one (1) full term.
7. If a member has served in another Fire District as an officer, they may run for a position one lower than the one in which they served, so long as they are otherwise qualified.
8. All lieutenants and captains must have completed ICS-200.
9. All Chief officers must have completed ICS-300.
10. All Chief officers must have completed at least twenty-four (24) hours of hazardous materials incident command training.
11. All interior firefighters must have at least Firefighter 1 or the equivalents at the time of their training.

CHIEF NOMINATION AND ELECTION PROCEDURE

1. Fire District nominations/elections for the Chief level positions are governed by Town Law § 176(11). The Chief elections shall be held on the First Thursday of December.
2. No later than November 14, a Nominating Committee shall announce and solicit interested members for the positions of Chief and Assistant Chief. Any qualified individual shall be placed on a ballot for the December election.
3. All votes shall be held by secret ballot with one chief elected at a time.
4. In no event shall an individual be nominated who has not received a majority of the votes actually cast (not including abstentions).
5. In the event there is only one candidate for an office, they automatically shall be elected.
6. All persons nominated shall be presented by the District Secretary to the District's Secretary. The Board of Fire Commissioners shall then consider the nominations at its next meeting and elect/appoint such persons as were nominated or reject them. Under no circumstances may the Board of Fire Commissioners ever appoint someone who has not been nominated by the District.
7. Should any of the Chief nominations be rejected by the Board of Fire Commissioners, the District shall, within fifteen (15) days, hold a new vote to replace the individual(s) not accepted. The individual not accepted may not run again for the position for which they were not accepted.

DUTIES OF CHIEFS

The Chief shall, under the direction of the Board of Fire Commissioners, have exclusive control of the members of the Fire District at all alarms of fire, EMS or emergency, inspections, reviews, in quarters, and other occasions when the Fire District is on duty or parade; they shall have supervision of all apparatus and of all Fire District equipment used for the prevention and extinguishment of fire, first aid and rescue equipment, and of all officers and employees of the Fire District. The Chief shall see that the Rules and Regulations of the Board of Fire Commissioners are observed and adhered to and that the orders of the Board of Fire Commissioners are duly executed.

The Chief shall attend all regular meetings of the Board of Fire Commissioners and special meetings of the Board upon request. If the Chief is not available to attend, the Chief shall ensure that an Assistant Chief is present and is prepared to provide a report and answer questions on current issues.

The Chief shall, whenever required by the Board of Fire Commissioners, report to said Board, the condition of the property of the Leicester-Cuylerville Fire District and such information as may be required of him or her. The Chief shall hold the members, officers and employees of the Fire District strictly to account for neglect of duty and may suspend them for improper conduct, subject to the actions of the Board of Fire Commissioners at its next regular meeting.

In case of the disability or absence of the Chief, the First Assistant Chief, and in case of the disability or absence of both the Chief and First Assistant Chief, the Second Assistant Chief, and/or Senior Officer, or temporarily appointed acting Assistant Chief, shall perform the duties and exercise the power of the Chief, with exception to suspend. When the Fire District is on duty, no member of the Board of Fire Commissioners shall interfere with the duties of the Chief, Assistant Chiefs, of the Officer-in-Charge.

The Chief shall keep the public and community up to date on fire prevention techniques or any matters pertaining to fire detection and different types of extinguishments.

The Chief shall make every effort to attend all alarms and direct the officers and members in the performance of their duties. It is the Chief's responsibility to ensure that each member is provided with the required number of OSHA training hours each year.

It shall be the responsibility of the Chief to carefully investigate every fire to try to determine its causes; in any case were suspicious or incendiary, to contact the proper investigative authority.

The Chief is responsible for approval of all driving tests and required courses recommended to the Chief by the Chief Driver.

The Chief is responsible to ensure that all fire apparatus is properly tested each year, including the hose, ladders, aerials, pumps and hydraulics and hydraulic equipment on all vehicles.

INVESTIGATION

All complaints will be investigated by an impartial investigator, appointed by the Chief or a designee from the Chief or the Board of Fire Commissioners. All persons who are the subject of a complaint will be presumed innocent.

All investigations will be performed without bias to the accuser or accused, quickly but thoroughly, and fairly. No one will be permitted to investigate any complaint who is a:

1. Witness;
2. accused party;
3. a potential arbiter (ex: Director);
4. a family member of the accused or accuser;
5. an obviously biased individual towards the accused or accuser.

No person participating in an investigation shall be subject to retaliation.

When possible, allegations which could constitute a crime will be referred to and investigated by law enforcement. However, the District is not prohibited from performing its own investigation when appropriate.

Investigations are not confidential but the investigator shall keep as much of the information as private as possible.

The rules of the investigation, generally, are as follows:

1. all Complaints will be investigated promptly;
2. all Complaints must be documented by the Complainant in writing;
3. all Complaints will be investigated in a similar manner, consistent with this Policy;
4. findings of the Investigation shall not be shared with the Board of Fire Commissioners, so as to avoid creating any bias. Instead, the results will be shared with District Manager or another individual appropriate to determine if written charges should be instituted;
5. files, documents and other evidence must be preserved and not destroyed or altered;
6. the personnel files of the accused will be examined for prior conduct;

7. all persons involved will be advised that they cannot retaliate against any participating individual, including the Complainant and the Accused;
8. no accusations will be made prior to a formal, written complaint being issued, if at all;
9. guilt will never be presumed;
10. bias will not interfere with the investigation;
11. the investigation and its progress will not be shared with anyone until appropriate.

The order of investigation should be as follows:

1. obtain a written statement from the Complainant;
2. meet with the Complainant to obtain additional information and to clarify any statements;
3. obtain a list of witnesses and exhibits and ensure that persons in possession thereof are instructed to maintain the integrity of such items;
4. request a written statement from the Accused;
5. request written statements from witnesses;
6. meet with the Accused to obtain additional information and to clarify any statements;
7. interview witnesses and review exhibits.

While questioning the parties and witnesses, the Investigator should obtain a list of witnesses, exhibits, exculpatory or accusatory evidence and alibis. The Investigator, to the extent possible, shall maintain complete notes of each person interviewed and document examined, including the time, date and place of an interview, any statements made (not interpretations of statements) and other relevant facts.

“Weingarten” Rules.

Although volunteers and non-union employees are not entitled to representation during an interview, this Policy shall constitute notice to the volunteer or non-union employee who is being investigated that they may request and appear with another individual to assist them in their interview. The District shall have no further obligation to notify a volunteer of this Policy.

An investigatory interview is one in which a supervisor or other ranking individual questions an individual to obtain information which could be used as a basis for discipline or asks a volunteer or non-union employee to defend his/her conduct. If a volunteer or non-union employee has a reasonable belief that discipline or discharge may result from what s/he says, the volunteer /non-union employee may request representation.

The individual being investigated may not avoid questioning simply because they have the option to bring representation. Once a request for representation is made, the Investigator should:

1. grant the request and delay the interview for only so much time is as reasonable for the individual to obtain representation. An example of a reasonable time frame is 1-2 days at most;
2. deny the request and terminate the interview;
3. provide the individual being investigated with the choice of going forward without representation or terminating the interview.

The “representative” may:

1. be informed by the Investigator of the subject matter of the interview;
2. take the individual aside for a private conference before questioning begins;
3. speak during the interview;
4. request that the Investigator clarify a question so that what is being asked is understood;
5. give employee advice on how to answer a question;
6. provide additional information to the supervisor at the end of the questioning.

Note that in the following instances, representation need never be made available:

1. the meeting is merely for the purpose of conveying work instructions, training, or communicating needed corrections in the individual's work techniques;
2. the individual is assured by the Investigator prior to the interview that no discipline or negative consequences can result from the interview;

3. the Investigator has reached a final decision to impose certain discipline on the individual prior to the interview, and the purpose of the interview is to inform the individual of the discipline or to impose it;
4. the meeting is merely for the purpose of conveying work instructions, training, or communicating needed corrections in the employee's work techniques;
5. the individual is assured by the Investigator prior to the interview that no discipline or negative consequences can result from the interview; and
6. the District has reached a final decision to impose certain discipline on the individual prior to the interview, and the purpose of the interview is to inform the individual of the discipline or to impose it.

“Garrity Warnings”

No volunteer or employee may be forced to admit to a crime as a precondition to avoiding discipline, even if the questioning asks about the commission of a crime.

DISCIPLINARY PROCEDURES

This policy shall govern the removal and suspension of a volunteer member or officer of the Fire District. This procedure shall be in addition to and not in place of any action the District may take pursuant to its own bylaws.

Such officers and members of the district shall not be removed by the Fire District from office, or membership, as the case may be, by such authorities or by any other officer or body, except for incompetence or misconduct.

Removal from an operational assignment is not misconduct. No member has any right to any operational assignment.

Misconduct. Misconduct shall be defined to include, but not be limited to:

1. insubordination;
2. failing or refusing to obey the rules of the District or District;
3. failing or refusing to obey the policies of the District or District;
4. refusing an order of the commissioners directly or as issued by a chief;
5. failing to carry out the duties of office or membership;
6. acting in a manner that brings disgrace upon the District or District;
7. conduct unbecoming a member of the District or District which can be attributed to the individual as a member of the District or District;
8. plea to or conviction to any felony while a member;
9. plea or conviction to any misdemeanor, while a member, involving the following:
 - A. violence;
 - B. sex;
 - C. larceny, theft or fraud;
 - D. child endangerment;
 - E. DWI or DUI
10. Engaging in harassing conduct of any nature of another volunteer or officer.

Incompetence. Incompetence shall include:

1. a proven inability to perform the role of an officer or member;
2. the physical or mental inability to perform the role of an officer or member;
3. gross negligence in the performance of their duties as a member or officer on one occasion which is not correctable through training;
4. negligence in the performance of their duties as a member or officer on more than one occasion which is not correctable through training;
5. a demonstrated unwillingness to improve competence through training;

Absenteeism

The Chief may remove persons for absenteeism without a hearing or other due process, though the District may reverse such decision if it desires. Absenteeism shall be defined as the failure to meet the attendance, drill and training requirements in the District.

Arson or attempted arson

Any member convicted of or pleas to Arson or Attempted arson in any degree shall immediately be terminated from membership.

Temporary suspension. The Chief of the District shall hold the members or officers of the Fire District strictly to account for neglect of duty and may suspend them for improper conduct, subject to the action of the Board of Fire Commissioners at its next meeting. At the meeting of the Board, the Board may vote to overturn the suspension or to continue the suspension up to one year, or to seek dismissal of the member or officer. If the Board of Fire Commissioners desires to impose a longer suspension of up to one year, the Board may initiate such proceedings on its own motion.

Suspended Member Restrictions. Members who are suspended may not, for the entire period of the suspension, attend any District or district function other than is related to the affiliated hearing or investigation. Suspended members shall not in any way identify themselves as being affiliated with the district, such as by wearing insignia or other marked clothing. Such members may not be present on District's property or in its vehicles. No benefits or privileges of members may be exercised. Any violation of this rule shall permit the Board to continue the suspension for an appropriate period of time, up to an additional two months. Nothing shall prohibit a suspended

member from exercising any rights available to him as a member of the public as if they were not a member.

Hearing panel. Either the fire commissioners as a body, a hearing officer appointed by the commissioners, or a hearing panel appointed by the commissioners, shall serve as the fact-finding panel. The notice of the hearing should identify whether the Board or a panel shall run the hearing but it need not state the name of the hearing officer or panel. The commissioners, officer or panel shall make a written record as to their findings of fact. No person that has particular knowledge of material disputed facts to the event(s) in question shall serve on the Board of Fire Commissioners for this purpose or on a hearing panel.

Notice of Charges. The Chair of the Fire District, or their designee, shall provide the member with the notice of charges which provides all charges alleged with specific dates. The charges shall specifically state the charges and the specific conduct in question, as well as any specific rule violated if applicable. The notice and a copy of the charges shall be served personally. Such notice shall provide the member with at least ten (10) days and no more than thirty (30) days' notice of an administrative hearing. The member shall be advised that it is permitted to submit a written response at any time before the hearing. The notice shall also state the time and place of the hearing, and shall advise that the member may be represented by counsel. The notice shall also state the name of the hearing panel members. If there is a hearing panel and not a hearing officer and not the Board of Fire Commissioners, the member shall be afforded four days from receipt of the notice to object to the members of the hearing panel, but the only reasonable objection is that a member of the committee is biased or was a witness. Upon receiving an appropriate objection which the Chair deems reasonable, a new member may be added to a hearing panel or the individual will be removed from the decision-making body of the commissioners. There must be at least three remaining commissioners to vote on the discipline.

The hearing. There may be a prosecutor or officer charged with proving the charges. If no such position is filled, the commissioners or hearing panel will simply run the hearing. At a hearing, the member will be permitted to present a defense to the charges. The board or hearing panel will determine what the facts of the incident(s) are and will render a statement of facts for each charge. The member may present proof that could serve to mitigate any punishment if they desire. A stenographer may be employed to record the hearing if the board, hearing panel or member/officer desires the same.

The decision. The Commissioners shall decide the facts of the matter if no hearing panel was used, and shall impose a suitable punishment that bears a rational relation to the offense. If an officer or hearing panel heard the facts of the matter, the record of the hearing shall be referred to the commissioners for review within ninety days from the close of such hearing along recommendations for or against punishment. The commissioners need only consider the

recommendations but need not adopt them. The commissioners must adopt the statement of facts, however. No commissioner that was a witness to the material events in question shall vote on this matter or have a voice in the matter. There must be at least three commissioners voting in favor of any punishment to impose a punishment.

Suitable Punishment. A member or officer may be suspended up to but no longer than one year. An officer may be removed from the officer position for the remainder of the term. A member may be removed from membership.

Appeal of the hearing. A member shall have the right to appeal the hearing in the time permitted and under the procedure permitted by Article 78 of the Civil Practice Laws and Rules (CPLR).

IMPAIRMENT POLICY

Definitions:

“Active Member” shall mean an active volunteer firefighter performing in any operational capacity with the Fire District, or Fire Company who is cleared to perform such duties.

“Employee” is an individual actually employed by the District for pay.

“Person” is a term which encompasses both “Active Members” and “Employees.”

“Controlled Substance” is any substance listed with the United States District of Justice as a controlled substance: see: <https://www.deadiversion.usdoj.gov/schedules>

“Impaired” means that the individual cannot meet the physical or mental fitness requirements for their job or perform such requirements safely or that performance while impaired would place the individual or another individual or a member of the public at risk of harm. Impaired also means that the individual is lacking or having diminished capacity to perform the required cognitive, analytical, physical, mental or other functions required of the job duties or causes the individual the need for extra time or focus in order to obtain such capacity, when the time to do so is not available and may not be extended.

“Covered Activity” is any activity which is performed as an employee or volunteer of the District, or for which the employee would seek workers’ compensation if injured or the volunteer would seek VFBL if injured, or where the person represents themselves as acting on behalf of the District.

“Off-duty use” shall mean the ingestion, inhalation or other consumption or use of a THC containing product which does not continue to have any effect upon the person during work hours or VFBL covered hours.

“On-duty use” shall mean the ingestion, inhalation or other consumption or use of a THC containing product which continues to have any effect upon the person during work hours or VFBL covered hours.

THC: Tetrahydrocannabinols

Policy

1. No active member shall perform any activity which is covered by the Volunteer Firefighters Benefit Law while impaired by any legal or illegal drug or substance.

2. Any person required to hold a Commercial Drivers' License as part of their volunteer or employment duties shall not be permitted to use any federally controlled substance at any time.
3. All persons performing their job duties must be able to perform their duties in accordance with all District policies. Active members must be able to perform their duties and job performance requirements as defined in the policies of the District.
4. No person may be present on District property or perform any function as a member or employee while impaired by any legal or illegal drug or substance.
5. No person shall exhibit signs or symptoms of off or on duty use while on duty, or while involved in any activity covered by VFBL, including but not limited to the smell of burnt marijuana/cannabis.
6. Should the District be required by a federal or state grant to implement a "Drug Free Workplace" policy, no legally authorized or utilized THC containing product may be utilized on or off duty by any person.
7. The District does not discriminate against persons who are authorized to utilize a THC containing product or utilize a THC containing product while off duty and at least twenty-four hours prior to any covered activity. The District has determined that it is offering reasonable accommodation to employees in certain job titles for any condition requiring use of a THC containing product by permitting them to cease performing their duties without penalty other than use of paid or unpaid sick leave.
8. No person shall be denied employment/volunteer position or be subject to any disciplinary, punitive or other negative action "solely" because of being authorized for medical marijuana. However, a person authorized for marijuana use must be able to perform the job duties safely, in accordance with all policies, without any impairment. The District will determine whether it is possible to accommodate any individual's authorization and will take various factors into consideration, such as:
 - A. Is the use intermittent such that the individual can be absent from work or avoid performing duties while using;
 - B. Is the use of such a low dose that a physician will certify that the patient cannot potentially be impaired after having used a marijuana product;
 - C. Is the individual's position a safety sensitive position;

- D. Is the use continuous or as needed;
 - E. Are there other medications which can be used during work/duty hours that can be reasonably accommodated?
9. Employees in non-safety sensitive positions who have no set work hours (eg: Secretary/Treasurer and custodian) shall return home and leave work without penalty, but shall make up the hours, should the need to utilize a medically authorized THC containing product during work hours to treat the condition for which the product was authorized.
10. No member or employee shall operate or assist in the operation of a motor vehicle, heavy machinery or equipment, powered equipment, or dangerous equipment while having consumed a THC containing product within twenty-four hours of being on-duty or while on-duty.
11. The District recognizes that New York State has legalized off duty use of products containing Tetrahydrocannabinols. Regardless, the District imposes the following policies specifically related thereto:
- A. No person under the age of twenty-one may utilize a cannabis product containing THC on or off duty.
 - B. Any employee who works fewer than forty hours per week shall leave the property if such individual has used a THC product. The employee shall make up the hours in the same week or the immediately following work week(s), but in no event shall work incur overtime.
 - C. Any active member who is authorized by a physician to utilize a THC containing product and who requires use of the product for the reason authorized during an event covered by VFBL shall immediately cease performing any function or participating in any VFBL covered event and must notify any individual in charge of such event that they are unable to continue.
 - D. Any person impaired such that they are unable to perform their job duties safely, efficiently, correctly and effectively shall not remain on District property.
 - E. Off duty use of a THC containing product is not prohibited so long such use does not constitute or become “on duty” use as defined herein.

- F. Except as mandated by federal laws, federal or state funding requirements, or other legal requirements, no person shall be discriminated against for “off duty” recreational use of a marijuana product.
- G. Unless otherwise permitted by law, the District shall not refuse to hire, employ or license, and shall not discharge from employment or otherwise discriminate against an individual in compensation, promotion or terms, conditions or privileges of employment because of:
 - (1) an individual's legal use of consumable products, including cannabis in accordance with state law, prior to the beginning or after the conclusion of the employee's work hours, and off of the employer's premises and without use of the employer's equipment or other property;
 - (2) an individual's legal recreational activities, including cannabis in accordance with state law, outside work hours, off of the employer's premises & without use of the employer's equipment or other property.

Reasonable suspicion for marijuana and other substances:

- 1. This process shall be in addition to any other drug testing policy or practices of the District.
- 2. Any person who appears to be impaired by a legal or illegal substance shall immediately be removed from any activity which would be prohibited if impaired.
- 3. The individual shall be asked if they are impaired. If the individual admits to being impaired, they may be asked for the cause of their impairment (alcohol, medicine, etc.)
- 4. If the individual does not admit to being impaired but their supervisor continues to believe that they are exhibiting signs of impairment, then the person who is suspected of being impaired shall consent to being recorded on video to capture the reason for the suspicion of impairment. The person who is suspected of being impaired may be asked questions during such recording. The recording shall be maintained by the District as proof of “reasonable suspicion.”
- 5. The District may require any employee who is on duty and suspected of being impaired or any volunteer who is performing a VFBL function who is suspected of being impaired to complete a drug test in accordance with accepted drug screening/testing policies by an accredited laboratory.

6. The refusal by any person listed in this subsection to allow video of the individual or drug testing shall be reason for discipline, up to and including a six-month suspension from work or volunteering, without pay or benefits.

Non-Discrimination and Prohibitions of Impairment

The Fire District does not discriminate against recovering drug users. However, illegal use of controlled substances, narcotics or illegal drugs while on duty or involved in an emergency operation (together “drugs”), or being under the influence of legal or illegal drugs while on duty or involved in an emergency operation presents a danger to the public, other volunteers and the Fire District and its District. Use of drugs or being impaired by drugs while on duty shall constitute misconduct. A person who uses illegal drugs while off duty is not considered honest, as use of drugs impinges upon the integrity of the volunteer or applicant. The Fire District will only accept and continue membership of honest persons. Use of illegal drugs or alcohol while representing that you are available for or responding to a call shall constitute misconduct.

Any firefighter impaired by any drug or pharmaceutical (legal or illegal) while on duty must report such impairment to the supervisor prior to beginning a shift or responding to an emergency or as soon as the impairment begins during the shift or emergency, whichever occurs first. Failure to do so shall be seen as a dishonest attempt to avoid adherence to this policy.

Persons undergoing a drug test must disclose all legally prescribed narcotics and any other illegal drugs which they are using. The failure to disclose the above use and/or prescription is reason for discipline including termination.

Fire District has instituted a drug and alcohol testing procedure, as follows:

1. All prospective volunteers are subject to “pre-employment” drug testing for the presence of illegal substances, as a condition of their approval as volunteers for the Fire District. Any prospective volunteer who tests positive for drug use may request an additional test to confirm the results before being denied membership. The second test shall be paid for by the prospective volunteer.
2. All members shall be subjected to drug testing for illegal substances during the annual (or semi-annual) physical exam.
3. Any Volunteer showing signs or symptoms of drug or alcohol usage while on duty may be requested to submit to a drug or alcohol test. Signs or symptoms include but are not limited to the scent on clothes or breath, unsteady gait, slurred speech, glassy or unfocused eye

contact or grossly inappropriate behavior under the circumstances, or detectable amounts of any such substance in the blood, hair follicle or urine.

4. All volunteers are subject to random drug testing as a condition of their employment. Random may mean on a weekly, monthly or yearly basis, in no specific pattern and at no specific or predictable interval, and with no specific number of persons being tested. Random does not mean that a person who has been actually accused of drug use will be tested as a result of that accusation on a “random” basis. No fewer than five (5) volunteers will be selected at random at least once per year. Persons may be selected more than once, and thus the names of all volunteers will be placed in every lottery. At least three persons shall witness the drawing of the names. The names shall not be revealed until the individual is tested.
5. Any volunteer who refuses to submit to a drug or alcohol test, required under this policy, will be terminated for cause immediately.

Sample collection and drug testing shall be performed under the rules of the agency hired to conduct the drug testing, but in all events a split sample method shall be utilized.

A volunteer shall be presented with the test results and given the opportunity to present an explanation of the test results. A volunteer may request a confirmatory test for illegal drug use (but not alcohol use) before employment is terminated if a first test indicates positive use. However, Fire District may suspend any volunteer initially testing positive while awaiting the outcome of the second test or if no second test is requested, may terminate the volunteer or take other appropriate action. A positive test indicates that the volunteer is currently a user of illegal drugs or alcohol abuser, and such a volunteer is not entitled to the protections which the law may provide to recovering drug users and alcohol abusers.

Any volunteer who refuses a lawful order given by a law enforcement official to submit to any test to determine alcohol intoxication or the influence of illegal drugs, while off duty, may be subject to discipline by Fire District, or reassignment of duties by the Chief of the District or their designee.

EQUIPMENT RETURN

No member of the Fire District shall maintain any item provided to them by the Fire District as a result of being a member of the Fire District, including but not limited to turnout gear, pager, keys, license plates, lights and sirens. Members may maintain personal clothing.

Any member who claims to have lost or has lost any equipment of the Fire District must immediately report the same to the Chief.

Should any member lose any equipment or item which could result in an individual impersonating a member of the Fire District shall both report the missing item to the Chief and shall, within three (3) days of realizing the equipment/item is missing, sign a police report with the local police district. A copy of the police report must be provided to the Secretary of the Fire District.

FIREARMS POLICY

Long guns are never permitted in any firehouse.

Active and retired police officers with authorization to carry a firearm, and persons with valid and current New York State concealed carry permits are authorized to carry a pistol in the firehouse. The firearm must never be displayed except in a properly qualified self-defense situation and except as to secure the firearm in a safe.

With the exception of a police officer or peace officer other than fire police or other peace officers not authorized to carry a firearm, the firearm may not be brought into any room in the firehouse in which alcohol is available or served.

No person is authorized to carry a firearm under their turnout gear, at any time.

Fire Police may never wear a firearm at a scene.

Safes may be provided by the Fire District for use to secure a firearm or an individual may provide their own safe as long as it is secured to a locker. Any person other than a Chief who is responding to a fire/rescue/EMS dispatch must secure the firearm in the safe prior to boarding any fire vehicle or responding to any scene.

Chiefs who are licensed to carry a concealed pistol may install a safe in their vehicle, which must be secured against removal. Chiefs may not carry a firearm into an IDLH environment.

Tampering with the safe shall be immediate cause for termination.

Violation of this policy is cause for discipline including termination. The Board of Fire Commissioners may remove an individual's privilege to bring a firearm into the firehouse for any reason it sees fit.

Fire personnel must remove the firearm for any call which fire turnout gear is required to be donned.

FUNDRAISING EVENTS

General Municipal Law Section 204-a requires that prior to engaging in any fundraising activity, the District must provide written notice to the Fire District. The notice must state that the District plans to conduct a fundraising activity.

Notice must be given to the Fire District secretary. The notice must generally:

1. describe the activity;
2. specify the time or times when, the place where, and the period during which the activity will be conducted;
3. set forth the names of the firefighters who will serve on each of the committees in connection with the activity.

The notice shall be delivered to the secretary of the District. If the District fails to act on the request for approval within thirty (30) days after notice is provided, then approval shall have been granted by default.

In the event of a recurring activity (such as a monthly or weekly event), one notice shall suffice per year.

The District may request information on the amount of funds spent by the District, the attendance of the community at the event, the amount of funds raised by the District, and the benefit to the District, its members and the public, to determine whether the risk of permitting the event is acceptable to the rewards of holding the event.

SECURITY PERSONNEL AT FUNDRAISING EVENTS

In the event that the District utilizes security personnel at field days or other fundraising events, only registered security personnel are permitted to perform security work. However, the law makes an exception for a Not-For-Profit Corporation so long as the security personnel are only hired for a period of up to fifteen (15) days per year. So long as the District is incorporated as a Not-for-Profit Corporation, it may avoid using registered security guards.

FUNERAL ARRANGEMENTS

Upon the death of any firefighter, flags of the Fire District will be lowered to half-staff until the day of the funeral. The purple bunting will stay up for thirty (30) days after the funeral.

It is the intention of the Board to hereby enact the necessary rules and regulations authorizing attendance and participation by the volunteer members of the fire district of this fire district at funerals.

The Chief of this Fire District is hereby authorized to order the attendance and participation of the volunteer firefighters under his command at a funeral held within this state, any adjoining state or in Canada; and it is further

The term "funeral" shall be defined as attendance at a funeral home, at a house of worship, at a cemetery or other place of interment or cremation and, provided that the public is permitted to attend, at a private home; and be it further

Attendance at a funeral as defined herein shall be limited to the funeral of a deceased volunteer fireman of the fire district of this fire district, a deceased spouse, mother, father, sister, daughter, son, brother, stepson, stepdaughter of a volunteer fireman of this district, or a deceased member or former member of the emergency services, whether within or without this district, provided that in the Chief's discretion such deceased person should be rendered such honor.

Active and Inactive Life members are entitled to full district honors including an honor guard at the request of the family. The Final Alarm medal is presented to the family posthumously.

The Chief in their discretion may use an appropriate emergency vehicle of the Fire District for a funeral cortege. This approval is also subject to the approval of the Board of Fire Commissioners/

GUESTS IN THE FIREHOUSE

Guests of members are permitted in the firehouse subject to the rules included in this Manual (eg: anti-harassment, anti-bullying). Members are responsible for the actions of their guests.

GYM USE

Upon approval by the Board of Fire Commissioners Active Members may utilize the on-premises gym facility so long as they either participate in the Fire District's physical fitness program or sign a waiver of injuries (below). Any person that does not attend an average of at least four (4) training/workout sessions per month is subject to losing such benefit. Such a program simply requires a dedication to maintaining and improving physical health. Once participating, Active Members are covered by VFBL for injuries sustained while participating in the program.

FIRE /DISTRICT DISTRICT PHYSICAL FITNESS PARTICIPATION STATEMENT (Active Member form)

Date: _____

I, _____, am an Active Member of the Leicester Fire District and agree to participate in the District's strength and cardio training program. I hereby agree to work out using weights and/or cardio machinery in order to remain in shape for the operational assignments on the fireground or EMS environment. I understand that I also may workout at any gym or training facility that the Fire District has authorized me to use in advance.

HATE SYMBOLS AND SPEECH

Symbols of Hate

No member of the fire district, fire district or a fire company shall display any sign or symbol on any district or district owned equipment or on any uniform or gear, or make any statements whether oral or written, which are intended to intimidate another person or to cause emotional harm or fear, including but not limited to a swastika.

Political messages

1. For purposes of this section, the following terms shall have the following meanings:
 - A. "Municipal officer or employee" shall include all officers and commissioners of the fire district, including all paid personnel, and all volunteer members of the fire district.
 - B. "Political advertisement" shall mean any poster, sign, flag, banner, picture, sticker, patch, bumper sticker, article of clothing, accessory or any other item meant to advertise or promote a certain individual for political office.
2. A municipal officer or employee, whether paid or unpaid, is hereby prohibited from displaying or causing to be displayed any political advertisement on or within any public building occupied in the discharge of official duties by an individual employed or holding office in the fire district, fire district or the fire company, or on any public flag pole, monument, sign or any other permanent structure that such fire district officer or employee interacts with as part of their official capacity, or on any uniform, accessory or other gear worn or used by a fire district officer or employee as part of their official capacity, as well as on or within any municipally owned vehicle, vehicle owned by a volunteer fire company, or any equipment owned by a municipality or fire district.

These prohibitions shall not apply when such a political advertisement appears in a book, digital medium, museum, or otherwise serves an educational or historical purpose, or in instances where the certain individual who is the subject of such political advertisement is deceased.

INTERNET & COMPUTER RELATED ISSUES POLICY

PURPOSE

In order to permit our volunteers to gain access to computer systems for the purpose of communication, recreation, management, teaching and administration, computers are provided with internet connections.

However, all personnel should remember that electronic media and services provided by the District are District property. All computer users have the responsibility to use these resources in a professional, ethical, and lawful manner.

To ensure that all personnel are responsible, the following guidelines have been established for using e-mail, computers and the Internet. This policy is as much a guide as it is a rule as no rule can be comprehensive enough to address all potential violations or non-permissive uses.

PROHIBITED COMMUNICATIONS

The computers, including e-mail, internet, software, fax programs and any other method of electronic submission, shall not be used to knowingly transmit, retrieve, view or store any communication that is:

1. abusive, discriminatory, harassing or unreasonably offensive to the general public;
2. derogatory to any individual or group;
3. obscene, sexually explicit or pornographic;
4. slanderous, libelous, defamatory or threatening;
5. in violation of any license governing the use of software; or
6. engaged in for any purpose that is illegal.

CONTROL AND ACCESS TO SOFTWARE PROGRAMS

The individual who controls access to software and computers, such as by keeping and assigning passwords, shall not be the same individual that utilizes such software to input information. Thus, a commissioner or other independent person shall control who accesses all financial software and the treasurer shall not be the person in control. The Fire Chief shall not be the individual who has control over access to the records management programs, but instead shall be another individual who is not responsible for entering the information.

PERSONAL USE

The computers, electronic media and services provided by the District are to assist personnel in the performance of their duties, to permit persons to remain at the District's facilities while being productive in their personal lives and jobs and to provide an outlet for recreation. Personnel are expected to demonstrate a sense of responsibility and not abuse this privilege.

No person shall utilize the computers for personal gain, such as an independent business which is intended to result in financial gain for the individual.

ACCESS TO PERSONNEL COMMUNICATIONS

Electronic information created and/or communicated by volunteers using e-mail, word processing, utility programs, spreadsheets, voicemail, telephones, Internet and bulletin board system access, and similar electronic media may be reviewed by the District. However, the following conditions should be noted:

The District may gather logs of electronic activities or monitor communications directly, such as telephone numbers dialed, sites accessed, call length, words that are typed and entered, pictures and text downloaded and time at which calls are made or media is accessed, for the following purposes:

1. cost analysis;
2. resource allocation;
3. optimum technical management of information resources; and
4. detecting patterns of use that indicate personnel are violating District policies or engaging in illegal, unethical, immoral or unpermitted activity.

The District reserves the right, at its discretion, to review any person's electronic files and messages maintained on the District's computers to the extent necessary to ensure electronic media and services are being used in compliance with the law, this policy and other District policies.

Personnel should not assume electronic communications are completely private. Accordingly, if they have sensitive information to transmit, they should use other means.

Access to sensitive information will be limited to the persons required to access it. All other users shall not have access to sensitive information and access shall be protected by passwords or other security devices.

Individuals shall only have access to sensitive information which is within their job function.

SOFTWARE

To prevent computer viruses from being transmitted through the District's computer system, unauthorized downloading of any unauthorized software is strictly prohibited. No software or applications may be downloaded to a District owned computer without express permission of the Board of Fire Commissioners. Files obtained from sources outside the company, including storage media, files downloaded from the internet, attachments to emails, and other files not originally loaded with approval on the District's computers may contain dangerous computer viruses that may damage the District's network, and must be scanned with approved virus checking software maintained by the District.

SECURITY/APPROPRIATE USE

Personnel must respect the confidentiality of other individuals' electronic communications. Except in cases in which explicit authorization has been granted by District management, personnel are prohibited from engaging in, or attempting to engage in:

1. monitoring or intercepting the files or electronic communications of other employees or third parties;
2. hacking or obtaining access to systems or accounts they are not authorized to use;
3. using other people's log-ins or passwords; and
4. breaching, testing, or monitoring computer or network security measures.

No e-mail or other electronic communications may be sent that attempt to hide the identity of the sender or represent the sender as someone else.

Electronic media and services should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system.

Anyone obtaining electronic access to other companies' or individuals' materials must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials except as permitted by the copyright owner.

ACCESS TO SERVERS

All servers shall be secured so that non-authorized personnel may not come in physical proximity to the servers themselves and disrupt their operation.

No person shall be permitted to access the servers directly or remotely except on a case-by-case basis. Any person with rights to access a computer/server who is not an officer, commissioner, employee or member of the fire district shall acknowledge their agreement to adhere to this policy and any other policy governing the proper use and dissemination of the computer system. Access privileges shall be deleted and/or changed when such individual is no longer contracted with the district to perform services. The service accessing the services shall notify the District when any person no longer works for them, so that the District can remove any rights of access to the servers/computers. The District shall require any company accessing the servers/computers to provide a list of persons who could work on the servers/computers. The service shall ensure that rights are limited and that access is strictly limited only to persons requiring access.

BACKUPS

All computers shall be backed up onto a non-local server which is separate from the network and which is maintained off-site or taken off-site at least once per week. This backup shall be capable of promptly returning all information in the event that a complete erasure of information occurs.

WIRELESS HOTSPOTS

Hotspots shall not be labeled with a name which identifies the hotspots as belonging to the fire district. Current methods of encryption shall be utilized. Hotspots accessible by personnel without need to access the server itself, as opposed to the internet, shall be placed “above” or “outside” of the server so that a user may not work backwards to access the server.

BREACHES OF SECURITY

In the event of a breach of security which resulted or potentially resulted in the dissemination of any personal information, the Board shall promptly notify every potential person who reasonably may be affected by the breach. The notice shall state the information which may be affected and shall provide any potential remedy to limit the damage. Law enforcement shall be notified and shall be consulted if appropriate. All further potential releases of information shall be controlled. All passwords shall immediately be changed and servers taken off-line if needed. Audits shall be performed of any access logs in an attempt to determine the cause of the breach.

VIOLATIONS

Personnel who abuse the privilege of computer use or their access to e-mail or the Internet in violation of this policy will be subject to corrective action, including suspension or removal.

EMPLOYEE AGREEMENT ON USE OF E-MAIL AND THE INTERNET

I have read, understand, and agree to comply with the foregoing policies, rules, and conditions governing the use of the District's computer and telecommunications equipment and services. I understand that I have no expectation of privacy when I use any of the telecommunication equipment or services. I am aware that violations of this guideline on appropriate use of the e-mail and Internet systems may subject me to disciplinary action and potential criminal liability. I further understand that my use of the e-mail and Internet may reflect on the image of the District and that I have responsibility to maintain a positive representation of the District. Furthermore, I understand that this policy may be amended at any time.

Dated: _____ Personnel: _____

Social Networking / Social Media

This policy shall apply to all social networking sites of any kind, whether now existing or created in the future, including but not limited to Facebook, TicToc, LinkedIn, SnapChat and any and all types of forums and public comment areas, blogs, video sharing, podcasts, wikis, message boards and on and offline forums, including letters and writings.

For purposes of this policy, an "Individual" shall include an employee, volunteer, commissioner, manager, contractor, customer, member of the public or patient.

This policy does not attempt to curb the actual speech of an individual, except in certain limiting circumstances.

No individual shall harass or threaten any individual. Harassment shall be reported, investigated, and disciplined in accordance with the applicable harassment policy.

The Commissioner Chairman shall be the sole representative of the District with regard to the making of public statements in any forum, whether on a computer or not. The Chief or the Board of Fire Commissioners may designate individuals to make public comments on various matters.

Any individual making any comment about the District, the District's business, business partners or any individual shall identify themselves by their proper legal name when making such comment and shall not utilize a fictitious name.

The District strongly urges individuals not to make negative public comments about the District or the District's business or practices, or about any individuals. That being said, any individual

who makes any comment about any other individual as defined herein which in any way related to or is related with the District shall state affirmatively: **“This statement was not made with the authority of or on behalf of the Fire District and represents only the personal views of the maker of this statement as a private citizen”**. Failure to attach this statement to any writing, document or posting may result in discipline, up to and including termination. Any individual who posts any comment whatsoever about the District or any individuals shall identify themselves and shall not hide behind any fictitious name. Additionally, the failure to make such statement shall serve as an individual’s acknowledgement that they are posting / speaking as an employee/volunteer of the District.

No individual shall make any comment about any non-public business matters of the District or of any confidential or proprietary matter. No individual may discuss in any detail any medical call or fire response, or in any way identify any patient, victim or emergency, except as authorized by the District. No details about any pending business matters may be disclosed.

No individual shall violate any copyright or trademarked item in any manner, such as by posting such copyrighted or trademarked writing on a social networking site.

The District’s network and computers shall not be utilized to create or issue comments on any social network about the District, its employees, volunteers, Commissioners, customers, contractors or business, except as specifically permitted by the Board of Fire Commissioners. The District’s network and computers shall not be utilized to make any negative comments about the District’s business in any manner or to send threatening or harassing or defamatory emails or messages of any sort.

Violation of this policy may result in discipline up to and including termination.

INDEMNIFICATION

It is the policy of the Fire District to indemnify every commissioner, officer, employee and active member of the District for acts and omissions occurring within the scope of their duty in such capacity. This includes but is not limited to indemnification in accordance with Public Officers Law Section 18, Town Law 178-d, General Municipal Law 205-g, and as otherwise permitted or obligated by common law.

Any person, including an active member, who is served with a summons, petition, hearing notice or other action shall immediately deliver the same to the Chair of the Fire District, along with a written request for defense and indemnification. Pursuant to law, such written request and a copy of the pleadings must be delivered to the Chair of the Board of Fire Commissioners within TEN DAYS of service upon the individual.

Indemnification shall not extend to expenses for punitive damages, fines, or penalties incurred as a result of intentionally harmful conduct.

JUNIOR MEMBER RULES

RULES FOR COMMUNICATIONS

1. Any tools used for communication (email, chat groups, etc.) shall be used primarily for announcements of events and polls of opinions led by the Youth Program leadership.
2. All ideas and comments shall be treated with respect.
3. No person shall utilize electronic communications for use of harassment, bullying, degrading, hazing, disparaging, insulting, hate speech, political speech or any other speech which has no valid purpose to foster participation in the Youth Program.
4. Foul or obscene language, comments, pictures, posts, or memes shall not be permitted.
5. Abuse of members is not tolerated.
6. Sexually explicit comments are not permitted.
7. Exclusion of persons from the group chat is not permitted.
8. Posts must not violate any bylaws, rules or policies of the District.
9. Any person violating these rules shall be removed from the electronic communication group immediately.

SOCIAL MEDIA

1. The Chief of the District is authorized to create a social media page and content in order to promote the recruitment and operation for Active-Junior Members
2. The forum shall be restricted such that only the Chief or the Chief's sole designee may create or post content to the forum.
3. No photographs of any Junior Members shall be posted or displayed without the express written consent of the Participant's parent or guardian and the members themselves.

4. The forum hosting such content shall not be editable by any person other than the Chief or the Chief's sole designee. The forum shall not permit comments from the public or members.
5. The Chief is authorized to create an electronic method of communication for the leadership and Junior Members themselves. However, this method of communication shall adhere to the following rules:
 - A. The communications shall be for announcements of activities and events only and to survey Participants on various desires.
 - B. No person shall be excluded from participation as a Junior Member if they are unable to access electronic communications, and shall be personally contacted if they are unable to do participate electronically. All Participants shall be notified, in writing, that they are not required to participate in this electronic method of communication and that they will be provided with all communications and content if they are unable to participate.
 - C. The Chief or the Chief's sole designee shall monitor the communications to ensure that they adhere to this Rule.
 - D. No person shall utilize electronic communications for use of harassment, bullying, degrading, hazing, disparaging, insulting, hate speech, political speech or any other speech which has no valid purpose to foster participation as a Junior Member. Any person violating this Rule shall be removed from the electronic communication group immediately.

ATTENDANCE

1. Junior Members are encouraged to participate in any and all activities of the District which are appropriate for their attendance.
2. Should the District impose a limit on the number of Junior Members, any Junior Member who fails to actively participate as a member shall be provided with a written letter, requesting that

they enhance their participation or to let the leadership know that they remain interested. No person shall be terminated at this time.

CONDUCT

1. Junior Members must adhere to this Code of Conduct and to all Rules. The failure to adhere to such rules may result in the termination.
2. Participation as a Junior Member is a privilege and not a right. There is no guarantee of continued participation and Participation may be terminated for any non-discriminatory reason.
3. Junior Members are prohibited from utilizing alcohol, cigarettes, illegal drugs, any T.H.C. containing product, whether during a program activity or otherwise.
4. Junior Members shall not appear at or participate in any activities or events if they are in any way mentally or physically impaired by a legal or illegal substance.
5. Junior Members shall adhere to the Program's anti-harassment, anti-bullying and anti-sexual harassment policies. Any violation shall result in immediate termination.
6. Junior Members shall obey the directions of all leaders. The failure to follow instructions may result in the immediate termination.
7. Junior Members will be provided with equipment. Upon separation from membership, or upon inactive participation, the Junior Member may be required to return such equipment. Such equipment may include but is not limited to badges, uniforms, and clothing.

ADDITIONAL RULES OF CONDUCT

1. Junior Members shall not operate any vehicles owned by the Fire District.

2. Junior Members shall not drive personnel vehicles to the scene of any incident.
3. Junior Members shall not be in the firehouse unsupervised by at least two (2) adults, at least one of whom is at least twenty-one (21) years of age and one is at least eighteen (18) years of age. Ideally, one adult would be male and one would be female, but this is not required.
4. Except as announced for a special occasion, Junior Members shall not be in the fire station(s) except during the following times, and only with authorization of a parent or guardian:
 - (1) Saturday & Sunday: 7 AM – 10 PM (or up to 12 PM with consent of parent)
 - a. And during non-school days during the week
 - (2) Monday – Friday: 3 PM – 10 PM
5. Junior Members shall not bring guests (except for a parent) into the fire stations at any time.
6. Junior Members must maintain a grade average in school of at least seventy (70) and must be passing each course. Junior Members shall provide a copy of their grades to the District's leadership within five (5) days of the report card becoming available, or may provide a written letter from the parent stating that regardless of their grades, they may participate as a member of the District.
7. Junior Members shall not miss required school activities in order to participate as a member of the District, and shall never utilize membership as an excuse to miss a required school activity.
8. Junior Members are not permitted to be near a "bar" area unless accompanied by two adults of at least age twenty-one (21) and may never appear behind the bar itself.
9. Junior Members are to report any violations of any Rule or Regulation to an officer. No person may retaliate against another individual who makes a report in good faith.

KITCHEN POLICY

No person under eighteen (18) years of age may participate in cooking or serving over an open flame, with deep fat fryers that are equipped with and utilize devices that automatically lower and raise a basket into and out of the oil and grease.

LEAVES OF ABSENCE

The Fire District recognizes the following types of Leave: Military, Personal and Medical. All requests for leave are to be submitted to the Board of Fire Commissioners for approval.

A. Military Leaves shall:

- (1) automatically be granted upon request;
- (2) have a maximum duration of five (5) years (per enlistment with a defined break of at least one month);
- (3) count the time of the leave towards a member's time with active service in the District, except for qualifications for executive or line officer status;
- (4) prohibit the individual on leave from holding executive or line office during the leave.

Members on Military Leave shall return to active duty with the District no later than three (3) months after returning from military service and must be cleared by the military to return to service with the District.

B. Personal Leave. Personal leaves are for those members who require time to cope with or address matters of a sensitive nature. A Personal Leave:

- (1) may be granted for six (6) months at a time and may not be granted for more than six (6) months in an eighteen (18) month time period;
- (2) shall require any member requiring more than two (2) months of a Personal Leave to vacate any District office held;
- (3) shall deprive a member from attending and voting at meetings;
- (4) shall prohibit an individual from attending trainings, hands-on-drills and emergencies and all other events other than funerals;
- (5) shall not prohibit a member from running for office, but only if their leave will end no later than one (1) month into the new term of office.

C. Medical Leave. Medical leaves are for those persons who must attend to their physical or mental health issues. A medical leave may be granted up to six (6) months at a time, but cannot be granted for more than twenty-four (24) total months in any thirty-six-month (36) period. A person on Medical Leave:

- (1) may continue to hold a District office so long as they can perform the duties of office, and if not, the individual below shall "Act" in place of the superior officer;
- (2) may attend and vote at meetings;
- (3) may not attend calls, trainings or drills;

(4) may not run for office unless their leave will end no later than one (1) month into the new term of office.

Persons must receive approval from the Chief before they return to active duty in any instance and must receive clearance from their physician that they are capable of performing the Job Performance Requirements of at least one operational position.

D. School Leave. School Leave (being defined as living outside of the areas required for membership and required for physical attendance at a school of higher learning, including vocational schools), the Board of Fire Commissioners may grant up to five (5) months at a time and up to eight (8) separate leaves. Persons must receive approval from the Chief before they return to active duty in any instance.

MEDIA RELATIONS

All members are required to direct any media questions or concerns to a chief officer. The Board of Fire Commissioners will approve all media releases. No individual, other than a chief officer shall have any authority to comment on any Fire District matter to the media without prior authorization from a chief officer. Should the media require any response at an emergency incident, an individual other than a chief officer shall state that they are not authorized to provide any comment at that time. Under no circumstances shall any individual comment on an on-going investigation or on the suspicions of the commission of any crime.

MEDICAL RESTRICTIONS

Any active member who is injured to the extent that the member requires on-going medical attention or care shall not participate in any emergency response until such time as they obtain a letter from his/her physician attesting to the member's ability to meet the District's physical abilities policy. If the member will be unable to perform their duties for a prolonged period of time, the member should request a medical leave from the Chief.

When a member has an injury, illness, operation or other medical problem requiring a physician's attention which impairs their ability in any way to meet the physical and/or mental abilities policy, they must advise a chief officer and may not participate in any emergencies, hands on drills, work parties and parades while impaired. Such members may attend seminars and meetings and may observe drills as permitted and will still be considered Active Members, unless on an extended medical leave. It is required to have a note from the member going on medical leave, giving the date started and estimated duration of the leave. It is preferred but not required that the medical diagnosis be provided to the Chief, confidentially. The Chief will be notified of the member's status as unable to perform such requirements, and if a leave is taken, the date when the medical leave began. The Chief will maintain a log and folder of those members on medical leave, but shall not include the reason therein.

When the member is able to meet the physical and mental abilities requirements, the member must obtain a note from their physician clearing them for the duties for which they are assigned, with any temporary limitations noted thereon. At the time there are no such limitations, an additional note from the member's physician must remove all limitations and clear them for all duties for which the member is assigned. All notes are placed in the member's personnel folder and kept in perpetuity.

All line of duty injuries must be reported to a Chief promptly.

Pregnancy

Women who are pregnant shall be responsible for their safety and the safety of their unborn child. So long as the pregnant individual can safely perform all the requirements of their operational position, they may continue to do so. Although the Fire District believes that a pregnant individual should not expose their unborn child to the hazards of firefighting (such as hazardous materials and conditions), the District will leave this decision up to the woman in consultation with her physician. Pregnant women are required to obtain a physician's determination of the date that they must stop participating in all or certain activities and may return with a physician's statement they are capable of performing the duties of their position. However, should any individual, whether as a result of a pregnancy or any disability or condition, not be able to fulfill the requirements of their

operational assignment, they shall be removed from such assignment until they are again capable of performing such duties.

CODE OF CONDUCT AND GENERAL RULES

I. INTRODUCTION TO RULES AND REGULATIONS

No set of Rules and Regulations can be devised that will provide for every circumstance and condition. It is expected that these Rules and Regulations will be comprehensive enough to cover in a general way, the obligations of members of the Fire District, and to that end, that good discipline and efficiency will be maintained at all times, in a manner creditable to the District. Rules and regulations are to be complied with without exception.

These Policies are for internal use only and do not enlarge a member's civil liability in any way. Operating Procedures, rules and regulations should not be construed as creating duty to act or a higher duty of care, with respect to third party civil claims against members or the District. A violation of rules and regulations, if proven, can only form the basis of a complaint by this District for non-judicial administrative action in accordance with the laws governing member discipline. A consistent violation of one or more Operating Procedures may indicate a refusal to adhere to the Fire District's desired method of operation and could be construed as insubordination or incompetence.

II. RULES: EFFECTIVE AT ALL TIMES

1. Members shall obey all laws, rules and regulations of the District, orders and commands issued by superior officers. Such obedience shall be prompt, implicit and unqualified.
2. In matters of general conduct not within the scope of these Rules and Regulations members shall be governed by the customary rules of good behavior observed by law-abiding and self-respecting citizens. In all cases where members conduct themselves in a manner which may bring reproach or reflect discredit upon the District, charges shall be preferred.
3. Members of the District shall:
 - A. Be courteous and respectful at all times
 - B. Always present a neat and well-groomed appearance
 - C. Be responsible for the safekeeping of all District property entrusted to their care.
 - D. Promptly report the loss of any badge, uniform, identification card, equipment, or property belonging to the District that has been assigned to them.
 - E. Use every precaution to avoid damage to property or injury to themselves or others, while on duty.
 - F. Promptly report all accidents involving damage to motor vehicles in connection with the operations of the District.

- G. Promptly notify the officer in command of their unit of any matter coming to their attention which may affect the interest or welfare of the District.
 - H. Promptly notify the Fire Chief of any permanent change in residence, supplying all pertinent information.
 - I. Comply with all policies, procedures and Best Practices issued by the District.
4. Members of the District shall not:
- A. Violate their oath of office.
 - B. Neglect nor shirk any duty.
 - C. Violate any policy or procedure issued by the District.
 - D. Violate any Best Practice issued by the District, absent a valid explanation for each deviation.
 - E. Absent themselves from quarters, fires, nor from any other assignment to duty, without permission of the officer in command.
 - F. Use legal or illegal drugs, narcotics, or controlled substances which can have an effect of impairing an individual's mental abilities or physical health, except with the written approval of a physician.
 - G. Use or be under the influence of liquors or spirituous, malt or intoxicating beverages, while on duty or otherwise in uniform, and shall not violate any portion of the Alcohol Policy.
 - H. Have, nor allow to be brought into any District building, intoxicating liquors of any kind or ingredients used in the preparation of any intoxicant.
 - I. Use indecent, profane or uncivil language, nor be guilty or immoral or indecent conduct.
 - J. Engage in any altercation, commit an assault, nor violate any law, nor do anything for which they may be arrested.
 - K. Make a false statement, or report, with intent to deceive.
 - L. Do anything which may bring discredit upon the District.
 - M. Damage any District property, nor handle any apparatus or equipment in a careless or reckless manner.

- N. Make any purchase or incur any liability in the name of the District without proper permission.
 - O. Cook in any other place in District buildings except the place provided for same.
 - P. Sleep while on duty, except during the hours permitted or at other times permitted by the Fire Chief.
 - Q. Disturb unnecessarily the sleep of members in the dormitory or their sleeping quarters.
 - R. Engage in bullying, hazing, harassment, or other forms of oppressive behavior directed toward a coworker, superior or subordinate.
 - S. Display discriminatory or abusive behavior pertaining to politics, sex, religion, age, national origin, sexual preference, diversity, disability, or ethnicity while on duty, while in uniform, while on District property, while in or on a District vehicle, or while representing the Fire District.
 - T. Abuse their leave privileges.
- 5. Members shall not sell, lend nor give away any District property, without the approval of the Fire Chief.
 - 6. Members shall participate actively in drills. Any member absent from two consecutive drills must explain their absence to the Chief Officer.
 - 7. Members are responsible for completing all required training in a timely manner.
 - 8. A member of the Fire District shall adhere to the following Rules at all times, whether on duty or not. A member shall:
 - A. Set a positive example of the conduct of a member of the Fire District, whether in the community or within the Fire District
 - B. Serve as a role model to other members in such areas as:
 - (1) training
 - (2) education
 - (3) dedication to the District
 - (4) problem solving
 - (5) responding to emergencies
 - (6) assisting other members and officers
 - (7) ethical behavior

- C. Not speak negatively or non-constructively about an officer or member
 - D. Publicly support each of the officers and the decisions of the higher-ranking officers and engage in constructive criticism only in a respectful manner at an appropriate time.
 - E. Assist other members and officers in need of training, education, or task performance assistance
 - F. Serve as an example of leadership, ethical behavior, and pride in the District
 - G. Be open to each other's ideas and accept constructive criticism
 - H. Communicate effectively and honestly with each other
9. Bring in or carry any firearm (long or short) except as in compliance with the "Firearm" Policy.
 10. Members shall not engage in any scheme or enterprise intended to induce or influence, nor likely to induce or influence, any person to purchase tickets for Fire District related activities, gatherings or entertainment of any kind, without the approval of the Fire Chief.
 11. Members shall not use official Fire District letterhead, envelopes, or stationery except for the transaction of the official business of the District.
 12. Members shall not affix or post any advertising, posters, flyers, for sale signs, private notices, or other disfigurements on Districtal property or apparatus without approval of the Fire Chief. No article, vehicle, or personal property shall be displayed on District premises for sale. Use of the District logo, pictures of apparatus or anything that might appear as an endorsement by this District for private or personal business is prohibited.
 13. All members, while on-duty, shall devote their entire time and attention to the service of the District. Members shall not perform or engage in any other gainful occupation in any quarters of the District, or while on duty.
 14. Members in charge of District vehicles shall not permit non-members of the District to ride in or upon such vehicles except as authorized by District procedures or as authorized by the Fire Chief.
 15. Members assigned to parades, reviews, and funerals; assemblages; special calls for personnel without apparatus; special details; etc., shall report directly to the officer in command of such detail.
 16. Members shall not incur liabilities that they are unable to, or unwilling to, discharge.

17. Members shall not neglect or refuse to pay debts that they incur.
18. No member shall solicit any compensation, reward or consideration for services performed in the line of duty; nor accept any reward, gift, or donation, as a member of the Fire District, without the approval of the Fire Chief.
19. Members shall treat the official business of the District as confidential, including matters that are under investigation, personnel issues, and information subject to medical confidentiality laws. Members shall not release information which the public does not by law have access to, except when required by law, or with the approval of the Fire Chief. This does not prohibit explaining District routine to visitors. Members will make every effort to protect patient privacy in accordance with state and federal laws.
20. Members shall not release, disseminate or broadcast information as a spokesperson for the District without permission through chain of command. Members shall at all times exercise diligence to avoid holding themselves out to the public as spokespersons for the District except when duly authorized.
21. Members shall not deliver any address, lecture or speech on a matter pertaining to this Fire District as a spokesperson for the District without the approval of the Fire Chief. Request for such approval shall be forwarded through official channels. In this regard, members are prohibited from using their rank, title or position as a member of this District for personal or financial gain.
22. The incident commander at an incident that attracts media attention may provide general information and a brief interview explaining what transpired. Information released shall be limited to known facts of a non-confidential nature. The identity of victims, confidential medical information, and matters under investigation by the District, the state fire marshal, law enforcement, or other agencies shall not be disclosed. When any other personnel receive a request from the media or the public for information about the incident, the request shall be immediately referred to the incident commander, the fire chief, or the public information officer when assigned.
23. Any member of the District desiring or making application for either promotion or transfer is expressly forbidden to solicit, either directly or indirectly, the influence or intercession of any person or persons outside the District. The application of any member of the District violating this rule shall be denied and such member shall be subject to discipline for such violations.
24. Private vehicles exhibiting any political advertisements larger than a bumper sticker shall not be parked at any designated parking areas at quarters.
25. Any member desiring to resign shall, through proper channels in writing, notify the Fire Chief at least fourteen (14) days prior to the effective date, provided however no charges are pending against the member. In emergencies, the Fire Chief may accept resignations without the required written notice.

26. Prior to the effective date of retirement or resignation, each member shall deliver to the Fire Chief their official badge, insignia, and any other District property they may possess.
27. All members are responsible for remaining aware of and comply with the Rules and Regulations of the District, as well as all policies, procedures, and Best Practices that have been issued. It shall be the duty of every member to maintain an up-to-date copy of the Rules and Regulations of the District, as well as all policies and procedures, standard operating procedures and standard operating guidelines.
28. Every member is required to provide a means of telephone communication. Each member shall provide the District with a current telephone number and address of residence.
29. Testimonials, parties, or gatherings of any kind shall not be held in any unit quarters for any member of the District without the approval of the Fire Chief.
30. Private vehicles of members of the District shall be parked only in the designated areas at quarters and no private vehicle shall be parked on the apparatus floor of any unit, except when authorized by the Fire Chief.
31. Members of any unit of the District shall promptly report, through proper channels, to the Fire Chief any action undertaken by a member of the District, whether such member be off-duty or on-duty at the time, which might be construed to constitute a meritorious or heroic action as defined by Districtal Regulations.
32. Members shall not, at any time, speak disrespectfully to any superior officer of the District.
33. Members, while on duty, shall not engage in noisy conversation or boisterous conduct.
34. Members of the District shall address officers by their proper titles.
35. Members shall report for duty promptly as scheduled.
36. All members while on duty shall maintain themselves in an alert and prepared condition, immediately available to respond to alarms at all times, unless specifically excused from the same.
37. The Fire District reserves the right to examine and inspect any and all dorm rooms, lockers, desks, cabinets, drawers, files, books, closets, trunks, luggage, bags, purses, backpacks, or brief cases that either belong to the Fire District, or that belong to members that are brought into the workplace. Members are advised that they have no expectation of privacy in any of the items and locations mentioned in this paragraph, and that any item of personal property, exclusive of personal devices such as cellular telephones, brought into a fire station or onto Fire District property may be examined, inspected or searched at any time.

38. The Fire District reserves the right to examine and inspect any and all computers, laptop computers, electronic memory devices, PDAs, cellular telephones, electronic books, or similar devices that belong to the Fire District. Members are advised that they have no expectation of privacy in any of the items and locations mentioned in this paragraph, and that any such item may be examined, inspected or searched at any time.

III. ADDITIONAL RULES FOR OFFICERS: EFFECTIVE AT ALL TIMES

1. Officers shall be just, dignified and firm with subordinates. They shall enforce all rules and orders, and shall promptly report, by well sustained allegations, every transgression of law, ordinance, rule or order.
2. Each officer of the District, or any member thereof acting as an officer, shall at all times exercise the prerogatives of command in a manner consistent with high standards of courtesy, decency and restraint, and with due regard for the rights and sensibilities of subordinates, and shall at all times issue orders or directions in accordance with the requirements hereinafter set forth:
 - A. Be diligent to provide for the comfort, convenience and well-being of subordinates before caring for one's own needs.
 - B. Issue no order or direction which requires any subordinate to perform any acts of personal service unless such service be expressly or by implication provided for in these Rules and Regulations.
 - C. Be diligent to avoid being repetitious, uncertain or quarrelsome in the issuance of orders or directions.
 - D. Avoid the use of profane, scurrilous or indecent language toward any subordinate in issuing an order or direction.
 - E. Commit no act, nor threaten to commit any act of physical violence upon the person of a subordinate.
 - F. Be diligent to avoid issuing orders or reprimands to any subordinate in public or in the presence of non-members of the District, unless such action is necessary to preserve the efficiency, discipline or morale of the District or to protect life and property.
 - G. Be firm in a determination that when orders or directions are issued, they will be obeyed and carried out.
 - H. Set a positive example of the conduct of a member of the Fire District.
 - I. Serve as a role model to other members in such areas as:
 - (1) training

- (2) education
 - (3) dedication to the District
 - (4) problem solving
 - (5) responding to emergencies
 - (6) assisting other members and officers
 - (7) ethical behavior
- J. Not speak negatively or non-constructively about another officer or member in the presence of a non-officer or lower ranking officer.
 - K. Publicly support each of the officers and the decisions of the higher-ranking officers.
 - L. Assist other members and officers in need of training, education, or task performance assistance.
 - M. Serve as an example of leadership, ethical behavior, and pride in the District.
 - N. Be open to each other's ideas and accept constructive criticism.
 - O. Communicate effectively and honestly with each other.
- 3. Officers observing members in uniform in public shall note any actions by such members tending to bring reproach upon the District, and shall take proper official action.

IV. OFF-DUTY CONDUCT: ALL MEMBERS

- 1. Members who are off-duty shall not congregate in any of the stations of the District unless permitted by the Fire Chief.
- 2. Members who are in an off-duty injured or off-duty sick status are prohibited from attending classes at any college, university, or school and/or performing any outside employment of any kind, except as provided below.
 - A. Any member while in an off-duty injured or off-duty sick status who wishes to attend classes at any college, university or school and/or wishes to perform outside employment of any kind, shall first offer to return to light-duty unless specifically exempted and/or disallowed by the Fire Chief.
 - B. Otherwise, whenever a member in an off-duty injured or off-duty sick status attends classes at any college, university or school and/or performs outside employment of any kind, said member shall be presumed to be fit for work, and shall be subject to disciplinary action.
- 3. Members shall not perform work from home or off-duty, except with specific permission from a superior officer. Members must report any off-duty work performed for which compensation may be due to the member.

V. OPERATIONAL RULES

1. Each unit shall respond to alarms and emergency incidents upon being dispatched, or upon the orders of any officer in command when notified of the occurrence of a fire or emergency.
2. Volunteers, while on duty, standby or at the station, shall respond to alarms and other emergencies, and such events shall take precedence over any other obligation.
3. Each member of the District assigned to duty with any unit which is required to respond to an alarm or other emergencies, shall assist the officer in command of such unit to correctly interpret all messages involved in the dispatch, response, and operations. Whenever any unit shall fail to respond when dispatched, or shall respond to the wrong location from that dispatched, each member assigned to duty therewith shall have the burden of showing an absence of fault or negligence on their part, concerning the same.
4. Immediately upon being alerted to the dispatch of an alarm or emergency, all members assigned to the unit shall respond to the apparatus floor, or if out of quarters, to the apparatus, fully prepared to proceed with the apparatus.
5. Whenever a person notifies a member at quarters of the occurrence of a fire or emergency, the member so notified shall immediately cause the units in quarters to be alerted in the appropriate manner and an officer in command of a responding unit shall promptly notify the Dispatch Office of the situation.
6. At fires or other emergencies, members shall inform the officer in command of any hidden or undiscovered and unusually dangerous or other unusual conditions which pose a threat to the life, health or safety of the public or members.
7. Members responding to alarms shall, in an orderly and efficient manner, perform all the duties required of them to accomplish their specific mission and they shall endeavor to make an intelligent and immediate response to the directions of their superior officers.
8. While on duty at fires or other emergencies, members shall maintain the greatest degree of silence compatible with the efficient discharge of duty.
9. At fires or other emergencies, members are expected to be courageous without being reckless.
10. Members required to temporarily perform the duties of a higher rank shall assume the responsibilities, and abide by the regulations and orders affecting that rank. Such members shall be accorded the obedience, respect and courtesy demanded by these Rules and Regulations for the higher rank.
11. Every member of the District shall obey the orders and directions issued by a superior officer with every possible dispatch and without insolence, contention, evasion or circumvention.

VI. OFFICERS' OPERATIONAL RULES

1. When a reasonable doubt exists as to the interpretation of an order issued from District Headquarters, any officer may apply to his/her chief officer within the chain of command, who will explain and interpret the order.
2. Officers at fires shall not unnecessarily jeopardize the health and safety of members. All officers, particularly the Incident Commander, shall, before deploying any companies, and periodically thereafter until the incident is concluded, conduct a risk analysis that incorporates the following principles:
 - A. Activities that pose a significant risk to the safety of personnel shall be limited to those situations where there is a potential to save endangered lives.
 - B. Activities that are employed to protect property shall be conducted in such a way as to recognize the inherent risks they pose to the safety of personnel, and steps shall be taken to reduce or avoid these risks.
 - C. No risk to the safety of members shall be acceptable when there is no possibility to save lives or property.
3. Be alert and diligent to avoid the willful, reckless or negligent issuance of an order or direction that would unnecessarily cause any subordinate to be exposed to an imminent danger of death or injury.
4. Issue only such orders or directions as have a lawful action as the objective.
5. It shall be the duty of every officer of the District to assume such responsibilities relative to command, as may devolve upon said officer by reason of the absence or incapacity of a higher-ranking officer, and to act thereunder in accordance with the necessities of any situation or circumstance encountered. Whenever any officer of the District shall so assume the responsibilities of command, and without willfulness, recklessness, or negligence, shall undertake in good faith to perform any act or issue any order deemed to be required by the exigencies of the situation, said action shall be considered justified without regard to any consequence that might result therefrom.
6. Officers of the District shall assume and exercise the prerogatives of command over personnel, working in close cooperation in the interest of efficiency, discipline and morale of the District.
7. When being relieved from duty, officers shall inform the officers relieving them of every incident occurring in connection with their unit; of every District order received during their tour of duty; and of any information which may affect the discipline, efficiency, operations, or safety of the unit.

8. Officers shall ensure that all members under their immediate command are prepared to assume command in the absence of said officer. This includes ensuring that subordinates have knowledge of Districtal standard operating procedures, Rules and Regulations, and procedures governing emergency operations as well as a knowledge of Districtal administrative procedures.

PARKING

There shall be no overnight parking of vehicles in any of the Fire House parking lots without permission of the Chief or while on duty.

All vehicles shall park in marked parking slots. There shall be no parking of personal vehicles on the Aprons.

Vehicles parked in the driveways during snowstorms, floods, fires or other emergencies, found unattended in the parking fields or driveways where they constitute an obstruction to traffic, or found abandoned in the parking fields or driveways may be removed by the District and stored at the expense of the owner or operator of such vehicle.

PRIVACY EXPECTATIONS

This policy is issued to place all members on notice that they should have no expectation of privacy in the following areas. The lack of specifying an area for which privacy should not be expected does not entitle the employee to determine that the area is considered private.

Areas that are not considered to be “private” or free from inspection from the Fire District include:

1. lockers;
2. locker rooms;
3. storage areas;
4. offices;
5. files and file cabinets, even if locked;
6. gear storage areas;
7. desks, desk drawers;
8. envelopes (except those marked confidential to a specific person or title);
9. safes;
10. cabinets, closets, bins;
11. electronic storage devices issued by the Fire District, including electronic folders and files.

PHYSICAL ABILITY POLICY

1. Participation in the District as a responding member is a privilege. Only those persons who are physically and mentally fit within the meaning of this policy shall be qualified and permitted to perform in such role. No person is entitled to perform any role, regardless of their qualifications.
2. All candidates for active membership shall successfully complete a physical exam provided by or approved by the District prior to the District's final approval of membership. Approval of membership may be contingent upon successful completion of a physical for the position applied. Should a candidate obtain a physical exam prior to acceptance by the District, such candidate's results shall not be provided to the District for consideration until after a decision on membership has been made by the District. However, new members may have their physical delayed if it is not practical, but the acceptance of the member shall still be contingent upon completion of the physical at a later date and if the individual is not deemed physically competent, they shall be deemed "incompetent" and subject to removal.
3. All new active members shall be offered the Hepatitis B Vaccine or Hepatitis B Titers and a test for TB. New members also must successfully complete an agility test.
4. Every active member in the District serving as an interior firefighter must successfully complete a physical: every year if they are at least forty (40) years of age, and every other year if they are less than forty (40) years of age. All other Active Members must complete a physical every three (3) years. Every member over sixty (65) must complete a physical every year.
5. Other than for new members, all physicals must be successfully completed no later than December 31 of that year. If a physical is not timely and successfully completed, the member shall be removed from all duties. If the physical is not successfully completed by June 30 of the following year, the member automatically shall be removed from membership.
6. The Chief will provide all members with the paperwork to schedule an exam appointment with the District's exam group and follow-up with the members to see the testing is completed. The paperwork given to the member will include an acknowledgement of receipt of notice to get a physical. The signed acknowledgement will be given to the District secretary by the Chief. The Chief will ensure the application form clearly states what position the member is being evaluated for after discussing with the member and reflecting the member's choice of position. The Chief may ask an Assistant Chief to perform this

task. If a member is to assume the duties of a different position, they first must meet the physical exam requirements of the new position.

7. The District will arrange for the physician and medical assistants to perform the exam and review the results with the active member. Members may use the District's physical service (at the District's cost) or may not use their own physicians (at their cost). The Chief will be informed within five (5) days after receipt of the results of each physical, by phone message and email. The Chief will confirm with the member who has restrictions that they understand the limitations placed on him/her as a result of the exam findings. The Chief will inform all firematic officers that the member has either been placed in inactive status or the member has restrictions. If a member is asked to perform duties that are not allowed per restrictions, the member must inform the person giving the direction and must NOT comply with directions that compromise any restrictions. The Chief will confer with the staff conducting the physical exams if clarification is required, may request information on the member's abilities and limitations, but will not request any information on the individual's physical health. This summary will be kept in the member's secured personnel folder.
8. Any member that schedules an appointment with the District's exam provider and fails to show will be responsible for any invoice if there is any charge.
9. The District secretary will compile a list of all members who have not completed their physical examination during the prior calendar year.
10. Members shall only be qualified to perform in the positions for which they are physically and mentally qualified, and if there are no such positions, then they shall be removed from active duty until they are so qualified.
11. A member shall be subject to discipline for performing in any role if they have been removed from such position.
12. Any member who is aware that it cannot meet the physical and mental fitness requirements for a prolonged period shall report the same to the Chief and shall not respond to emergencies or participate in any active event.
13. When a member is given medical restrictions, or returns to active membership status, it is the Chief's responsibility to communicate to the Board and firematic officers the changes in the person's membership status.
14. Any member returning to active duty from an absence of thirty (30) days or more or from an injury occurring in the Line of Duty, or returning or moving to a more strenuous and

physically demanding position must receive the District's physician's certification that they can meet the requirements of their position. The Chief will direct the member to schedule an appointment. The member is to inform the Chief of his/her understanding of their request. If the Chief needs additional information they will contact the vendor.

15. Any active member who has an obvious physical injury or disability which prohibits them from performing any active role shall be removed from performing in such position, and moved to a less demanding position if possible by the Chief, and if not, then placed on medical leave. The Chief shall notify the Board of Fire Commissioners.
16. A Fire District Commissioner or an appointee of the District will be a contact point for the vendor service organization to assure assistance is provided when required. The vendor service organization will provide a contact person for the Fire District.
17. The vendor organization will provide monthly billing for services provided.
18. The District shall pay for all initial physical exams performed by the District. The treatment or further examination of any discovered condition, illness or medical problem shall be the responsibility of the member and not the District, unless such is covered by VFBL.
19. If a physician is unable to determine whether or not a member meets the physical fitness standards without the assistance of a specialist, the member may seek the opinion of a specialist at its own cost, but the District will not pay for the necessary exams of the specialist and the applicant or member shall provide the specialist's report to the District's physician for review.
20. No second opinions will be paid for by the District. Challenging opinions from specialists will be considered, but at the cost of the individual.
21. Only those persons who are deemed physically capable of performing those duties which may be assigned to them during emergencies shall be qualified to do such duties.
22. Persons with known heart disease or heart conditions, epilepsy, or emphysema, may not participate in interior emergency activities unless a physician's certificate of the individual's fitness to participate in such activities is provided.
23. A full medical examination shall consist of the following:
 - A. Personal history questionnaire
 - B. Chest X-Ray (only upon admission as a member, and then every five years)
 - C. Full drug screen (except for THC) (new members only)
 - D. Vital signs, pulse, respiration and blood pressure

- E. Blood and blood-forming organs (Complete laboratory blood work)
- F. Gastrointestinal systems
- G. Audiometry
- H. Endocrine and metabolic disorders
- I. Genitourinary system
- J. Head and neck
- K. Heart and vascular system (E.K.G.)
- L. Respiratory System, pulmonary function test
- M. Mouth, nose, ears, eyes and throat
- N. Neurological system
- O. Dermatological system
- P. Musculoskeletal system
- Q. Systemic diseases and miscellaneous condition
- R. General and miscellaneous condition
- S. Vision and Color Blindness
- T. Urinalysis

The Board of Fire Commissioners may also include the following tests:

- A. Flu vaccine
 - B. Hepatitis vaccine (See Hepatitis Policy)
 - C. Hepatitis titer
 - D. Tetanus Vaccine (every ten years)
 - E. PSA test (Prostate cancer test. Recommended for all males over the age of forty)
 - F. Bloodwork
24. Persons may only perform those operational assignments for which they are physically and mentally qualified.
 25. A physician or other qualified health individual shall assure that an individual can satisfy the job performance requirements.
 26. Active members must qualify for at least one of the classes of “Interior” and “Exterior” (with or without SCBA), “Operator”, ”EMS Only” or “Fire Police.” If a member desires to move to a higher/more stringent physical for a more demanding position, they must retest for that position.
 27. In order to serve in any of the capacities, a person must be physically and mentally competent to perform the following tasks without jeopardizing their health or safety, or another’s health or safety, due to health-related conditions or physical or mental disabilities:

Interior firefighter

- A. Wear 60 pounds of gear for up to two (2) hours.

- B. Climb a 24' ladder wearing such gear, carrying 15 pounds of equipment.
- C. Crawl for 30 minutes while wearing such gear.
- D. Hear actual voices at a reasonable audible level from the distance of 15', though use of a hearing aid is permissible
- E. Hear radio communications at a reasonable audible level 6" from a radio speaker, though use of a hearing aid is permissible
- F. See at least 100' without any significant impairment, though use of corrective glasses is acceptable
- G. Drag a person of 175 pounds utilizing two arms
- H. Carry a 12' ladder by oneself and place such a ladder against a building
- I. Don an air pack and mask and breath through such mask while on air for 45 minutes
- J. Be physically and mentally capable of performing all of the above while wearing an air pack
- K. Bend, reach and flex so as to be able to lift and place heavy objects
- L. Speak clearly so as to be understood
- M. Have the mental capacity to understand and competently deal with hazardous emergency situations
- N. Be able to work for prolong periods in the dark and heat and confined spaces

Exterior firefighter / Scene Support/ Operators of Vehicles

- A. Wear 30 pounds of gear for up to two (2) hours
- B. Hear actual voices at a reasonable audible level from the distance of 15', though use of a hearing aid is permissible
- C. Hear radio communications at a reasonable audible level 6" from the radio speaker, though use of a hearing aid is permissible
- D. See at least 100' without any significant impairment, though use of corrective glasses is acceptable
- E. Drag a person of 175 pounds utilizing two arms
- F. Carry a 12' ladder by oneself and place such a ladder against a building
- G. Don an air pack and mask and breath through such mask while on air for 45 minutes
- H. Lift at least 50 pounds and hold such weight for at least 5 minutes
- I. Walk rapidly carrying 25 pounds of equipment for at least 15 minutes
- J. Pull a weight of 50 pounds for a distance of 100'
- K. Bend, reach and flex so as to be able to lift and place objects
- L. Speak clearly so as to be understood
- M. Have the mental capacity to understand and competently deal with hazardous emergency situations

***NOTE: Any exterior firefighter and operator may wear SCBA outside of a structure (eg: car fire) and must pass the SCBA portion of any examination, including the questionnaire and any physical exam testing relevant to SCBA.

Fire Police

- A. Wear 20 pounds of gear for up to two (2) hours
- B. Hear actual voices at a reasonable audible level from the distance of 15', though use of a hearing aid is permissible (with physician consent)
- C. Hear radio communications at a reasonable audible level 36" from the radio speaker, though use of a hearing aid is permissible (with physician consent)
- D. See at least 100' without any significant impairment, though use of corrective glasses is acceptable
- E. Lift at least 25 pounds and hold such weight for at least 5 minutes
- F. Walk rapidly carrying 15 pounds of equipment for at least 15 minutes
- G. Have the flexibility to bend in order to place cones and flares on the street
- H. Stand for at least 60 minutes
- I. Speak clearly so as to be understood
- J. Have the mental capacity to understand and competently deal with hazardous emergency situations
- K. Possess the agility to be able to quickly avoid unexpected oncoming traffic

Emergency Medical Technician & Ambulance Operators

- A. Meet all standards imposed by the District of Health/Bureau of Emergency Medical Services for Emergency Medical Technicians
- B. Hold a valid and current New York State driver's license without restrictions, unless such restrictions can be reasonably accommodated by the District. upon a case-by-case basis
- C. Wear 30 pounds of gear, including a ballistic vest
- D. Hear actual voices at a reasonable audible level from the distance of 15', case-by-case a hearing aid is permissible (with physician consent)
- E. Hear radio communications at a reasonable audible level 6" from the radio speaker, though use of a hearing aid is permissible (with physician consent)
- F. See at least 100' without any significant impairment, though use of corrective glasses is acceptable
- G. See in low light situations
- H. Possess manual dexterity sufficient to apply all treatments and perform all tasks of an E.M.T. of their level deftly and skillfully
- I. See small details sufficient to apply all treatments and perform all tasks of an E.M.T. of their level deftly and skillfully

- J. Withstand varied environmental conditions such as extreme heat, cold and moisture for prolonged periods of time
- K. Lift 125 pounds by themselves, without assistance, to the waste level.
- L. Carry a patient of 250 pounds down 20 steps utilizing a non-mechanical stair chair with assistance of one individual
- M. Raise a stretcher and patient with a combined weight of 300 pounds into the ambulance, with one set of wheels in the ambulance, and with the ambulance level with the ground, and also at an inverse downward angle of ten degrees (such as on a downward hill)
- N. Bend, stoop and crawl without limitation on uneven terrain
- O. Bend, reach and flex so as to be able to lift and place objects
- P. Speak clearly so as to be understood
- Q. Have the mental capacity to understand and competently deal with hazardous emergency situations
- R. Have the maturity to manage sensitive issues
- S. Have the mental capacity to make difficult choices in stressful conditions

Tuberculosis testing:

All members are entitled to annual testing for Tuberculosis at the District's expense.

Return-to-Duty Medical Evaluation:

The Fire District's medical authority shall evaluate a current firefighter who has been absent from duty for a medical condition (*to include all VFBL Leave*) or any leave from the district. A firefighter may not return to active duty without prior clearance from the district's medical authority.

All members who have been absent from duty due to a Leave of Absence, Line of Duty Injury (VFBL), or non-line of duty injury as well as a suspension for 30 days or more must complete a drug test with our Medical Authority.

Any member who has been on a medical leave for 30 days or more and has not had a physical within 3 to 6 months will be required to have an evaluation with our Medical Authority as well as a drug test. Any member who has been on a medical leave for 30 days or more and has not had a physical in more than 6 months will be required to have a complete physical with our Medical Authority as well as a drug test.

Once the District and the member receive the medical evaluation and/or physical results are cleared to return to duty, the medical liaison will notify, the Board of Fire Commissioners, Chiefs Office in writing that they are eligible to return to duty. The Officers of the members company will notify the member that they may return to duty. Upon notification by the Company Officers the member may pick up their radio and gear.

Any member on medical leave may not return until a written medical clearance from the member's treating physician is submitted to the District's Medical Liaison, who will then obtain clearance from the District's Medical Authority. The Medical Liaison will notify the Board of Fire Commissioners, Chiefs Office and Company Officers in writing when member is cleared to return to duty.

Inability to return to duty within eighteen (18) months

Any member that is unable to return to Active Membership within eighteen (18) months of leaving Active Membership for any reason, including but not limited to medical inability or any other leave of absence, shall automatically be terminated from Active Membership upon the end of the eighteenth month. An Active Member is defined as a member who is subject to call for an operational duty. The inability to be "operational" for any reason cannot extend indefinitely. However, persons terminated for this reason may reapply.

While such persons are unable to participate in operational activities, they are permitted to be present at member meetings and social functions. However, they will not earn LOSAP except for qualifying disabilities under the LOSAP program rules. They also are not authorized to participate in trainings (other than classroom), hands on drills, operational responses, fundraisers or parades. Persons violating this provision will be subject to termination.

Medical Evaluation Records, Results, Reporting, and Confidentiality:

All medical information collected as part of a medical evaluation shall be considered confidential medical information and shall be released by the fire district medical authority only with the specific written consent of the candidate or current fire fighter.

The District shall inform the Fire District only as to whether or not the candidate or current firefighter is medically certified to perform as a firefighter. The specific written consent of the candidate or current firefighter shall be required in order to release confidential medical information regarding this condition to the district.

All correspondence to or from a firefighter regarding his/her medical status, immunizations or other pertinent information including correspondence from the medical liaison to the firefighter shall be maintained in the member's confidential file.

Mask Fit Testing:

All firefighters who are required to wear SCBA will be required to be fit tested annually.

Any firefighter that is not scheduled for an annual physical is still required to complete a Fit Testing.

Failure to comply with the mask fit test by December 31 of every calendar year will result in a member being dropped interior status.

PROPERTY TAX DEDUCTION

The District will participate in any property tax deduction program offered and will certify those members who qualify as active members in good standing when asked to do so.

RECORDING PRIVATE CONVERSATIONS PROHIBITED

Recording conversations in the firehouse without the express permission of all persons in attendance and/or on the recording shall be prohibited and shall be reasons for discipline, including termination.

Exceptions are rare, but include recording lectures given for training purposes, but only with permission of the individual conducting the training. The host of a meeting may announce that the meeting will be recorded, and need not obtain permission for the recording.

Meetings of the Board of Fire Commissioners may be recorded by any attendee, except for executive sessions.

Individuals are permitted to request permission to record a conversation.

RESIDENCY REQUIREMENTS OF ACTIVE MEMBERS

Applicants for active membership in the Fire District's fire company must meet one of the following requirements to be eligible for membership, unless they are a participant in the Duty Program:

1. a resident of the Fire District; or
2. a resident in a territory in which the Fire District or Fire Company provides fire protection pursuant to contract for cash consideration;
3. by reason of the location of the applicant's usual occupation, the applicant is available to render active service in the area listed in paragraphs (1) and (2). An individual's employer must provide a letter to the District affirming that the member is authorized to leave work during hours to respond to fire alarms and dispatches;
4. a resident in the vicinity of the Fire District or in the vicinity of territory in which any company provides fire protection pursuant to contract for cash consideration.

The term "vicinity" shall be defined as living within the Town of Leicester or within ten (10) miles of the border of the Fire District. The term residency is defined as where the person is domiciled, or keeps their belongings.

At no time shall the number of Active Members who reside outside of territories 1 or 2 above (combined) exceed forty-five percent (45%) of the number of Active Members in the District.

Once a new applicant is approved by the membership, the name of such applicant must be submitted to the Fire District's Board of Fire Commissioners for approval. The membership of any applicant shall become effective when approved by a resolution of the Fire District.

Any member moving outside the required radius may continue to remain a member if it receives the approval first from the Fire Company and then from the Board of Fire Commissioners, and if not, membership shall terminate automatically.

SEXUAL HARASSMENT PREVENTION POLICY

Introduction

The Fire District is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Fire District's commitment to a discrimination-free work environment. Sexual harassment is against the law⁷ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the Fire District. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. The Fire District's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the Fire District. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Fire District will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Fire District who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees⁸ working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Board of Fire Commissioners or

⁷ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

⁸ A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

Chief. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Fire District to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. The Fire District will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The Fire District will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Fire District will provide all employees with a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Board of Fire Commissioners or Chief.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What Is “Sexual Harassment”?

1. Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.
2. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:
 - A. such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive

work environment, even if the reporting individual is not the intended target of the sexual harassment;

- B. such conduct is made either explicitly or implicitly a term or condition of employment; or
 - C. submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.
3. A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.
 4. Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.
 5. Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

1. Physical acts of a sexual nature, such as:
 - A. touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - B. rape, sexual battery, molestation or attempts to commit these assaults.
2. Unwanted sexual advances or propositions, such as:
 - A. requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;

- B. subtle or obvious pressure for unwelcome sexual activities.
- 3. Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- 4. Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- 5. Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - A. displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- 6. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - A. interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - B. sabotaging an individual's work;
 - C. bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

- 1. Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if it occurs away from the workplace premises, on personal devices or during non-work hours.

Retaliation

1. Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).
2. Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:
 - A. made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
 - B. testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
 - C. opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
 - D. reported that another employee has been sexually harassed; or
 - E. encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

1. **Preventing sexual harassment is everyone’s responsibility.** The Fire District cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Board of Fire Commissioners or Chief. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Board of Fire Commissioners or Chief.
2. Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.

3. Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

1. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Board of Fire Commissioners or Chief.
2. In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.
3. Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

1. **All** complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.
2. An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.
3. Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Fire District will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.
4. While the process may vary from case to case, investigations should be done in accordance with the following steps:
 - A. upon receipt of complaint, the Board of Fire Commissioners or Chief will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the

“Complaint Form” in writing. If they refuse, prepare a Complaint Form based on the verbal reporting;

- B. if documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them;
- C. request and review all relevant documents, including all electronic communications;
- D. interview all parties involved, including any relevant witnesses;
- E. create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - (1) A list of all documents reviewed, along with a detailed summary of relevant documents;
 - (2) A list of names of those interviewed, along with a detailed summary of their statements;
 - (3) A timeline of events;
 - (4) A summary of prior relevant incidents, reported or unreported; and
 - (5) The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- F. keep the written documentation and associated documents in a secure and confidential location;
- G. promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document;
- H. inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections and External Remedies

- 1. Sexual harassment is not only prohibited by the Fire District but is also prohibited by state, federal, and, where applicable, local law.
- 2. Aside from the internal process at the Fire District, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not

required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

3. In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Fire District does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at: Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; or call 311 or (212) 306-7450; or visit

www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police District

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police district.

COMPLAINT FORM FOR REPORTING SEXUAL HARASSMENT

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to a supervisor, manager, Board of Fire Commissioners or Chief at the Fire District offices, by submitting by mailing to the Fire District offices, attention of the Board of Fire Commissioners or Chief, or by email to the Chair of the Board of Fire Commissioners. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method: ☐Email ☐Phone ☐In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: ☐ Supervisor ☐ Subordinate ☐ Co-Worker ☐ Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? ☐ Yes ☐ No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____

Date: _____

Instructions for Employers

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

1. speaking with the employee
2. speaking with the alleged harasser
3. interviewing witnesses
4. collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.

SERVICE ANIMALS AND ANIMALS

1. Animals of any type are not permitted in the station, except as stated herein.
2. Members and employees may visit the station with their certified service animal for the purpose of visitation only.
3. Members and employees performing as a responder may not bring in their service animals during a shift or at any time when the responder may leave the station to respond to an emergency or service call, as 28 CFR 35.136 requires that the service animal must remain under the handler's control at all time. Service animals are permitted for administrative staff who can perform administrative duties while controlling such service animal.
4. Nor may any service animals be transported in or left in any response vehicle.
5. Service animals may not be left in a kennel during a response, as this is not control. Nor may an animal be left in a vehicle or other container on premises.
6. Service animals may be brought in during trainings where the animal may be kept under the handler's control.
7. When authorized, service animals are permitted so long as they are housebroken and are constantly and always under the control and supervision of the handler.
8. The handler shall not ask another individual to watch the animal in place of the handler.
9. Service animals may not be left unattended by the handler. Being leashed or kenneled while outside of the control of the handler is not acceptable.
10. Service animals may not be brought by the handler to an emergency incident or fire/medical related call.

SLEEPING IN THE FIREHOUSE

Active Members are only authorized to sleep in the firehouse if they intend to respond to emergency calls during the time they are sleeping at the firehouse. Persons may not sleep at the firehouse unless they are available to respond to emergencies.

Regardless, no person is authorized to attempt to make the firehouse their temporary or permanent residence. No person is authorized to be or become a tenant of the fire district's firehouse.

No person may sleep at the firehouse for more than seventy-two cumulative hours in a one-week period.

No person may store their personal belongings in the firehouse, other than those which are specifically utilized for emergency responses or cleaning up from emergency responses.

SMOKING POLICY

This policy has been established in compliance with the New York State anti-smoking law in order to provide a safe, smoke-free environment for all members.

All offices, vehicles and buildings of the District are off limits to smoking. All individuals must leave the building in order to smoke and must remain at least fifty (50) feet from the public's entrances to the buildings. These rules include use of tobacco products (burnt or not) and electronic devices.

TRANSFER APPLICATIONS

Any active member of another district desiring to transfer from such fire district must provide a letter from the Chief of their district stating that the application is a member in good standing and is not under investigation for disciplinary action.

UNIFORMS

Uniforms, including badges, trousers, dress blouse, white shirt, black tie, hat, parade gloves, shoulder patch, dress shoes and tie clips furnished for the use of all members, shall continue to be the property of the Leicester-Cuylerville Fire District and shall be returned to the District upon termination of membership in good order and condition, except Life Members who are permitted to retain their uniforms. No patches or badges can be added or removed without the consent of the Board of Fire Commissioners.

Any citations bars given forth by hand by the Fire District or its designees may be displayed appropriately on the uniform.

Each member shall be responsible for the care and condition of the uniform and other equipment furnished.

Loss of any part of the official dress uniform is subject to replacement by the member, at their own expense.

WHISTLEBLOWER/DISCLOSURE POLICY

The District's goal is to create a culture of intolerance to fraud, abuse or errors which result in violations of federal and state law, improper expenditures, improper payments or in a violation of the code of ethics. In order to create such a culture, the district mandates that all personnel disclose all good faith beliefs that such improper acts or violations have occurred. The district further offers extensive protection, as required by law, to all persons who in good faith report violations.

Application

This policy shall apply to all individuals, regardless of whether or not any specific section of law applies to such individual. However, nothing in this policy is intended to provide any remedy to any person not otherwise covered by any law, including but not limited to Labor Law § 740.

In such respects and subject to such limitations, this policy applies to employees, defined by the Labor Law as: "an individual who performs services for and under the control and direction of an employer for wages or other remuneration, including former employees, or natural persons employed as independent contractors to carry out work in furtherance of an employer's business enterprise who are not themselves employers."

As a matter of "best practice," the District has incorporated the requirements of Labor Law § 740.

This policy also shall apply to volunteers, subject to the above limitations.

Definitions

1. "Law, rule or regulation" includes:
 - A. any duly enacted federal, state or local statute or ordinance or executive order;
 - B. any rule or regulation promulgated pursuant to such statute or ordinance or executive order;
 - C. any judicial or administrative decision, ruling or order; and
 - D. any policy of the district implemented for the purpose of protecting against improper, illegal, or unethical conduct, including but not limited to the treatment of others and the expenditures and protections of funds.
2. "Public body" includes the following:

- A. the United States Congress, any state legislature, or any elected local governmental body, or any member or employee thereof;
 - B. any federal, state, or local court, or any member or employee thereof, or any grand or petit jury;
 - C. any federal, state, or local regulatory, administrative, or public agency or authority, or instrumentality thereof;
 - D. any federal, state, or local law enforcement agency, prosecutorial office, or police or peace officer;
 - E. any federal, state or local district of an executive branch of government; or
 - F. any division, board, bureau, office, committee, or commission of any of the public bodies described in subparagraphs (i) through (v) of this paragraph.
3. “Retaliatory action” means an adverse action taken by an employer (i.e.: the district) or their agent to discharge, threaten, penalize, or in any other manner discriminate against any employee or former employee exercising their rights under this Policy, including:
- A. adverse employment actions or threats to take such adverse employment actions against an employee/individual in the terms of conditions of employment or volunteering including but not limited to termination, reduction or prevention from obtaining benefits, discharge, suspension, or demotion;
 - B. actions or threats to take such actions that would adversely impact a former employee's current or future employment or volunteering; or
 - C. threatening to contact or contacting United States immigration authorities or otherwise reporting or threatening to report an employee's suspected citizenship or immigration status or the suspected citizenship or immigration status of an employee's family or household member, as defined in subdivision two of section four hundred fifty-nine-a of the social services law, to a federal, state, or local agency; or
 - D. suffering intimidation, harassment, discrimination or other retaliation.

4. “Supervisor” means any individual within the district’s organization who has the authority to direct and control the work performance of the affected individual; or who has managerial authority to take corrective action regarding the violation of the law, rule or regulation of which the individual complains.
5. “Reporter” or any derivation thereof shall be the individual that makes a good faith notification to the Compliance Officer or other appropriate individual, board or committee of any violation.

Policy and Procedure

1. Compliance Officer. The district shall designate an individual as a Compliance Officer to administer the whistleblower policy and to report to the board or an authorized committee thereof, except that commissioners who are paid employees may not participate in any board or committee deliberations or voting relating to administration of the whistleblower policy. The name of the Compliance Officer shall be posted with this policy, along with the Contact information for both the Compliance Officer and the District’s Attorney.

Name

Phone

COMPLIANCE OFFICER: _____

DISTRICT’S ATTORNEY: _____

2. Reporting. All personnel are required to report any good faith belief of any violation of any law, rule or regulation (as defined above) or any improper payments or expenditures to the Compliance Officer. Personnel may make anonymous reports if they choose either to write to the Compliance Officer or directly to the District’s Attorney. If such anonymity cannot be maintained in order to allow the Compliance Committee to conduct a meaningful investigation, the person shall be so advised and requested to come forward in order to assist the district with an investigation. Under no circumstances shall the District obligate the Compliance Officer to disclose the name of any Reporter who made a report in good faith.
3. Simple errors. This Policy is not intended to require personnel to bring all simple errors to the attention of the Board or Compliance Officer. Simple errors and unintentional violations should be reported to an appropriate individual who may correct such error or an uninvolved member of the district or may be reported directly to the Compliance Officer. Personnel are permitted to use their judgment as to whom they should report these errors.

4. Investigation. The Compliance Officer shall have the full authority of the district to conduct an investigation. No records shall remain confidential from the Compliance Officer which the Officer deems relevant to conduct an investigation. The Compliance Officer shall report the matter to the Board in such a way and at such a time so as to not interfere with the proper investigation of such Policy. The Compliance Officer is hereby authorized to speak directly to the District's Attorney/legal counsel to address/correct such issue(s).
5. Cooperation Required. Any and all individuals, including but not limited to those who may be involved in the reported activity, are required to participate in good faith in any and all investigations, subject to any rights granted by the constitution or law or by any employment or collective bargaining agreement. The failure to cooperate shall be a basis for discipline up to and including termination. Nothing herein shall require any individual to waive any rights otherwise protected under the State or Federal Constitution.
6. Prohibition on Participation. A person who is the subject of a whistleblower complaint may not be present at or participate in Board or committee deliberations or vote on the matter relating to such complaint. However, nothing herein shall prohibit the Board or committee from requesting that the person who is subject to the complaint present information as background or answer questions at a committee or board meeting prior to the commencement of deliberations or voting relating thereto.
7. Retaliation prohibited. No retribution or retaliation (as defined above) in the terms and conditions of employment or volunteering shall occur as a result of such reporting, so long as such reporting is not determined to be malicious and knowingly false. Additionally, and not to limit the above statement, the district shall not take any retaliatory action against an individual, whether or not within the scope of the individual's job duties, because such individual does any activity protected by law, rule, regulation, or policy.
8. Additional Prohibitions. The district shall not take any retaliatory action (as defined above) for any protected activity (as defined above), against an individual or reporter, whether or not within the scope of the individual's job duties, because such individual does any of the following:
 - A. discloses or threatens to disclose to a supervisor or to a "public body" an activity, policy or practice of the employer that the employee reasonably believes is in violation of law, rule or regulation or that the employee reasonably believes poses a substantial and specific danger to the public health or safety;

- B. provides information to, or testifies before, any “public body” conducting an investigation, hearing or inquiry into any such activity, policy or practice by the district; or
 - C. objects to, or refuses to participate in any such activity, policy or practice;
 - D. Participates in an investigation or cooperates with any authority, the Compliance Officer or the District’s attorney
9. Protected activities include:
- A. disclosing or threatening to disclose to a supervisor or to a public body an activity, policy or practice of the district that the individual reasonably believes is in violation of law, rule or regulation or that the individual reasonably believes poses a substantial and specific danger to the public health or safety;
 - B. providing information to, or testifying before, any public body conducting an investigation, hearing or inquiry into any such activity, policy or practice by the district; or
 - C. objecting to, or refusing to participate in any such activity, policy or practice.
10. Nothing in this Policy shall be deemed to diminish the rights, privileges, or remedies of any employee under any other law or regulation or under any collective bargaining agreement (if any) or any employment contract (if any) or of any other Policy adopted by the district.
11. Confidentiality. All reports and such information shall remain as confidential as possible so as to protect the reporting individual from any retaliation but such protection shall not be applied in such a way as to inhibit the investigation or correction of any reported or verified issues/violations.
12. The Compliance Officer shall keep copies of all reports, regardless of the manner by which they were reported. No report shall be destroyed until at least seven (7) years have passed from the date of the report or the correction of the activity/issue or the date of any alleged retaliation, whichever is later.
13. Limitation on protections. The protection against retaliatory action provided by this Policy pertaining to disclosure to a public body shall not apply to an employee/individual who makes such disclosure to a “public body” (as defined above) unless the

employee/individual has made a good faith effort to notify their employer by bringing the activity, policy or practice to the attention of a supervisor of the employer and has afforded such employer a reasonable opportunity to correct such activity, policy or practice. Such employer notification shall not be required where:

- A. there is an imminent and serious danger to the public's health or safety;
 - B. the employee reasonably believes that reporting to the supervisor would result in a destruction of evidence or other concealment of the activity, policy or practice;
 - C. such activity, policy or practice could reasonably be expected to lead to endangering the welfare of a minor;
 - D. the employee reasonably believes that reporting to the supervisor would result in physical harm to the employee or any other person; or
 - E. the employee reasonably believes that the supervisor is already aware of the activity, policy or practice and will not correct such activity, policy or practice.
14. Additional notice to employees on remedies. Labor Law § 740 provides that an employee who has been the subject of a retaliatory action in violation of Section 740 may institute a civil action in a court of competent jurisdiction for relief within two years after the alleged retaliatory action was taken. This Policy offers protections broader than Section 740 and it is not the intent of the district to expand the civil remedies for violations not otherwise covered by the law. However, the District is permitted by law to defend itself against any action on the basis that the retaliatory action was predicated upon grounds other than the employee's exercise of any rights protected by Section 740. Employees are cautioned against making false reports without a basis in good faith as a court, in its discretion, may order that reasonable attorneys' fees and court costs and disbursements be awarded to the district if the court determines that an action brought by an employee was without basis in law or in fact.
15. Notice of results of the investigation.
- A. The reporter, as a volunteer or employee of the district, may request the conclusions of the Compliance Officer and may request whether or not any corrective action was undertaken, except as may be protected by privilege. If the disposition results in discipline, the reporter shall only be advised that there has been disciplinary action, but not what that action entailed. If the disposition results in no action being taken, the reporter may elect to receive a letter from the Compliance Officer

detailing its investigation, findings and its reasons. The Compliance Officer shall be able to seal any disposition of any matter and any facts it wishes for any reason it deems necessary, except as subject to any laws governing disclosure or as ordered by a court.

- B. The Compliance Officer shall inquire from the reporter as to its satisfaction with the disposition of the matter.
 - C. The Board shall advise the Compliance Officer whether any response will be provided to the reporter. No response is mandated. The Officer shall transmit both the Board's decision to provide a response, and if the Board so directed, the response itself.
 - D. If the reporter is not satisfied with the corrective action, if any, and if the reporter still believes that the fraud or abuse has occurred and has not been satisfactorily addressed, the Officer shall advise the reporter that it may make a report to the appropriate state or federal agency. This Policy also shall constitute such notice to report.
16. Publication. The district shall post this Policy conspicuously in easily accessible and well-lighted places customarily frequented by individuals protected by the Policy (ie: members), employees and applicants for employment.

WORKPLACE VIOLENCE PREVENTION PROGRAM

POLICY STATEMENT

The Fire District is concerned and committed to our employees' safety and health. The term "employees," for purposes of this policy, includes all officers, volunteers, commissioners, the secretary and treasurer, and any employees. The District will not tolerate violence in the workplace and will make every effort to prevent violent incidents from occurring by implementing a Workplace Violence Prevention Program ("WPVP"). The District will provide adequate authority and budgetary resources to responsible parties so that our goals and responsibilities can be met.

All managers and supervisors are responsible for implementing and maintaining the District's WPVP Program. The District encourages employee participation in designing and implementing our program. We require prompt and accurate reporting of all violent incidents whether or not physical injury has occurred. We will not discriminate against victims of workplace violence.

A copy of this Policy Statement and our WPVP Program is readily available to all employees from each individual with authority, such as the Chief and members of the Board of Fire Commissioners.

Our program ensures that all employees, including the chiefs, line officers and the Board of Fire Commissioners, adhere to work practices that are designed to make the workplace more secure, and do not engage in verbal threats or physical actions which create a security hazard for others in the workplace.

All employees are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment.

The District Board and the Chief are responsible for ensuring that all safety and health policies and procedures involving workplace security are clearly communicated and understood by all employees. The Board and the Chief are expected to enforce the rules fairly and uniformly.

The District's Workplace Violence Prevention Program will be reviewed and updated annually or as otherwise required by incidents.

THREAT ASSESSMENT TEAM

A Threat Assessment Team has been established and part of their duties will be to assess the vulnerability to workplace violence at our establishment and reach agreement on preventive actions to be taken. They are responsible for auditing our overall Workplace Violence Program.

The Threat Assessment Team will consist of the Chief, Assistant Chiefs and each commissioner.

The team will develop employee training programs in violence prevention and plan for responding to acts of violence. They will communicate this plan internally to all members, commissioners, employees and officers.

The Threat Assessment Team began its work by reviewing previous incidents of violence within the District and as are common in other fire districts. The team analyzed and reviewed existing records identifying patterns that may indicate causes and severity of assault incidents and identify changes necessary to correct these hazards. These records included but were not limited to, OSHA 200/300 logs, past incident reports, medical records, insurance records, workers compensation records, police reports, accident investigations, training records, grievances, minutes of meetings, and most importantly, issues common to emergency service workers.

The District has inspected the workplace and has evaluated the work tasks of all individuals to determine the presence of hazards, conditions, operations and other situations which might place our personnel at risk of occupational assault incidents and violence. Select individuals were surveyed to identify the potential for violent incidents and to identify or confirm the need for improved security measures. These surveys shall be reviewed, updated and distributed as needed or at least once within a two-year period.

Periodic inspections to identify and evaluate workplace security hazards and threats of workplace violence will be performed by the following representatives of the Assessment Team, in the following areas of our workplace:

1. within the firehouse(s) and all District and Company owned property;
2. in the Community, for issues first responders face outside of the firehouse;
3. at District meetings with the public present.

Periodic inspections will be performed every two years.

HAZARD ASSESSMENT

Records Review - The Threat Assessment Team reviewed the following records:

1. OSHA 200/300 logs for the last three years;
2. incident reports;

3. records of or information compiled for recording of assault incidents or near assault incidents;
4. insurance records;
5. police reports;
6. accident investigations;
7. training records;
8. grievances;
9. Workers' Compensation records.

From these records, and from the general awareness of issues of violence faced by firefighters we have identified the following issues that need to be addressed:

1. “Weapons of Mass Destruction;”
2. assault with weapons;
3. intoxicated or drug influenced individuals;
4. domestic violence;
5. arson;
6. driver rage;
7. criminal acts in progress or concluding;
8. terrorist acts;
9. “Chemically Assisted Suicide;”
10. road rage.

Commissioners also may face anger from the community, and it has been determined that insufficient protections exist to protect the commissioners. However, like most public meetings, no security is affordable.

It was also determined that:

1. the mere presence of firefighters (and EMTs) out in the community during responses to emergencies or their participation in other activities, including but not limited to being present in homes and in the streets, opens them up to violent acts, whether intentionally directed towards them or indirectly;
2. firefighters and EMTs, as emergency workers, and the firehouse as a symbol in the community, are potential targets of terrorist attacks;
3. arsonists may intend on harming any persons in a house or attempting to save a house from fire;
4. members of the public may enter into the firehouse(s) with the intent to harm individuals;
5. critical incident related stress of the firefighters which could result in unanticipated and uncharacteristic violent acts.

WORKPLACE SECURITY ANALYSIS

Inspection - The Threat Assessment Team inspected the workplace. From this inspection the following issues have been identified:

1. bay doors and exterior doors are usually closed and secured, but may be left open during times when members are in the firehouse(s);
2. the public may be in the firehouse(s) on occasion, which may result in the inability to prevent planned acts of violence;
3. the community in general, as our “workplace” is hazardous in general, posing the threat of violent acts, including terrorist acts, arson, and physical harm;
4. exterior lighting must be maintained in order to enhance security;
5. building access must be controlled, as well as within the firehouse itself;
6. firefighters must receive continual training to be aware of the threats they face in the community when on calls;

7. commissioners must be aware of an exit strategy if the public or members thereof become uncontrollably angry. Phones to the police should be available.

General issues of emergency responder safety. The threats to emergency responders outside of the confines of The District's offices are well known. These threats include, but are not limited to:

1. "Weapons of Mass Destruction;"
2. assault with weapons;
3. intoxicated or drug influenced individuals;
4. domestic violence;
5. arson;
6. driver rage;
7. criminal acts in progress or concluding;
8. terrorist acts;
9. "Chemically Assisted Suicide."

Review of Tasks - The Threat Assessment Team also reviewed the work tasks of our employees to determine the presence of hazards, conditions, operations and situations which might place workers at risk of occupational assault incidents. The following factors were considered:

1. responding to emergencies of all sorts, including:
 - A. terrorism;
 - B. assault;
 - C. domestic violence;
 - D. criminal acts;
 - E. arson;
 - F. "Weapons of Mass Destruction."
2. being present in the firehouse. The firehouse may be a target of violence itself;

3. presence around individual members: members may have experienced stress due to critical incidents and may require counseling or treatment to prevent violent and unexpected outbursts;
4. commissioners may face angry members of the public at meetings;
5. remaining in a place which is a target of terrorism, such as the fire house/ambulance or municipal office;
6. exchange of money with the public;
7. working alone or in small numbers;
8. working late at night or early in the morning hours;
9. working in a high crime area;
10. guarding valuable property or possessions;
11. working in community settings;
12. staffing levels;
13. presence at community/District meetings with angry individuals.

From this analysis, the following issues have been identified:

1. employees need to be educated as to the methods of protecting themselves and others when out in the public;
2. employees need training to recognize the possibility of initial and secondary terrorist attacks;
3. employees need to be educated as to the methods of identifying potential hazards to themselves, their fellow employees, and others
4. commissioners face potentially violent acts from members of the community during District meetings or while out in the community.

WORKPLACE HAZARD CONTROL AND PREVENTION

In order to reduce the risk of workplace violence, the following measures have been recommended:

1. training has been implemented to educate employees in the risks associated with responding to emergencies, including all of the risks above, such as terrorism, arson, domestic violence, and road rage;
2. security access to buildings has been reviewed and implemented;
3. engineering Controls and Building and Work Area Design controls have been implemented as follows:
 - A. lighting has been reviewed for parking lots
 - B. security to the building has been reviewed. The terrorist threat levels also will determine the level of security and lockdown of the firehouse(s)
 - C. phones are throughout the building to ensure easy access to call for police assistance;
4. emergency personnel will have radios to ensure communication in the field with 911 or other emergency communications systems;
5. personnel will receive training to recognize the identified hazards;
6. police agencies will be made available to respond prior to the fire district and clear the scene before the members enter the scene;
7. review of measures that have been instituted in this organization to prevent workplace violence including:
 - A. use of security equipment and procedures;
 - B. how to attempt to diffuse hostile or threatening situations;
 - C. how to summon assistance in case of an emergency or hostage situation;
 - D. post-incident procedures, including medical follow-up and the availability of counseling and referral;
8. management has instituted the following as a result of the workplace security inspection and recommendations made by the Threat Assessment Team, including the following policies and training:
 - A. the firehouse will not remain unlocked and unsecured at times when persons are not in the firehouse;

- B. the general public will not be permitted to walk around the firehouse;
- C. training will be instituted as indicated above.

TRAINING AND EDUCATION Training for all employees, including managers and supervisors, will be provided annually. This training will be repeated every two years.

Training shall include:

1. a review and definition of workplace violence;
2. a full explanation and full description of our program (all employees were given a copy of this program at orientation);
3. instructions on how to report all incidents including threats and verbal abuse;
4. methods of recognizing and responding to workplace security hazards;
5. training on how to identify potential workplace security hazards (such as no lights in parking lot while leaving late at night, unknown person loitering outside the building, etc.)
6. training on the hazards specific to serving as a firefighter and being present at emergencies and throughout the community;
7. potential violent acts caused by critical incident stress of members;
8. review of measures that have been instituted in this organization to prevent workplace violence including:
 - A. use of security equipment and procedures;
 - B. how to attempt to diffuse hostile or threatening situations;
 - C. how to recognize threats of violence;
 - D. methods of how to avoid becoming involved in or trapped by a violent situation during an emergency response;
 - E. weapons of mass destruction training, and terrorism awareness, and hazardous materials;
 - F. how to summon assistance in case of an emergency or hostage situation;

- G. post-incident procedures, including medical follow-up and the availability of counseling and referral.

Additional specialized training may be given to:

1. chiefs, line officers, select members;
2. all members will complete: Hazardous Materials Awareness;
3. interior firefighters will complete: Hazardous Materials for First Responders.

Refresher training will be repeated every two years.

Trainers will be qualified and knowledgeable. Our trainers are professionals and will either be from in-house or in the community.

All training records will be filed with the office of the Chief.

Workplace Violence Prevention training will be given to new employees/volunteers as part of their orientation and throughout their training, as appropriate. Not all of the training will be given initially, as some of it becomes more applicable as the volunteers progress throughout their education and skill levels (such as arson issues).

Our training program will be updated to reflect changes in our Workplace Prevention Program.

INCIDENT REPORTING AND INVESTIGATION

All incidents must be reported within **forty-eight hours**. An "Incident Report Form" will be completed for all incidents. One copy will be forwarded to the Threat Assessment Team for their review and a copy will be filed with the Chief.

The Threat Assessment Team will evaluate each incident. The team will discuss the causes of the incident and will make recommendations on how to revise the program to prevent similar incidents from occurring. All revisions of the Program will be put into writing and made available to all employees.

RECORDKEEPING

The District will maintain an accurate record of all workplace violence incidents. All incident report forms will be kept for a minimum of seven (7) years, or for the time specified in the Statute of Limitations for our local jurisdiction, or as otherwise required by the Record Retention Policy.

Any injury which requires more than first aid, is a lost-time injury, requires modified duty, or causes loss of consciousness, will be recorded on the OSHA 200/300 log. Doctors' reports and officers' reports will be kept of each recorded incident, if applicable.

Incidents of abuse, verbal attack, or aggressive behavior which may be threatening to the employee, but not resulting in injury, will be recorded. These records will be evaluated on a regular basis by the Threat Assessment Team.

Minutes of the Threat Assessment Team meetings shall be kept for three (3) years.

Records of training program contents, and the sign-in sheets of all attendees, shall be kept for five (5) years, or as otherwise required by the Record Retention Policy. Qualifications of the trainers shall be maintained along with the training records.

DEFINITION OF INCIDENTS

1. ASSAULT:

The intentional use of physical injury, (impairment of physical condition or substantial pain) to another person, with or without a weapon or dangerous instrument.

2. CRIMINAL MISCHIEF:

Intentional or reckless damaging of the property of another person without permission.

3. DISORDERLY CONDUCT:

Intentionally causing public inconvenience, annoyance or alarm or recklessly creating a risk thereof by fighting (without injury) or in violent numinous or threatening behavior or making unreasonable noise, shouting abuse, misbehaving, disturbing an assembly or meeting or persons or creating hazardous conditions by an act which serves no legitimate purpose.

4. HARASSMENT:

Intentionally striking, shoving or kicking another or subjecting another person to physical contact, or threatening to do the same (without physical injury). ALSO, using abusive or obscene language or following a person in about a public place, or engaging in a course of conduct which alarms or seriously annoys another person.

5. LARCENY:

Wrongful taking, depriving or withholding property from another (no force involved). Victim may or may not be present.

6. **MENACING:**

Intentionally places or attempts to place another person in fear of imminent serious physical injury.

7. **RECKLESS ENDANGERMENT:**

Subjecting individuals to danger by recklessly engaging in conduct which creates substantial risk of serious physical injury.

8. **ROBBERY:**

Forcible stealing of another's property by use of threat of immediate physical force. (Victim is present and aware of theft).

9. **SEX OFFENSE:**

Public Lewdness: Exposure of sexual organs to others. Sexual Abuse: Subjecting another to sexual contact without consent. Sodomy: A deviant sexual act committed as in rape.

Rape: Sexual intercourse without consent.

SELF INSPECTION SECURITY CHECKLIST

Facility: _____

Inspector: _____

Date of Inspection: _____

1. Does The District maintain a CURRENT Security Control Plan:

Yes No

2. Does The District maintain a CURRENT Policy Statement

Yes No

3. Have you reviewed prior incidents of exposure?

Yes No

4. Does the present security control plan address all of the issues in the incidents of exposure to violence?

Yes No
5. Is the Plan accessible to all employees

Yes No
6. Is the Plan Reviewed and Updated Annually

Yes No
7. Is the Plan Reviewed and Updated When Tasks Added or Changed

Yes No
8. How often are the work areas evaluated by the District to ensure a risk assessment has been made?

_____ or "Don't know" _____

Off Premises Work Practice Controls

1. Is Training Conducted for new employees?
2. If yes, is it:

Prior to Initial Assignment:	Yes	No
At least annually thereafter	Yes	No

 Does it include:

Engineering and Workplace Controls Instituted at Workplace	Yes	No
Techniques to Use in Potentially Volatile Situations	Yes	No
Procedures to Follow After a violent incident	Yes	No
Periodic Refresher for On-Site Procedures	Yes	No

Opportunity for questions and answers with a qualified instructor	Yes	No
---	-----	----

On hazards unique to job tasks including:

- | | | |
|--|-----|----|
| • Weapons of Mass Destruction | Yes | No |
| • Assault with weapons | Yes | No |
| • Intoxicated or drug influenced individuals | Yes | No |
| • Domestic violence | Yes | No |
| • Arson | Yes | No |
| • Driver rage | Yes | No |
| • Criminal acts in progress or concluding | Yes | No |
| • Terrorist Acts | Yes | No |
| • Chemically Assisted Suicide | Yes | No |

- | | | |
|--|-----|----|
| 11. Written Training Records Kept | Yes | No |
| 12. Are Incidents Reported | Yes | No |
| 13. Are Incidents Evaluated | Yes | No |
| 14. Is EAP Counseling Offered to employees? | Yes | No |
| 15. Are Steps Taken to Prevent Recurrence of potentially violent events? | Yes | No |
| 16. Floor Plans Posted Showing Exits, Entrances, Location of Security Equipment, Etc. | Yes | No |
| 17. Do Employees Feel Safe | Yes | No |
| 18. Has the employer utilized the crime prevention services and/or lectures provided by the local or State police? | Yes | No |

INCIDENT REPORT FORM

1. VICTIMS NAME:_____ JOB TITLE:_____
2. VICTIMS ADDRESS:_____
3. HOME PHONE NUMBER:_____ WORK PHONE NUMBER:_____
4. EMPLOYERS NAME AND ADDRESS:_____
5. DISTRICT/SECTION:_____
6. VICTIMS SOCIAL SECURITY NUMBER:_____
7. INCIDENT DATE:_____
8. INCIDENT TIME:_____
9. INCIDENT LOCATION:_____
10. WORK LOCATION (if different):_____
11. TYPE OF INCIDENT: (circle one): Assault, Robbery, Harassment, Disorderly Conduct, Sex Offense, Terrorist Attack, Other. (Please Specify)

(See attached - DEFINITION OF INCIDENTS WORKSHEET)
12. WERE YOU INJURED: (circle):

Yes No

If yes, please specify your injuries and the location of any treatment:

13. DID POLICE RESPOND TO INCIDENT: Yes No
14. WHAT POLICE DISTRICT:_____
15. POLICE REPORT FILED: Yes No

REPORT NUMBER: _____

16. WAS YOUR SUPERVISOR NOTIFIED: Yes No
- SUPERVISORS NAME:
17. WAS THE LOCAL UNION/EMPLOYEE REPRESENTATIVE NOTIFIED:
- Yes No
- Who should be notified_____
18. WAS ANY ACTION TAKEN BY EMPLOYER: (specify)
- _____
19. ASSAILANT/PERPETRATOR: (circle one): Intruder, Customer, Patient, Resident, Client, Visitor, Student, Co-Worker, Former, Employee, Supervisor, Family/Friend, Other, (specify):
- _____
20. ASSAILANT/PERPETRATOR - NAME/ADDRESS/AGE (if known):
- _____
21. PLEASE BRIEFLY DESCRIBE THE INCIDENT:
- _____

22. INCIDENT DISPOSITION: (Circle all that apply): No action taken, Arrest, Warning, Suspension, Reprimand, Other:_____
- _____
23. DID THE INCIDENT INVOLVE A WEAPON: Yes/no Specify_____
- _____
24. DID YOU LOSE ANY WORKDAYS: Yes No
- Specify _____

25. WERE YOU SINGLED OUT OR WAS THE VIOLENCE DIRECTED AT MORE THAN ONE INDIVIDUAL: _____
26. WERE YOU ALONE WHEN THE INCIDENT OCCURRED:_____
27. DID YOU HAVE ANY REASON TO BELIEVE THAT AN INCIDENT MIGHT OCCUR:
Yes No

Why:_____
28. HAS THIS TYPE OR SIMILAR INCIDENT(S) HAPPENED TO YOU OR YOUR CO-WORKERS:
Yes No

Specify:_____
29. HAVE YOU HAD ANY COUNSELING OR SUPPORT SINCE THE INCIDENT:
Yes No

Specify:_____
30. WHAT DO YOU FEEL CAN BE DONE IN THE FUTURE TO AVOID SUCH AN INCIDENT:

31. WAS THIS ASSAILANT INVOLVED IN PREVIOUS INCIDENTS:

32. ARE THERE ANY MEASURES IN PLACE TO PREVENT SIMILAR INCIDENTS:
Yes No

Specify:_____
33. HAS CORRECTIVE ACTION BEEN TAKEN:

Specify:_____
34. COMMENTS:_____
- _____
- _____
- _____
- _____

MEMBER SECURITY SURVEY

This survey will help detect Security Problems in the stations, in the field or at an alternate worksite.

Please fill out this form, get your co-workers to fill it out and review it to see where the potential for major security problems lies.

NAME: _____

WORK LOCATION: _____

(IN BUILDING, IN FIELD OR ALTERNATE WORKSITE)

1. Do either of these two conditions exist in your building or at your alternate work site?

___ Work alone during working hours.

___ No notification given to anyone when you finish work.

Are these conditions a problem? If so when, please describe. (For example, Mondays, evening, daylight savings time)

2. Do you have any of the following complaints (that may be associated with causing an unsafe worksite)?

(Check all that apply)

___ Does your workplace have a written policy to follow for addressing general problems?

___ Does your workplace have a written policy on how to manage a violent client

___ When and how to request the assistance of a co-worker

___ When and how to request the assistance of police

___ What to do about a verbal threat

___ What to do about a threat of violence

___ What to do about harassment

___ Working alone

___ Alarm System(s)

___ Security in and out of building

___ Security in parking lot

___ Has a co-worker assaulted you?

___ To your knowledge have incidents of violence ever occurred between your co-workers?

3. Are violence related incidents worse during shift work, on the road or in other situations?
Please specify: _____
4. Where in the building or worksite would a violence related incident most likely to occur?
- ___ lounge
 - ___ exits
 - ___ deliveries
 - ___ private offices
 - ___ parking lot
 - ___ bathroom
 - ___ entrance
 - ___ Other
 - ___ Community Area
- Other (specify) _____
5. Have you ever noticed a situation that could lead to a violent incident?
6. Have you missed work because of a potential violent act(s) committed during your course of employment?
7. Do you receive workplace violence related training or assistance of any kind?
8. Has anything happened recently at your worksite that could have led to violence?
9. Can you comment about the situation?
10. Has the number of violent clients increased?

ZERO TOLERANCE DRUG AND ALCOHOL POLICY

Alcohol use prior to service or impairment due to alcohol during service will not be tolerated by the Fire District.

Regardless, no person may respond to or participate in any District activity covered by VFBL if they have consumed alcohol within two (2) hours of the incident.

Use of any drug, whether legal or illegal, which has any affect so as to impair judgment or physical or mental ability of a responder is prohibited. Drug use of an illegal substance on duty which is detectable in the body of a firefighter will be considered on duty drug use and considered to be an impairment while on duty if such drug is detected while the member is still an active member and subject to call for duty.

No active firefighter shall participate in any emergency, stand-by, drill, training or other activity covered by the V.F.B.L. if the firefighter is in any way impaired by alcohol or any drugs, legal or illegal, or if the active firefighter shows or exhibits any signs or symptoms of alcohol or drug use. Signs include but are not limited to the scent on clothes or breath or detectable in any amount in the blood, hair or urine.

No member of the Fire District shall serve as an official or unofficial representative of the Fire District or Fire Company while impaired in any manner by alcohol or any illegal drug.

Any firefighter that has a good faith belief that another firefighter is in violation of this policy shall immediately report the violation to a chief of the district. Any violation occurring while at an emergency shall immediately be reported to an appropriate line officer or incident commander. The suspected individual shall be relieved of duty immediately and placed on the side of the scene. The individual will then be transported home in a non-emergency vehicle or otherwise evaluated in accordance with this District's drug and alcohol testing policy.

The individual may be asked to submit to a field sobriety test or to a breathalyzer test, but only from a police officer. If the individual refuses, they shall be suspended from the Fire District for a period not less than three (3) months. This shall not limit the discipline if the individual is later confirmed to have been in violation of this policy.

Any individual blatantly disregarding obvious signs of another firefighter's intoxication or drug induced impairment and not reporting the same shall be subject to discipline including suspension or termination of membership.

Any violation of this policy may result in the immediate suspension or expulsion from membership in the District.

ACKNOWLEDGEMENT OF RECEIPT OF CONDUCT POLICIES

I, _____, hereby acknowledge receipt of the Policies regarding the Rules of Conduct for members of the Leicester-Cuylerville Fire District's. I understand that it is my obligation to review in detail the policies and abide by them.

NAME OF MEMBER

SIGNATURE OF MEMBER

DATE

OPERATIONAL POLICIES

APPARATUS DRIVER MINIMUM QUALIFICATIONS AND RULES

No person less than twenty-one (21) years of age with at least two (2) years of operating a regular motor vehicle shall drive any emergency vehicle.

No probationary member may operate an emergency vehicle in emergency mode.

All drivers must possess a current, valid and non-revoked or suspended New York State Driver's license in order to be cleared to operate any vehicle. Any loss, suspension or revocation of the driving privileges by New York State, including suspension of a license for any reason, shall result in the member being prohibited from driving a fire vehicle and from driving to the station for any purpose. In no event shall a conditional or temporary driving privilege permit any person to operate a fire vehicle. Out of state licenses may be considered as acceptable by the Board of Fire Commissioners upon request.

Any person receiving or accumulating at least eight (8) points on a driver's license must be reported immediately to the Chief and shall result in the loss of driving privileges of District vehicles.

All drivers must successfully complete EVOC (or equivalent) no later than a year of being cleared to operate a District vehicle. All drivers must participate in the District's LENS program. All drivers of vehicles with pumps must complete a New York State Pump Operators Course, and must complete a New York State Aerial Operators Course for any vehicle having an aerial ladder.

The Chief shall have sole discretion as to who is cleared and recertified as an approved driver. Loss of driving privileges shall not be considered a disciplinary action and may be removed without cause by the Chief.

All drivers shall operate the vehicle with sufficient attention, skill and care which are owed to the public and shall only take those actions as are authorized by Vehicle & Traffic Law § 1104 when performed with the due regard for the safety of others, and as are reasonable considering conditions such as traffic, pedestrians and weather.

Annual Driver/Operator Recertification.

Driver Trainers are approved by the Chief on a case-by-case basis, and must have at least five (5) years of experience driving and operating the apparatus being trained on and must have a clean driving history on that vehicle in that year.

Every firefighter qualified as an apparatus operator must recertify annually on fire apparatus they are qualified to operate. The District's operating practices are incorporated herein. Operators qualified for all the apparatus may choose to recertify on any of the large apparatus. However, in successive years a different piece of apparatus should be used to recertify. This practice will help them to maintain their proficiency with all vehicles.

A "Driver Recertification Evaluation Sheet" is to be completed by a driver trainer.

BLUE LIGHTS

The Chief may grant and/or revoke to active volunteers, the privilege of displaying one Blue light, in accordance with the New York State Vehicle and Traffic Law, while responding to emergency calls. The Chief reserves the right to revoke or suspend this authorization. No person shall disobey any traffic control device or traffic law or regulation while using a blue light. The blue light shall not entitle any person to violate any law or regulation.

DASH CAMERAS

The District may install dash mounted cameras in District owned vehicles. The Chief shall designate which vehicles shall utilize the dash cameras.

1. This policy shall not constitute an approval of any other recording device except for dash mounted cameras in vehicles. Personal cameras are not authorized by this policy.
2. The cameras are for the benefit of District and not intended for the public's direct benefit. The cameras are intended for the protection of the operators, as well as for capturing events beneficial for the future training of District.
3. The cameras shall be installed so that they are automatically turned on and off by the ignition of the vehicle. The cameras may also record audio such as siren noise and potentially radio traffic, though the audio is not the primary goal of this program.
4. Cameras shall be the property of District. All material recorded shall be the property of District and shall not be the property of any person.
5. There is no requirement and it is not possible that all of the recordings be saved, except as otherwise provided below.
6. It is understood that the recording device of a dash mounted camera has a limited amount of recording space and that the recordings may be recorded over as a matter of routine. Emergency operations shall not be stopped or interfered with in order to transfer or preserve the recording.
7. At the earliest reasonable moment after the emergency call is concluded, the operator of the vehicle or another qualified individual shall transfer any recording which may, in the operators or a chief's or an officer's opinion at the time require the transfer to a more permanent storage. Since the recordings will automatically loop and the power to the devices shall not be easily accessible, it is understood that recording may be lost.
8. All operators of the vehicles and all officers of vehicles in which a dash cam is mounted shall be trained and proficient in transferring the recording.
9. District may use the recorded material to evaluate the operator's driving conduct, including disciplinary purposes.
10. Under no circumstances shall any person ever intentionally destroy or cause to be destroyed or written over the recording device.

11. Any photographic material involving a patient that is transferred from the recording device shall be treated as part of a medical record and shall be maintained in accordance with any patient privacy laws.
12. Best efforts shall be utilized to transfer the recordings to a computer in order to preserve the recordings, in the following circumstances:
 - A. Upon a FOIL request for the recording or upon receiving a preservation request from an attorney or other authorized individual;
 - B. In the event of an accident of any type involving the vehicle, regardless of the prospect of fault, cause, injury or damage;
 - C. Upon the recording of a crime or possible crime;
 - D. Upon the recording of a personal injury to any member or individual;
 - E. Upon the recording of any serious motor vehicle accident to which District responded, or highly unusual emergency response;
 - F. Upon recording the death of any individual;
 - G. If not otherwise stated above, if in the discretion of the Chief, the operator, the officer or the Board, the recording should be retained.
13. Upon completion of a transfer to a computer or other permanent storage method, the copy shall be maintained in accordance with District's records management policy, the recording medium shall be returned to the camera system, and the video shall be maintained for such time as required therein:
 - A. If the recording is for training purposes, it shall be considered a training record;
 - B. If the recording is for workplace violence purposes, it shall be considered a workplace violence record;
 - C. If the recording is a recording is for accident investigation purposes, it shall be considered a record for potential litigation and maintained at a minimum until the statute of limitations for any such litigation has expired;
 - D. If the recording is a recording for workers compensation/VFBL purposes, it shall be maintained at a minimum until the final appeal of any workers' compensation proceedings has been exhausted.
14. No recording which has been requested by the public or by any government agency shall be intentionally destroyed.
15. The recording ability of the devices should be periodically confirmed on each device.

EMERGENCY SCENES: RESPONSE COVERAGE

One Time Basis

The chief or the incident commander, in the absence of the chief, may permit active members of other fire districts to volunteer at an emergency scene on a case-by-case basis. The individual so appointed will be entitled to coverage by this district's V.F.B.L. coverage and any other coverage which is granted to members for the duration of the emergency. There is no obligation of the chief or incident commander to provide such temporary appointment. The individual so appointed shall only operate in the capacity in which s/he operates in his/her own district, or in a less demanding capacity.

Continually Responding Basis

In the event that a member of another fire district anticipates being available to respond to emergencies on more than a one-time basis, the individual may be permitted to respond to emergencies frequently if available and in the Fire District. However, such individual must receive the approval of the chief and then the board of fire commissioners. The individual shall be required to adhere to all qualifications for the operational status for which they were approved, as if they were a member of this district. The chief shall ensure that such member is in good standing with their fire district for the duration of the period over which such individual will respond to emergencies in this district. Such authorization may be revoked at any time by either the Chief or the Board of Fire Commissioners and shall end immediately upon the cessation or suspension of membership with the individual's home district.

The individual so appointed will be entitled to coverage by this district's V.F.B.L. coverage and any other coverage which is granted to members for the duration of the emergency.

Coverage of members at another's scene

The District hereby provides VFBL coverage (and any other available rights) to any active volunteer member of this District who comes upon an emergency incident and who provides assistance at such incident and who is injured in the performance of such assistance. Such coverage shall cease upon the arrival of the fire district providing fire protection (the "arriving district"). Should the arriving district accept the services of the member, such individual shall then be covered under the arriving district's VFBL. Should the arriving district not accept the service of the member, the member shall stop providing assistance. Any injuries sustained after the member has been advised to cease providing services shall not be covered by this District's VFBL.

LENS PROGRAM

All drivers and operators shall participate in the License Event Notification System (“LENS”) Program. The failure to participate shall disqualify the individual from operating any District owned vehicle.

MISCELLANEOUS RULES

1. All members shall become familiar with proper communications techniques and radio operations (portable and mobile).
2. Only Fire District members shall be allowed to ride on the apparatus or handle equipment, excluding members of the Ladies auxiliary unless authorized by the Board of Fire Commissioners.
3. No member shall congregate in the a Radio Room unless an active call is in place.

PHOTOGRAPHY AND PRIVACY

In order to preserve the confidentiality of patients, property and victims and the honor of the fire service, the District has instituted the following policy:

1. No photography of any type shall be permitted while at a scene of an emergency or for which the Fire District was requested, except as on approved camera belonging to the District or as specifically authorized by the District such as by the District photographer. EMS workers may take pictures for the sole purpose of capturing the mechanism of injury and this photograph shall become part of the medical record. All photographic equipment shall be left in a personal vehicle. No photographs taken shall be distributed or made public outside of the District except to a hospital or arson or accident investigator, or upon a proper demand of a court of law or by judicial subpoena. All photographs shall be destroyed as soon as it is determined that the photograph is not necessary for patient care or as a record of an incident, except as restrained by court order or as will be used for training or history of the District.
2. No individual may carry any photographic equipment onto a scene, other than equipment belonging to the District. If a cell phone is on scene, the camera shall not be used except upon approval by the incident commander, and then only in rare circumstances.
3. “Photographic equipment” shall be defined to include any audio or video recording device, including but not limited to a camera, video recorder, or phone with a camera function or video recorder function.
4. Any individual who has photographic equipment, including but not limited to a camera or recording device on a phone, shall leave such equipment in the station prior to boarding a vehicle. Should any individual be in a vehicle out of the station and not responding to an emergency while an emergency call is received, the photographic equipment shall be left in the vehicle at all times.
5. Violation of this policy may result in discipline, up to and including termination.
6. Nothing in this policy shall prevent recording training, or prevent the photograph of any scene for which the owner has provided permission.
7. Any picture taken or recording made by an individual shall be the property of the District, and only the District may authorize the release or distribution of such picture or recording. Any money paid for or received by a member for a picture shall belong to and turned over to the District.

RED LIGHTS AND SIRENS ON PERSONAL VEHICLES

Chiefs are authorized to install warning lights (red/blue) and sirens in their vehicles. Such authorization may be made contingent upon placing a dash camera in the vehicle.

RESPONSE DIRECTLY TO SCENES

Chiefs, fire police, EMS personnel who are closer to the call location than to the station, and persons authorized by the Chief on a case-by-case basis may respond directly to a scene. All members who respond to the scene must indicate utilizing response app that they are responding to the scene.

PHYSICAL EXAMINATION PACKET

PHYSICAL PROCESS

1. Individual shall complete a physical with the District physician/exam group at the district's cost.
2. Individuals will complete medical history form and the exam physician must complete the rest of the form and clearances.
3. Individuals who wish to be cleared for SCBA use will complete the Respiratory Questionnaire and return the same to the District's physician/examination group.
4. The examining physician will complete all forms.
5. The examining physician must:
 - A. Conduct all require tests
 - B. Review all policies and physical/mental fitness requirements
 - C. Review results
 - D. Determine any underlying "abnormal" results
 - E. Compare "abnormal results" with the Category A & B conditions and make a determination as to whether the individual may perform in their operational position
 - F. Review Essential Job Performance Requirements and determine whether individual is qualified for any positions.
6. Results:
 - A. Potential volunteers/employees who are determined to have a Category A condition are **prohibited** from serving as a volunteer in the stated operational positions. Potential volunteers/employees who are determined to have a Class B condition may only serve in any operational position if they are cleared for such duty by the District Physician.
 - B. Present volunteers who are determined to have a Category A or Category B condition may only continue to serve (in any operational position) if they are cleared for such duty by a qualified physician after reviewing all physical/mental fitness requirements and Job Performance Requirements.

PACKET FOR THE EXAM PHYSICIAN/LABORATORY

MEDICAL EXAM: FOR THE EXAMINING PHYSICIAN/LABORATORY

Examinee's Name: _____

DOB: _____

Testing

Pulse rate: _____ Height (in): _____ Weight (lbs): _____

Blood Pressure: Systolic _____ Diastolic _____

Urinalysis: Sp. Gr. _____ Protein _____
 Blood Sugar _____

Vision

Uncorrected OS _____ OD _____ OU _____
Corrected (as needed) OS _____ OD _____ OU _____

Patient can recognize and distinguish among traffic control signals and devices showing red, green and amber colors:

Yes _____ No _____

Monocular Vision: Yes _____ No _____

Hearing

Patient can hear spoken words at conversational volume at six feet with back turned to examiner:

Yes _____ No _____

Further audiometric testing recommended:

Yes _____ No _____

EKG (Baseline and for persons over age 40 only)

Normal _____ Abnormal _____

If abnormal, interpretation: _____

Blood work (CMP, CBC with diff) Normal _____ Abnormal _____
Hepatitis A, B & C Negative _____ Positive _____

X-RAY of lungs (initial exam only) Normal _____ Abnormal _____

**BODY SYSTEM
ABNORMAL**

NORMAL ABNORMAL

BODY SYSTEM

NORMAL

General _____
Skin _____
Eyes _____
Ears _____
Mouth/throat _____
Cardiovascular _____
Lungs/Chest _____

Abdomen _____
Genitourinary _____
Back/Spine _____
Extremities/Joints _____
Neurological (reflexes) _____
Gait _____
Vascular System _____

Notes:/Comments:

	YES	NO
Does the patient have any conditions of the head/skull preventing the use of a helmet or full-face respirator?		
Does the patient have any chronic problem with hearing or the ears (i.e., chronic vertigo, impaired balance, cochlear implant)?		
Does the patient have any facial, or neck condition which could result in the inability to perform a fit test for a particulate or full-face respirator?		
Does the patient have any cardiovascular system condition which, in your opinion, may affect their ability to safely respond to and operate at a call for emergency assistance (i.e., fire, car accident, medical emergency)?		
Does the patient have any condition which may cause a sudden loss of consciousness (i.e., seizure, hypoglycemia)?		
Does the patient have evidence of a vascular condition which requires surgical or extreme pharmaceutical intervention (i.e., aneurysm, uncontrolled hypertension)?		
Does the patient have any renal condition which requires dialysis?		
Has the patient undergone any surgical intervention where implants or appliances have been placed (i.e., joint replacements or rods)?		
Does the patient have any hemorrhagic state requiring replacement therapy, sickle cell disease, clotting disorder or is otherwise required to take medications which affect clotting?		

If you answered yes to any of the above questions, please provide a detailed explanation on another sheet of paper or the reverse of this one.

Health History (to Be Completed by the Examinee and given to the Examining Physician)

Do you have or have you ever had:	Yes	No	Unsure
Head/Brain Injuries or Illness (i.e., Concussion)			
Seizures, epilepsy			
Eye Problems			
Ear and/or Hearing Problems			
Heart Disease, Heart Attack, Bypass or other heart problems			
Pacemaker, stents, implantable devices, or other heart procedures			
High Blood Pressure			
High Cholesterol			
Chronic (Long-Term) cough, shortness of breath or other breathing problems			
Lung Disease (i.e., Asthma, Emphysema)			
Kidney problems, kidney stones or other pain/problems with urination			
Stomach, Liver or digestive problems			
Diabetes or blood sugar problems			
Use Insulin			
Anxiety, depression, nervousness or other mental health problems			
Fainting or passing out			
Dizziness headaches, numbness, tingling or memory loss			
Unexplained weight loss			
Stroke, mini-stroke (TIA), paralysis or weakness			
Missing or limited use of arm, hand, finger, leg, foot, toe			
Neck or back problems			
Cancer			
Chronic (long-term) infection or other chronic diseases			
Sleep disorders, pauses in breathing while asleep, daytime sleepiness, loud snoring			
Have you ever had a sleep test?			
Have you ever spent the night in the hospital?			
Have you ever had a broken bone?			
Do you currently use tobacco products?			
Do you have claustrophobia (fear of closed-in spaces)?			
Do you have trouble smelling odors?			
Do you have hearing aids or cochlear implants?			

Examinee: I have answered the above health history questionnaire truthfully and to the best of my knowledge.

Examinee's Signature

Date

I, _____, a physician licensed to practice medicine in the State of New York, hereby certify that I have completed the above physical examination and reviewed the health history questionnaire with the Examinee.

Print Physician Name: _____

Signature of Physician: _____

Date of Examination: _____

FOR THE EXAMINING PHYSICIAN

INSTRUCTIONS FOR THE EXAMINING PHYSICIAN

Following are the Essential Job Performance Requirements for each operational category. Please review those tasks for the desired operational category and determine whether the individual may safely perform those functions without posing a health and safety threat to the individual or others.

This determination is to be a factor when considering whether the individual is medically fit to be cleared for any position.

ESSENTIAL JOB PERFORMANCE REQUIREMENTS

In order to serve in any of the following capacities, a person must be physically and mentally competent to perform the following tasks without jeopardizing their health or safety, or another's health or safety, due to health-related conditions or physical or mental disabilities: The Physician need not perform a functional evaluation to make this determination.

Interior firefighters

- A. Wear 60 pounds of gear for up to two (2) hours.
- B. Climb a 24' ladder wearing such gear, carrying 15 pounds of equipment.
- C. Crawl for 30 minutes while wearing such gear.
- D. Hear actual voices at a reasonable audible level from the distance of 15', though use of a hearing aid is permissible
- E. Hear radio communications at a reasonable audible level 6" from a radio speaker, though use of a hearing aid is permissible
- F. See at least 100' without any significant impairment, though use of corrective glasses is acceptable
- G. Drag a person of 175 pounds utilizing two arms
- H. Carry a 12' ladder by oneself and place such a ladder against a building
- I. Don an air pack and mask and breath through such mask while on air for 45 minutes
- J. Be physically and mentally capable of performing all of the above while wearing an air pack
- K. Bend, reach and flex so as to be able to lift and place heavy objects
- L. Speak clearly so as to be understood
- M. Have the mental capacity to understand and competently deal with hazardous emergency situations
- N. Be able to work for prolong periods in the dark and heat and confined spaces

Exterior firefighter / Scene Support/ Operators of Vehicles weighing over 10,000 pounds

- A. Wear 30 pounds of gear for up to two (2) hours
- B. Hear actual voices at a reasonable audible level from the distance of 15', though use of a hearing aid is permissible
- C. Hear radio communications at a reasonable audible level 6" from the radio speaker, though use of a hearing aid is permissible
- D. See at least 100' without any significant impairment, though use of corrective glasses is acceptable
- E. Drag a person of 175 pounds utilizing two arms
- F. Carry a 12' ladder by oneself and place such a ladder against a building
- G. Don an air pack and mask and breath through such mask while on air for 45 minutes
- H. Lift at least 50 pounds and hold such weight for at least 5 minutes
- I. Walk rapidly carrying 25 pounds of equipment for at least 15 minutes
- J. Pull a weight of 50 pounds for a distance of 100'
- K. Bend, reach and flex so as to be able to lift and place objects
- L. Speak clearly so as to be understood
- M. Have the mental capacity to understand and competently deal with hazardous emergency situations

***NOTE: Any exterior firefighter and operator may wear SCBA outside of a structure (eg: car fire) and must pass the SCBA portion of any examination, including the questionnaire and any physical exam testing relevant to SCBA.

Emergency Medical Technician & Ambulance Operators

- A. Meet all standards imposed by the District of Health/Bureau of Emergency Medical Services for Emergency Medical Technicians
- B. Hold a valid and current New York State driver's license without restrictions, unless such restrictions can be reasonably accommodated by the District upon a case-by-case basis
- C. Wear 30 pounds of gear, including a ballistic vest
- D. Hear actual voices at a reasonable audible level from the distance of 15', though use of a hearing aid is permissible (with physician consent)
- E. Hear radio communications at a reasonable audible level 6" from the radio speaker, though use of a hearing aid is permissible (with physician consent)
- F. See at least 100' without any significant impairment, though use of corrective glasses is acceptable
- G. See in low light situations
- H. Possess manual dexterity sufficient to apply all treatments and perform all tasks of an E.M.T. of their level deftly and skillfully

- I. See small details sufficient to apply all treatments and perform all tasks of an E.M.T. of their level deftly and skillfully
- J. Withstand varied environmental conditions such as extreme heat, cold and moisture for prolonged periods of time
- K. Lift 125 pounds by themselves, without assistance, to the waste level.
- L. Carry a patient of 250 pounds down 20 steps utilizing a non-mechanical stair chair with assistance of one individual
- M. Raise a stretcher and patient with a combined weight of 300 pounds into the ambulance, with one set of wheels in the ambulance, and with the ambulance level with the ground, and also at an inverse downward angle of ten degrees (such as on a downward hill)
- N. Bend, stoop and crawl without limitation on uneven terrain
- O. Bend, reach and flex so as to be able to lift and place objects
- P. Speak clearly so as to be understood
- Q. Have the mental capacity to understand and competently deal with hazardous emergency situations
- R. Have the maturity to manage sensitive issues
- S. Have the mental capacity to make difficult choices in stressful conditions

Fire Police

- A. Wear 20 pounds of gear for up to two (2) hours
- B. Hear actual voices at a reasonable audible level from the distance of 15', though use of a hearing aid is permissible (with physician consent)
- C. Hear radio communications at a reasonable audible level 36" from the radio speaker, though use of a hearing aid is permissible (with physician consent)
- D. See at least 100' without any significant impairment, though use of corrective glasses is acceptable
- E. Lift at least 25 pounds and hold such weight for at least 5 minutes
- F. Walk rapidly carrying 15 pounds of equipment for at least 15 minutes
- G. Have the flexibility to bend in order to place cones and flares on the street
- H. Stand for at least 60 minutes
- I. Speak clearly so as to be understood
- J. Have the mental capacity to understand and competently deal with hazardous emergency situations
- K. Possess the agility to be able to quickly avoid unexpected oncoming traffic

**FOR THE EXAMINING PHYSICIAN
(BASED UPON THE MEDICAL EXAM)**

After reviewing the exam findings, for any “abnormal” findings in the above medical exam, please determine whether the individual has any Category A or B conditions. Please circle any that exist and return the page(s) with your examine results.

PLEASE NOTE: For initial exams, Category A conditions are **an absolute bar** to hiring/volunteering. Category B conditions will only prevent performing in any given operational position upon your determination.

For annual and return to work exams, Category A & B conditions will only prevent performing in any given operational position upon your determination.

Exam	Within Normal Limits	If No, Category A or B Concern? (circle)	
Vital Signs	Yes / No	Category A Concern	Category B Concern
HEENT	Yes / No	Category A Concern	Category B Concern
Respiratory	Yes / No	Category A Concern	Category B Concern
Heart	Yes / No	Category A Concern	Category B Concern
Abdomen	Yes / No	Category A Concern	Category B Concern
Musculoskeletal	Yes / No	Category A Concern	Category B Concern
Spine and Back	Yes / No	Category A Concern	Category B Concern
Extremities	Yes / No	Category A Concern	Category B Concern
Skin and Lymph	Yes / No	Category A Concern	Category B Concern
Neurological	Yes / No	Category A Concern	Category B Concern

Notes/Comments:

**PHYSICIAN'S
CERTIFICATE FOR FITNESS FOR DUTY**

To be completed by Physician:

I, _____, a physician licensed to practice medicine in the State of New York, hereby certify that I have reviewed the examination results of _____.

The exam was an:

Annual/Initial Exam _____
Return to Duty/Fitness to Serve _____

In making the following determination, I have reviewed the following:

- Essential Job Performance Requirements (for the desired operational category)
- Respiratory Fitness Questionnaire (for individuals required to be SCBA qualified)
- Category A & B designation list

By my initials below, I hereby certify that the above individual is certified to perform the duties of the following operational category(s):

<u>Category</u>	<u>Physician's Initials</u>
Interior Firefighter	_____
Exterior Firefighter/Scene Support	_____
Fire Police	_____
Emergency Medical Technician	_____
SCBA qualified (separate from above)	Yes____ No ____
Individual is not certified at this time for any operational category	_____
Physician's Name (printed):	_____
Physician Signature:	_____
Dated:	_____
Received by: _____ (Chief of District)	

THIS PAGE (ONLY) MUST BE RETURNED TO THE DISTRICT

CATEGORY A & CATEGORY B MEDICAL CONDITIONS

Head and Neck

Head

Category A medical conditions include the following:

1. Defect of skull preventing helmet use or leaving underlying brain unprotected from trauma
2. Any skull or facial deformity that would not allow for a successful fit test for respirators used by that district
3. Any head condition that results in the candidate not being able to safely perform one or more of the essential job tasks

Category B medical conditions include the following:

1. Deformities of the skull such as depressions or exostoses
2. Deformities of the skull associated with evidence of disease of the brain, spinal cord, or peripheral nerves
3. Loss or congenital absence of the bony substance of the skull

Neck

Category A medical conditions include any neck condition that results in the candidate not being able to safely perform one or more of the essential job tasks.

Category B medical conditions include the following:

1. Thoracic outlet syndrome
2. Congenital cysts, chronic draining fistulas, or similar lesions
3. Contractures of neck muscles (A/K/A decreased range of motion preventing the wearing of SCBA, a mask, or the performance of any required physical activity)

Eyes and Vision

Category A medical conditions include the following:

1. Far visual acuity less than 20/40 binocular, corrected with contact lenses or spectacles, or far visual acuity less than 20/100 binocular for wearers of hard contacts or spectacles, uncorrected
2. Monocular vision. Any eye condition that results in the candidate not being able to safely perform one or more of the essential job tasks.

Category B medical conditions include the following:

1. Diseases of the eye such as retinal detachment, progressive retinopathy, or optic neuritis

2. Ophthalmological procedures such as radial keratotomy, Lasik procedure, or repair of retinal detachment
3. Peripheral vision in the horizontal meridian of less than 110 degrees in the better eye or any condition that significantly affects peripheral vision in both eyes
4. Color perception — monochromatic vision resulting in inability to use imaging devices such as thermal imaging cameras (for interior firefighters only)

Ears and Hearing

Category A medical conditions include the following:

1. Chronic vertigo or impaired balance as demonstrated by the inability to tandem gait walk
2. On audiometric testing, average hearing loss in the unaided better ear greater than 40 decibels (dB) at 500 Hz, 1000 Hz, 2000 Hz, and 3000 Hz when the audiometric device is calibrated to ANSI Z24.5, Audiometric Device Testing
3. Any ear condition (or hearing impairment) that results in the candidate not being able to safely perform one or more of the essential job tasks
4. Cochlear implant

Category B medical conditions include the following:

1. Unequal hearing loss
2. Average uncorrected hearing deficit at the test frequencies 500 Hz, 1000 Hz, 2000 Hz, and 3000 Hz greater than 40 dB in either ear
3. Atresia, stenosis, or tumor of the auditory canal
4. External otitis, recurrent, accompanied by hearing loss
5. Agensis or traumatic deformity of the auricle, accompanied by hearing loss
6. Mastoiditis or surgical deformity of the mastoid, accompanied by hearing loss
7. Ménière's syndrome, labyrinthitis, or tinnitus
8. Otitis media, recurrent, accompanied by hearing loss
9. Surgical procedures to correct or improve hearing or other conditions of the ear
10. Hearing Aid

Dental

Category A medical conditions include any dental condition that results in inability to safely perform one or more of the essential job tasks.

Category B medical conditions include the following:

- 1) Diseases of the jaws or associated tissues
- 2) Orthodontic appliances
- 3) Oral tissues, extensive loss
- 4) Relationship between the mandible and maxilla that interferes with satisfactory post orthodontic replacement or ability to use protective equipment

Nose, Oropharynx, Trachea, Esophagus, and Larynx

Category A medical conditions include the following:

- 1) Tracheostomy
- 2) Aphonia
- 3) Any nasal, oropharyngeal, tracheal, esophageal, or laryngeal condition that results in inability to safely perform one or more of the essential job tasks including fit testing for respirators such as N-95 for medical response, P-100 for particulates and certain vapors, and SCBA for fire and hazmat operations

Category B medical conditions include the following:

- 1) Congenital or acquired deformity
- 2) Allergic rhinitis
- 3) Epistaxis, recurrent
- 4) Sinusitis, recurrent
- 5) Dysphonia
- 6) Anosmia
- 7) Tracheal stenosis
- 8) Nasopharyngeal polyposis
- 9) Obstructive apneas (e.g., sleep apnea) if unresponsive to treatment

Lungs and Chest Wall

Category A medical conditions include the following:

- 1) Active hemoptysis
- 2) Current empyema
- 3) Pulmonary hypertension
- 4) Active tuberculosis
- 5) A forced vital capacity (FVC) or forced expiratory volume in 1 second (FEV1) less than 70 percent predicted even independent of disease
- 6) Obstructive lung diseases (e.g., emphysema, chronic bronchitis, asthma) with an absolute FEV1/FVC less than 0.70 and with either the FEV1 below normal or both the FEV1 and the FVC below normal (less than 0.80) (see references in F.2)
- 7) Hypoxemia — oxygen saturation less than 90 percent at rest or exercise desaturation by 4 percent or to less than 90 percent (exercise testing indicated when resting oxygen is less than 94 percent but greater than 90 percent)
- 8) Asthma — reactive airways disease requiring bronchodilator or corticosteroid therapy for 2 or more consecutive months in the previous 2 years unless the candidate can meet the requirement in paragraph 10 (A-C) below.
- 9) Any pulmonary condition that results in the candidate not being able to safely perform one or more of the essential job tasks
- 10) Lung transplant

A candidate who has in the past required bronchodilator, corticosteroid, or anti-inflammatory therapy (e.g., leukotriene receptor antagonists, such as Montelukast) for asthma but who does not believe they have asthma should be evaluated by a pulmonologist or other expert in asthmatic lung diseases, such as an allergist, to determine if the candidate meets all the following:

- A. Asthma has resolved without symptoms off medications for 2 years.
- B. Allergen avoidance or desensitization has been successful. (3) Spirometry demonstrates adequate reserve (FVC and FEV1 greater than or equal to 90 percent) and no bronchodilator response measured off all bronchodilators on the day of testing.
- C. Normal or negative response to provocative challenge testing [e.g., cold air, exercise (12 METs), methacholine, histamine, mannitol, or hypertonic saline] or negative response to exercise challenge.

Challenge testing should be performed off all anti-inflammatory medications (e.g., inhaled or oral steroids, leukotriene receptor antagonists) for 4 weeks preceding the test, off all antihistamines (e.g., oral allergy medications) for 1 week, and off all bronchodilators on the day of testing.

Category B medical conditions include the following:

- 1) Pulmonary resectional surgery, chest wall surgery, and pneumothorax
- 2) Pleural effusion
- 3) Fibrothorax, chest wall deformity, and diaphragm abnormalities
- 4) Interstitial lung diseases
- 5) Pulmonary vascular diseases or history of pulmonary embolism
- 6) Bronchiectasis, if abnormal pulmonary function or recurrent infections
- 7) Infectious diseases of the lung or pleural space
- 8) Cystic fibrosis
- 9) Central or obstructive apnea (e.g., sleep apnea) if unresponsive to treatment

Aerobic Capacity

Category A medical conditions include an aerobic capacity less than 12 metabolic equivalents (METs) (12 METs= 42 mL O₂/kg/min).

Heart and Vascular System

Heart

Category A medical conditions include the following:

- 1) Coronary artery disease, including history of myocardial infarction, angina pectoris, coronary artery bypass surgery, coronary angioplasty, and similar procedures
- 2) Cardiomyopathy or congestive heart failure, including signs or symptoms of compromised left or right ventricular function or rhythm, including dyspnea, S3 gallop, peripheral edema, enlarged ventricle, abnormal ejection fraction, and/or inability to increase cardiac output with exercise

- 3) Acute pericarditis, endocarditis, or myocarditis
- 4) Syncope, recurrent
- 5) A medical condition requiring an automatic implantable cardiac defibrillator or history of ventricular tachycardia or ventricular fibrillation due to ischemic or valvular heart disease, or cardiomyopathy
- 6) Third-degree atrioventricular block
- 7) Cardiac pacemaker
- 8) Hypertrophic cardiomyopathy, including idiopathic hypertrophic subaortic stenosis
- 9) Any cardiac condition that results in the candidate not being able to safely perform one or more of the essential job tasks
- 10) Heart transplant

Category B medical conditions include the following:

- 1) Valvular lesions of the heart, including prosthetic valves
- 2) Recurrent supraventricular or atrial tachycardia, flutter, or fibrillation
- 3) Left bundle branch block
- 4) Second-degree atrioventricular block in the absence of structural heart disease
- 5) Sinus pause more than 3 seconds
- 6) Ventricular arrhythmia (history or presence of multifocal PVCs or nonsustained ventricular tachycardia on resting EKG with or without symptoms; history or presence of sustained ventricular tachycardia with or without symptoms)
- 7) Cardiac hypertrophy or hypertrophic cardiomyopathy
- 8) History of a congenital abnormality
- 9) Chronic pericarditis, endocarditis, or myocarditis

Vascular System

Category A medical conditions include the following:

- 1) Uncontrolled or poorly controlled hypertension
- 2) Hypertension with evidence of end organ damage
- 3) Thoracic or abdominal aortic aneurysm
- 4) Carotid artery stenosis or obstruction resulting in greater than or equal to 50 percent reduction in blood flow
- 5) Peripheral vascular disease resulting in symptomatic claudication
- 6) Any other vascular condition that results in inability to safely perform one or more of the essential job tasks

Category B medical conditions include the following:

- 1) Vasospastic phenomena such as Raynaud's phenomenon
- 2) Thrombophlebitis, thrombosis, or varicosities
- 3) Chronic lymphedema due to lymphadenopathy or venous valvular incompetency
- 4) Congenital or acquired lesions of the aorta or major vessels

- 5) Circulatory instability as indicated by orthostatic hypotension, persistent tachycardia, and peripheral vasomotor disturbances
- 6) History of surgical repair of aneurysm of the heart or major vessel

Abdominal Organs and Gastrointestinal System

Category A medical conditions include the following:

- 1) Presence of uncorrected inguinal/femoral hernia regardless of symptoms
- 2) Any gastrointestinal condition that results in the candidate not being able to safely perform one or more of the essential job tasks

Category B medical conditions include the following:

- 1) Cholecystitis
- 2) Gastritis
- 3) GI bleeding
- 4) Acute hepatitis
- 5) Hernia including the following:
 - a) Uncorrected umbilical, ventral, or incisional hernia if significant risk exists for infection or strangulation
 - b) Significant symptomatic hiatal hernia if associated with asthma, recurrent pneumonia, chronic pain, or chronic ulcers
 - c) Surgically corrected hernia more than 3 months after surgical correction
- 6) Inflammatory bowel disease or irritable bowel syndrome
- 7) Intestinal obstruction
- 8) Pancreatitis
- 9) Diverticulitis
- 10) History of gastrointestinal surgery
- 11) Peptic or duodenal ulcer or Zollinger-Ellison syndrome
- 12) Asplenia
- 13) Cirrhosis, hepatic or biliary
- 14) Chronic active hepatitis

Reproductive System

Category A medical conditions include any genital condition that results in inability to safely perform one or more of the essential job tasks.

Category B medical conditions include the following:

- 1) Pregnancy, for its duration
- 2) Endometriosis, ovarian cysts, or other gynecologic conditions
- 3) Testicular or epididymal mass

Urinary System

Category A medical conditions include the following:

- 1) Renal failure or insufficiency requiring continuous ambulatory peritoneal dialysis (CAPD) or hemodialysis
- 2) Any urinary condition that results in the candidate not being able to safely perform one or more of the essential job tasks

Category B medical conditions include the following:

- 1) Diseases of the kidney
- 2) Diseases of the ureter, bladder, or prostate

Spine and Axial Skeleton

Category A medical conditions include the following:

- 1) Scoliosis of thoracic or lumbar spine with angle greater than or equal to 40 degrees
- 2) History of spinal surgery with rods that are still in place
- 3) Any spinal or skeletal condition causing pain that frequently or recurrently requires narcotic analgesic medication
- 4) Cervical vertebral fractures with multiple vertebral body compression greater than 25 percent; evidence of posterior element involvement, nerve root damage, disc involvement, dislocation (partial, moderate, severe), abnormal exam, ligament instability, symptomatic, and/or less than 6 months post injury or less than 1 year since surgery
- 5) Thoracic vertebral fractures with vertebral body compression greater than 50 percent; evidence of posterior element involvement, nerve root damage, disc involvement, dislocation (severe - with or without surgery), abnormal exam, ligament instability, symptomatic, and/or less than 6 months post injury or less than 1 year since surgery
- 6) Lumbosacral vertebral fractures with vertebral body compression greater than 50 percent; evidence of posterior element involvement, nerve root damage, disc involvement, dislocation (partial, moderate, severe), fragmentation, abnormal exam, ligament instability, symptomatic, and/or less than 6 months post injury or less than 1 year since surgery
- 7) Any spinal or skeletal condition that results in the candidate not being able to safely perform one or more of the essential job tasks

Category B medical conditions include the following:

- 1) Congenital or developmental malformations of the back, particularly those that can cause instability, neurological deficits, pain, or limit flexibility
- 2) Scoliosis with angle less than 40 degrees
- 3) Arthritis of the cervical, thoracic, or lumbosacral spine
- 4) Facet atrophism, high lumbosacral angle, hyperlordosis, Schmorl's nodes, Scheuermann's disease, spina bifida occulta, spondylolisthesis, spondylolysis, or transitional vertebrae

- 5) History of infections or infarcts in the spinal cord, epidural space, vertebrae, or axial skeletal joints
- 6) History of discectomy or laminectomy or vertebral fractures
- 7) History of spine fusion that results in instability; reduced mobility, strength, or range of motion; or persistent pain.
- 8) Any spinal or skeletal condition producing sensory or motor deficit(s) or pain due to radiculopathy or nerve root compression

Extremities

Category A medical conditions include the following:

- 1) Joint replacement, unless all the following conditions are met:
 - a) Normal range of motion without history of dislocations post-replacement
 - b) Repetitive and prolonged pulling, bending, rotations, kneeling, crawling, and climbing without pain or impairment
 - c) No limiting pain
 - d) Evaluation by an orthopedic specialist who concurs that the candidate can complete all essential job tasks
- 2) Amputation or congenital absence of upper-extremity limb (hand or higher)
- 3) Amputation or congenital absence of lower-extremity limb (foot or above) unless the candidate meets all of the following conditions:
 - a) Stable, unilateral below-the-knee (BKA) amputation with at least the proximal third of the tibia present for a strong and stable attachment point with the prosthesis
 - b) Fitted with a prosthesis that may tolerate the conditions present in structural firefighting when worn in conjunction with standard firefighting PPE
 - c) At least 6 months of prosthetic use in a variety of activities with no functional difficulties
 - d) Amputee limb healed with no significant inflammation, persistent pain, necrosis, or indications of instability at the amputee limb attachment point
 - e) No significant psychosocial issues pertaining to the loss of limb or use of prosthesis
 - f) Evaluated by a prosthetist or orthopedic specialist with expertise in the fitting and function of prosthetic limbs who concurs that the candidate can complete all essential job tasks listed in Chapter 5, including wearing personal protective ensembles and SCBA while climbing ladders, operating from heights, and walking or crawling in the dark along narrow and uneven surfaces that may be wet or icy
 - g) Has passed the district's applicant physical ability test as a condition of appointment without accommodations or modification of the protocol
- 4) Chronic non-healing or recent bone grafts
- 5) History of more than one dislocation of shoulder without surgical repair or with history of recurrent shoulder disorders within the last 5 years with pain or loss of motion, and with or without radiographic deviations from normal
- 6) Any extremity condition that results in the candidate not being able to safely perform one or more of the essential job tasks

Category B medical conditions include the following:

- 1) History of shoulder dislocation with surgical repair
- 2) Significant limitation of function of shoulder, elbow, wrist, hand, or finger due to weakness, reduced range of motion, atrophy, unequal length, absence, or partial amputation
- 3) Significant lack of full function of hip, knee, ankle, foot, or toes due to weakness, reduced range of motion, atrophy, unequal length, absence, or partial amputation
- 4) History of meniscectomy or ligamentous repair of knee
- 5) History of intra-articular, malunited, or nonunion of upper or lower extremity fracture
- 6) History of osteomyelitis, septic, or rheumatoid arthritis
- 7) Bone hardware such as metal plates or rods supporting bone during healing
- 8) Amputation of either thumb proximal to the mid-proximal phalanx

Neurological Disorders

Category A medical conditions include the following:

- 1) Ataxias of hereditary degenerative type
- 2) Cerebral arteriosclerosis as evidenced by a history of transient ischemic attack, reversible ischemic neurological deficit, or ischemic stroke
- 3) Hemiparalysis or paralysis of a limb
- 4) Multiple sclerosis with activity or evidence of progression within previous 3 years
- 5) Myasthenia gravis with activity or evidence of progression within previous 3 years
- 6) Progressive muscular dystrophy or atrophy
- 7) Uncorrected cerebral aneurysm
- 8) All single unprovoked seizures and epileptic conditions, including simple partial, complex partial, generalized, and psychomotor seizure disorders other than as allowed below (see *)
- 9) Dementia (Alzheimer's and other neurodegenerative diseases) with symptomatic loss of function or cognitive impairment (e.g., less than or equal to 28 on Mini-Mental Status Exam)
- 10) Parkinson's disease and other movement disorders resulting in uncontrolled movements, bradykinesia, or cognitive impairment (e.g., less than or equal to 28 on Mini-Mental Status Exam)
- 11) Any neurological condition that results in the candidate not being able to safely perform one or more of the essential job tasks

*To be medically qualified a candidate should meet all of the following (the district will not pay for such tests):

- 1) No seizures for 2 years off all anti-epileptic medication or 5 years seizure free on a stable medical regimen
- 2) Neurologic examination is normal
- 3) Imaging (CAT or MRI scan) studies are normal
- 4) Awake and asleep EEG studies with photic stimulation and hyperventilation are normal
- 5) A definitive statement from a qualified neurological specialist that the candidate meets the criteria specified in these requirements and that the candidate is neurologically cleared for firefighting training and the performance of a fire fighter's essential job tasks

Category B medical conditions include the following:

- 1) Congenital malformations
- 2) Migraine
- 3) Clinical disorders with paresis, dyscoordination, deformity, abnormal motor activity, abnormality of sensation, or complaint of pain
- 4) History of subarachnoid or intraparenchymal hemorrhage
- 5) Abnormalities from recent head injury such as severe cerebral contusion or concussion

Skin

Category A medical conditions include the following:

- 1) Any dermatologic condition that would not allow for a successful fit test for any respirator required by the fire district
- 2) Any dermatologic condition that results in the candidate not being able to safely perform one or more of the essential job tasks

Category B medical conditions include the following:

- 1) Skin conditions of a chronic or recurrent nature (eczema, cystic acne, psoriasis) that cause skin openings or inflammation or irritation of the skin surface
- 2) Surgery or skin grafting
- 3) Mycosis fungoides
- 4) Cutaneous lupus erythematosus
- 5) Raynaud's phenomenon
- 6) Scleroderma (skin)
- 7) Vasculitic skin lesions
- 8) Atopic dermatitis/eczema
- 9) Contact or seborrheic dermatitis
- 10) Stasis dermatitis
- 11) Albinism, Darier's disease, ichthyosis, Marfan syndrome, neurofibromatosis, and other genetic conditions
- 12) Folliculitis, pseudo-folliculitis, miliaria, keloid folliculitis
- 13) Hidradenitis suppurativa, furuncles, carbuncles, or Grade IV acne (cystic)
- 14) Mechano-bullous disorders (epidermolysis bullosa, Hailey pemphigus, porphyria, pemphigoid)
- 15) Urticaria or angioedema
- 16) Metastatic or locally extensive basal or squamous cell carcinoma or melanoma

Blood and Blood-Forming Organs

Category A medical conditions include the following:

- 1) Hemorrhagic states requiring replacement therapy
- 2) Sickle cell disease (homozygous)
- 3) Clotting disorders
- 4) Any hematological condition that results in inability to safely perform one or more of the essential job tasks
- 5) Splenomegaly

Category B medical conditions include the following:

- 1) Anemia
- 2) Leukopenia
- 3) Polycythemia vera
- 4) History of thromboembolic disease
- 5) Any other hematological condition that results in inability to safely perform essential job tasks

Endocrine and Metabolic Disorders

Category A medical conditions include the following:

- 1) Type 1 diabetes mellitus
- 2) Insulin requiring Type 2 diabetes mellitus
- 3) Any endocrine or metabolic condition that results in the candidate not being able to safely perform one or more of the essential job tasks

Category B medical conditions include the following:

- 1) Diseases of the adrenal gland, pituitary gland, parathyroid gland, or thyroid gland of clinical significance
- 2) Nutritional deficiency diseases or other metabolic disorder
- 3) Diabetes mellitus, not on insulin therapy, but controlled by diet, exercise, and/or oral hypoglycemic agents unless all of the following are met:
 - A. Has had hemoglobin A1C measured at least four times a year (intervals of 2 to 3 months) over the last 12 months prior to evaluation if the diagnosis of diabetes has been present over 1 year. A hemoglobin A1C reading of 8 percent or greater should trigger a medical evaluation to determine if a condition exists in addition to diabetes that is responsible for the hemoglobin A1C not accurately reflecting average glucose levels. This includes evidence of a set schedule for blood glucose monitoring and a thorough review of data from such monitoring.

- B. If on oral hypoglycemic agents, has had no episodes of severe hypoglycemia (defined as requiring assistance of another) in the preceding year.
- C. Has a dilated retinal exam by a qualified ophthalmologist or optometrist that shows no higher grade of diabetic retinopathy than microaneurysms, as indicated on the International Clinical Diabetic Retinopathy Disease Severity Scale.
- D. Has normal renal function based on a calculated creatinine clearance greater than 60 mL/min and absence of proteinuria. (Creatinine clearance can be calculated by use of the Cockcroft-Gault or similar formula. Proteinuria is defined as 24-hour urine excretion of greater than or equal to 300 mg protein or greater than or equal to 300 mg of albumin per gram of creatinine in a random sample.)
- E. Has no autonomic or peripheral neuropathy. (Peripheral neuropathy is determined by diminished ability to feel the vibration of a 128 cps tuning fork or the light touch of a 10-gram monofilament on the dorsum of the great toe proximal to the nail. Autonomic neuropathy can be determined by evidence of gastroparesis, postural hypotension, or abnormal tests of heart rate variability.)
- F. Normal cardiac function without evidence of myocardial ischemia on cardiac stress testing (to at least 12 METs) by ECG and cardiac imaging.

Systemic Diseases and Miscellaneous Conditions

Category A medical conditions include any systemic condition that results in the candidate not being able to safely perform one or more of the essential job tasks.

Category B medical conditions include the following:

- 1) Connective tissue disease, such as dermatomyositis, systemic lupus erythematosus, scleroderma, and rheumatoid arthritis
- 2) History of thermal, chemical, or electrical burn injury with residual functional deficit
- 3) Documented evidence of a predisposition to recurrent heat stress rhabdomyolysis, metabolic acidosis, or exertion-related incapacitation

Tumors and Malignant Diseases

Category A medical conditions include the following:

- 1) Malignant disease that is newly diagnosed, untreated, or currently being treated, or under active surveillance due to the increased risk for reoccurrence
- 2) Any tumor or similar condition that results in the candidate not being able to safely perform one or more of the essential job tasks

Category B medical conditions should be evaluated on the basis of an individual's current physical condition and on the staging and prognosis of the malignancy (i.e., likelihood that the disease may recur or progress), and include the following:

- 1) Benign tumors
- 2) History of CNS tumor or malignancy
- 3) History of head and neck malignancy
- 4) History of lung cancer
- 5) History of GI or GU malignancy
- 6) History of bone or soft tissue tumors or malignancies
- 7) History of hematological malignancy

Psychiatric Conditions

Category A medical conditions include any psychiatric condition that results in the candidate not being able to safely perform one or more of the essential job tasks.

Category B medical conditions include the following:

- 1) A history of psychiatric condition or substance abuse problem
- 2) Requirement for medications that increase an individual's risk of heat stress, or other interference with the ability to safely perform essential job tasks

Chemicals, Drugs, and Medications

Category A medical conditions include those that require chronic or frequent treatment with any of the following medications or classes of medications:

- 1) Narcotics, including methadone
- 2) Sedative-hypnotics
- 3) Full-dose or low-dose anticoagulation medications or any drugs that prolong prothrombin time (PT), partial thromboplastin time (PTT), or international normalized ratio (INR)
- 4) Beta-adrenergic blocking agents at doses that prevent a normal cardiac rate response to exercise, high-dose diuretics, or central acting antihypertensive agents (e.g., clonidine)
- 5) High-dose corticosteroids for chronic disease
- 6) Anabolic steroids
- 7) Any chemical, drug, or medication that results in the candidate not being able to safely perform one or more of the essential job tasks

Category B medical conditions include those that require chronic or frequent treatment with any of the following medications or classes of medications:

- 1) Respiratory medications: inhaled bronchodilators, inhaled corticosteroids, systemic corticosteroids, theophylline, and leukotriene receptor antagonists (e.g., Montelukast)

**OSHA RESPIRATORY QUESTIONNAIRE
(TO BE COMPLETED BY THE INDIVIDUAL)**

PLEASE NOTE:

Answers to questions in Section 1, and to question 9 in Section 2 of Part A, do not require a medical examination.

To the individual

This form is NOT to be shared with the District. It is to be provided to the entity performing the Pulmonary Function Testing. Leave the copy with the health care provider.

Part A. Section 1 (Mandatory)

1. Today's date: _____
2. Your name: _____
3. Your age (to nearest year): _____
4. Sex (circle one): Male/Female
5. Your height: _____ ft. _____ in.
6. Your weight: _____ lbs.
7. Your job title: Firefighter wears SCBA
 Firefighter does not wear SCBA
8. A phone number where you can be reached by the health care professional who reviews this questionnaire (include the Area Code): _____
9. The best time to phone you at this number: _____
10. Has your employer told you how to contact the health care professional who will review this questionnaire (circle one): Yes/No
11. Check the type of respirator you will use (you can check more than one category):
 - A. _____ N, R, or P disposable respirator (filter-mask, non-cartridge type only).
 - B. _____ Other type (for example, half- or full-facepiece type, powered-air purifying, supplied-air, self-contained breathing apparatus).

12. Have you worn a respirator (circle one): Yes/No

If "yes," what type(s):

Part A. Section 2. (Mandatory)

INSTRUCTIONS: Every individual in the District is required to complete this Section.

1. Do you *currently* smoke tobacco, or have you smoked tobacco in the last month: Yes/No

2. Have you *ever had* any of the following conditions?

A. Seizures:	Yes/No
B. Diabetes (sugar disease):	Yes/No
C. Allergic reactions that interfere with your breathing:	Yes/No
D. Claustrophobia (fear of closed-in places):	Yes/No
E. Trouble smelling odors:	Yes/No

3. Have you *ever had* any of the following pulmonary or lung problems?

A. Asbestosis:	Yes/No
B. Asthma:	Yes/No
C. Chronic bronchitis:	Yes/No
D. Emphysema:	Yes/No
E. Pneumonia:	Yes/No
F. Tuberculosis:	Yes/No
G. Silicosis:	Yes/No
H. Pneumothorax (collapsed lung):	Yes/No
I. Lung cancer:	Yes/No
J. Broken ribs:	Yes/No
K. Any chest injuries or surgeries:	Yes/No
L. Any other lung problem that you have been told about:	Yes/No

4. Do you *currently* have any of the following symptoms of pulmonary or lung illness?

A. Shortness of breath:	Yes/No
B. Shortness of breath when walking fast on level ground or walking up a slight hill or incline:	Yes/No
C. Shortness of breath when walking with other people at an ordinary pace on level ground:	Yes/No
D. Have to stop for breath when walking at your own pace on level ground:	Yes/No
E. Shortness of breath when washing or dressing yourself:	Yes/No
F. Shortness of breath that interferes with your job:	Yes/No
G. Coughing that produces phlegm (thick sputum):	Yes/No
H. Coughing that wakes you early in the morning:	Yes/No
I. Coughing that occurs mostly when you are lying down:	Yes/No

- J. Coughing up blood in the last month: Yes/No
- K. Wheezing: Yes/No
- L. Wheezing that interferes with your job: Yes/No
- M. Chest pain when you breathe deeply: Yes/No
- N. Any other symptoms that you think may be related to lung problems: Yes/No
5. Have you *ever had* any of the following cardiovascular or heart problems?
- A. Heart attack: Yes/No
- B. Stroke: Yes/No
- C. Angina: Yes/No
- D. Heart failure: Yes/No
- E. Swelling in your legs or feet (not caused by walking): Yes/No
- F. Heart arrhythmia (heart beating irregularly): Yes/No
- G. High blood pressure: Yes/No
- H. Any other heart problem that you have been told about: Yes/No
6. Have you *ever had* any of the following cardiovascular or heart symptoms?
- A. Frequent pain or tightness in your chest: Yes/No
- B. Pain or tightness in your chest during physical activity: Yes/No
- C. Pain or tightness in your chest that interferes with your job: Yes/No
- D. In the past two years, have you noticed your heart skipping or missing a beat: Yes/No
- E. Heartburn or indigestion that is not related to eating: Yes/No
- F. Any other symptoms that you think may be related to heart or circulation problems: Yes/No
7. Do you *currently* take medication for any of the following problems?
- A. Breathing or lung problems: Yes/No
- B. Heart trouble: Yes/No
- C. Blood pressure: Yes/No
- D. Seizures: Yes/No
8. If you have used a respirator, have you *ever had* any of the following problems? (If you have never used a respirator, check the following space and go to question 9:)
- A. Eye irritation: Yes/No
- B. Skin allergies or rashes: Yes/No
- C. Anxiety: Yes/No
- D. General weakness or fatigue: Yes/No
- E. Any other problem that interferes with your use of a respirator: Yes/No
9. Would you like to talk to the health care professional who will review this questionnaire about your answers to this questionnaire: Yes/No
10. Please answer the following:

A. Are you presently taking any medications, vitamins or supplements? Yes/No
LIST THEM: _____

B. Have you been advised of, treated for, or had any known indication of: (CIRCLE IF YES)

- i. Disorder of eyes, ears, nose, throat?
- ii. Any hearing loss?
- iii. Dizziness, fainting, convulsions, seizures, epilepsy, migraine headaches, stroke, claustrophobia, similar?
- iv. Shortness of breath, persistent hoarseness or cough, blood spitting, bronchitis, pleurisy, asthma, emphysema, TB, or chronic respiratory disorder?
- v. Hypertension, heart disease, including palpitations, rheumatic fever, murmurs, chest pain, heart attack, angina, other disorders of heart or blood vessels?
- vi. Chronic indigestion, ulcer, hernia, colitis, intestinal bleeding, disorder of stomach, liver, hepatitis, other abdominal organs?
- vii. Kidney, bladder, prostate, urinary problems, reproductive disorders?
- viii. Diabetes, thyroid, hormonal disorders?
- ix. Disorder of back, spine, neck, bones, arthritis, gout, muscles, or nerves, any amputation?
- x. Cancer, blood disorders, leukemia, congenital disorders, anemia, AIDS/HIV, skin disorders?
- xi. Hepatitis A, B, C, D?
- xii. Do you have a family history of heart attack or sudden death before the age of 55? YES NO
- xiii. Do you engage in a regular exercise program? YES NO
- xiv. How many alcoholic beverages do you consume per week? _____
- xv. Do you take other drugs such as cocaine, and if so, what? YES NO
- xvi. Have you ever been hospitalized or had any surgery? YES NO
- xvii. Have you ever had a military service discharge, rejection or deferment due to health issues? YES NO
- xviii. Did you ever make a claim for disability benefits or workers compensation? YES NO
- xix. Are you presently or have you ever been deemed: (circle)
 - 1. Totally disabled
 - 2. Partially disabled
 - 3. Permanently disabled
 - 4. Temporarily disabled

Questions 11 to 15 below must be answered by every interior firefighter. For all others, answering these questions is voluntary as they will use only N-95 respirators.

11. Have you *ever lost* vision in either eye (temporarily or permanently): Yes/No

12. Do you *currently* have any of the following vision problems?

A. Wear contact lenses: Yes/No

B. Wear glasses: Yes/No

C. Color blind: Yes/No

D. Any other eye or vision problem: Yes/No

13. Have you *ever had* an injury to your ears, including a broken ear drum: Yes/No

14. Do you *currently* have any of the following hearing problems?

A. Difficulty hearing: Yes/No

B. Wear a hearing aid: Yes/No

C. Any other hearing or ear problem: Yes/No

15. Have you *ever had* a back injury: Yes/No

16. Do you *currently* have any of the following musculoskeletal problems?

A. Weakness in any of your arms, hands, legs, or feet: Yes/No

B. Back pain: Yes/No

C. Difficulty fully moving your arms and legs: Yes/No

D. Pain or stiffness when you lean forward or backward at the waist: Yes/No

E. Difficulty fully moving your head up or down: Yes/No

F. Difficulty fully moving your head side to side: Yes/No

G. Difficulty bending at your knees: Yes/No

H. Difficulty squatting to the ground: Yes/No

I. Climbing a flight of stairs or a ladder carrying more than 25 lbs: Yes/No

J. Any other muscle or skeletal problem that interferes with using a respirator: Yes/No

I have answered the above questions truthfully to the best of my knowledge:

Individual Signature