



CITY OF NEW HAVEN

910 Hartzell Road
New Haven, IN 46774

AGENDA **Fire/EMS Territory Agenda** **October 9, 2025, at 3:00 PM**

I. CALL TO ORDER

- A. Welcome - please silence cell phones and other electronic devices.
- B. Pledge of Allegiance
- C. Approval of Minutes from the previous meeting
 - 1. September 11, 2025, East Central Fire/EMS Minutes
- D. Pay Claims and Register

II. UNFINISHED BUSINESS

III. NEW BUSINESS

- A. Interlocal to establish County Fire/EMS Executive Chief
- B. Approval of Best Practices and Procedures Index
- C. Request for approval of Refinishing Bay Floor at Maumee Township Station
- D. Distribution ONLY of draft on Merit
- E. Approval to attend Lifetime Learning-Certified Public Manager (CPM) Phase 1, Invoice # 1144 for \$1,795.00

IV. ADJOURNMENT

STATION 1 – 420 BROADWAY ST | NEW HAVEN
STATION 2 – 4625 E PAULDING RD | ADAMS TOWNSHIP
STATION 3 – 910 HARTZELL RD | NEW HAVEN
STATION 4 – 22731 MAIN ST | WOODBURN

STATION 5 – 17022 WOODBURN RD | MILAN TOWNSHIP

MEMBER	APPOINTED BY	TERM
Chad Bauer-Member	Adams Township Board	01/01/24- 12/21/2026
Steve Ottenweller-Secretary	Jefferson Township Board	01/01/24- 12/21/2026
Jeff Abbott-Member	Maumee Township Board	01/01/24- 12/21/2026
Mark Bradtmueller-Vice President	Milan Township Board	01/01/24- 12/21/2026
Bob Byrd-President	Mayor	01/01/24- 12/21/2026
Mark Smith-Member	East Central Board	01/01/24- 12/21/2026
John Graber-Member	City of Woodburn	01/01/24- 12/21/2026

Meetings are archived and can be viewed live at <https://newhavenin.portal.civicclerk.com/>.

MINUTES OF THE REGULAR SESSION OF THE EAST CENTRAL FIRE/EMS GOVERNING BODY

The monthly meeting of the East Central Fire & EMS Protection Territory Board was called to order on September 11, at 3:00 pm by President Bob Byrd.

Members Present: Steve Ottenweller, Mark Smith, Mark Bradtmueller, John Graber, Bob Byrd, Jeff Abbot

Absent: Chad Bauer

Board members signed a roll call sheet and Christine Camp read the roll call.

Previous Meeting Minutes

Mark Bradtmueller made the motion to approve the minutes from the August meeting. John Graber seconded the motion, and motion was approved.

Ayes: Steve Ottenweller, Mark Smith, Jeff Abbot, Mark Bradtmueller, John Graber, Bob Byrd

Absent: Chad Bauer

Nays: none

Pay Claims

The pay claims were signed by Board members.

The New Haven Board Of Works had approved the pay claims prior to the Fire Territory Board meeting.

Unfinished Business

New Business

Heckley Restorations LLC Invoice

The Chief requested approval to pay Heckley Restorations LLC Invoice #1428-Adjust in the amount of \$10,941.64 for damage done to Grass Rig 19 after a grass fire. Norfolk Southern Railroad Company Insurance covered the cost of damage.

Mark Smith made a motion to approve paying Heckley Restorations LLC Invoice #1428-Adjust in the amount of \$10,941.64. John Graber seconded the motion and the motion was adopted.

Ayes: Steve Ottenweller, Mark Smith, Jeff Abbot, Mark Bradtmueller, John Graber, Bob Byrd

Absent: Chad Bauer

Nays: none

Homestead Coating & Construction LLC Invoice

The Chief requests approval to pay Homestead Coating & Construction LLC Invoice in the amount of \$24,850.00 for flooring for Station #5, 17022 Woodburn Road. Woodburn, IN.

Mark Bradtmueller made a motion to approve paying Homestead Coating & Construction LLC Invoice in the amount of \$24,850.00. Mark Smith seconded the motion and the motion was adopted.

Ayes: Steve Ottenweller, Mark Smith, Jeff Abbot, Mark Bradtmueller, John Graber, Bob Byrd

Absent: Chad Bauer

Nays: none

Part-time New Hire

Chief Requests the approval to hire Carson Vogt as a Part-Time FF/EMT Basic at the hourly rate of \$18.00, with a start date of April 12, 2025.

Steve Ottenweller made a motion to approve the hiring of Carson Vogt as a Part-Time FF/EMT Basic at the hourly rate of \$18.00, with a start date of April 12, 2025. John Graber seconded the motion and the motion was adopted.

Ayes: Steve Ottenweller, Mark Smith, Jeff Abbot, Mark Bradtmueller, John Graber, Bob Byrd

Absent: Chad Bauer

Nays: none

East Central Fire & EMS Volunteer Association Invoice

The Chief requests the approval to pay East Central Fire & EMS Volunteer Association Invoice #1049 in the amount of \$36,005.25 for the third quarter stipend.

Steve Ottenweller made a motion to approve paying East Central Fire & EMS Volunteer Association Invoice #1049 in the amount of \$36,005.25 for the third quarter stipend. John Graber seconded the motion and the motion was adopted.

Ayes: Steve Ottenweller, Mark Smith, Jeff Abbot, Mark Bradtmueller, John Graber, Bob Byrd

Absent: Chad Bauer

Nays: none

Professional Health Services Inc Invoice

The Chief requests approval to pay Professional Health Services Inc Invoice #3660, in the amount of \$16,763.59 for 33 Career Staff Employees' physicals.

Mark Smith made a motion to approve paying Professional Health Services Inc Invoice #3660, in the amount of \$16,763.59 for 33 Career Staff Employees' physicals. Steve Ottenweller seconded the motion and the motion was adopted.

Ayes: Steve Ottenweller, Mark Smith, Jeff Abbot, Mark Bradtmueller, John Graber, Bob Byrd

Absent: Chad Bauer

Nays: none

Hoosier Fire Equipment Invoice

The Chief requests approval to pay Hoosier Fire Equipment Invoice #123855 in the amount of \$39,329.47 for loose equipment for Ladder Truck 17.

Mark Smith made a motion to approve paying Hoosier Fire Equipment Invoice #123855 in the amount of \$39,329.47 for loose equipment for Ladder Truck 17. John Graber seconded the motion and the motion was adopted.

Ayes: Steve Ottenweller, Mark Smith, Jeff Abbot, Mark Bradtmueller, John Graber, Bob Byrd

Absent: Chad Bauer

Nays: none

Capstone Insurance Group Invoice

The Chief requests approval to pay Capstone Insurance Group Invoice #3479 in the amount of \$23,312.00 for the 3rd quarter Property and Vehicle coverage.

Mark Bradtmueller made a motion to approve paying Capstone Insurance Group Invoice #3479 in the amount of \$23,312.00 for the 3rd quarter Property and Vehicle coverage. Mark Smith seconded the motion and the motion was adopted.

Ayes: Steve Ottenweller, Mark Smith, Jeff Abbot, Mark Bradtmueller, John Graber, Bob Byrd

Absent: Chad Bauer

Nays: none

Purchase of New EMS Unit in 2028

The Chief is requesting the approval of a new EMS unit. This unit will replace either 2016 Ford (Milan Township) or the 2011 Chevy Chassis. When the new unit comes in, we will evaluate at that time. If approved, this unit will arrive in the first Quarter of 2028. This will be an identical match our previous

- PL Custom Units. We are also purchasing this unit with a Source Well GPO; this is allowing us to
- utilize the GPO the same as a formal bid process. With this approval, this does lock in our price.

After approval to purchase, delivery will take 6 months.

We will reevaluate the power lift system for the new unit at a later date.

MacQueen Sale Price for EMS Unit \$462,932.00

Mark Smith made a motion to approve the purchase of a new EMS unit for \$462,932.00. John Graber seconded the motion and the motion was adopted.

Ayes: Steve Ottenweller, Mark Smith, Jeff Abbot, Mark Bradtmueller, John Graber, Bob Byrd

Absent: Chad Bauer

Nays: none

Adjournment

John Graber made the motion to adjourn the Board meeting, Jeff Abbot seconded the motion, and motion was approved.

Ayes: Steve Ottenweller, Mark Smith, Jeff Abbot, Mark Bradtmueller, John Graber, Bob Byrd

Absent: Chad Bauer

Nays: none

The next regular scheduled meeting is October 9, at 3:00 pm.

Steve Ottenweller
Secretary

Bob Byrd
President

INTERLOCAL AGREEMENT

THIS Interlocal Agreement is entered into by and between the Board of Commissioners of the County of Allen, the Allen County Council, Northeast Allen County Fire Protection District, Northwest Allen County Fire Protection District, Southwest Allen County Fire Protection District, West Central Allen County Fire Protection District, and the East Central Fire & EMS Protection Territory to establish an Executive Fire and EMS Chief Position for Strategic Countywide Fire Service Oversight under the following terms and condition:

ARTICLE I

PARTIES

This Interlocal Agreement ("Agreement") is entered into pursuant to Indiana Code 36-1-7 by and between the Board of Commissioners of the County of Allen, the Allen County Council, and the undersigned Fire Protection Districts and Fire Territory within Allen County, Indiana (collectively referred to as the "Participating Entities").

ARTICLE II

PURPOSE

The purpose of this Agreement is to establish an Executive Fire and EMS Chief position that will serve as a general supervisory authority to enhance coordination, long-term planning, and strategic oversight of fire and EMS services across Allen County. The Executive Fire and EMS Chief will work collaboratively with each participating entity to advance shared goals, improve interoperability, enhance service delivery, and lead efforts toward a more unified fire and EMS service structure, while maintaining the operational autonomy of each district or territory.

ARTICLE III

DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE FIRE AND EMS CHIEF

The Executive Fire and EMS Chief shall be responsible for the following general supervisory functions:

1. Policy Development and Implementation- Coordinate the development and recommended adoption of countywide policies and procedures, while recognizing local governance authority.
2. Strategic Planning and Preparedness- Lead initiatives related to long-term emergency preparedness, infrastructure expansion, service demand forecasting, and response modeling.
3. Resource Allocation Guidance- Provide recommendations on equipment deployment, personnel distribution, and mutual aid strategies based on service gaps and operational priorities.
4. Budget Coordination – Review and advise on the budgetary impacts of service decisions and proposed capital expenditures in coordination with Participating Entities.

5. Operational Oversight – Evaluate and make recommendations for improvements in staffing models, training standards, and deployment strategies.
6. Interoperability and Mutual Aid – Promote cross jurisdictional coordination, including standardized training, response protocols, and mutual aid agreements.
7. Advocacy and Representation – Represent the collective interests of Participating Entities in communications with state and local officials, funding bodies, and legislative organizations.

ARTICLE IV

GOVERNANCE AND ACCOUNTABILITY

1. The Executive Fire and EMS Chief shall report to a Fire Services Oversight Committee (“Oversight Committee”) composed of:
 - One Allen County Commissioner,
 - One member of the Allen County Council,
 - One New Haven Representative as Provider Unit, and
 - One at-large representative selected by a majority vote of the Chair of each district/territory boards of the Participating Entities
2. The Oversight Committee shall:
 - Review the Executive Fire and EMS Chief’s performance and provide direction on major initiatives,
 - Facilitate consensus on countywide priorities,
 - Ensure continued alignment with the goals of the Participating Entities.

ARTICLE V

AUTONOMY OF DISTRICT AND TERRITORY BOARDS

Nothing in this Agreement shall be construed as diminishing the statutory or legal authority of any Fire District or Territory Board. All local decisions, including budgets, contracts, operational directives, and service levels, shall remain subject to approval by each respective district or territory board. The Executive Fire and EMS Chief shall serve in a collaborative, advisory, and strategic leadership capacity only, and shall not possess unilateral authority over local governance matters. The Executive Fire and EMS Chief shall be responsible for working in coordination with the District and Territory Fire Chiefs to develop and present operational and budgetary strategic proposals, and for seeking approval from the appropriate District or Territory Boards prior to implementation.

ARTICLE VI

SELECTION AND APPOINTMENT OF THE EXECUTIVE FIRE AND EMS CHIEF

1. A joint search and selection process shall be conducted.
2. Appointment of the Executive Fire and EMS Chief shall require the majority approval of the Oversight Committee and a simple majority endorsement from the district/territory Fire Chiefs.

ARTICLE VII

FUNDING

The salary, benefits, and administrative support for the Executive Fire and EMS Chief position shall be funded through an arrangement agreed upon by the Allen County Commissioners, Allen County Council, and the Oversight Committee.

ARTICLE VIII

TERM, AMENDMENTS, AND TERMINATION

1. This Agreement shall remain in effect unless terminated by a majority of the Participating Entities with at least 120 days' written notice.
2. Amendments to this Agreement must be approved in writing by all Parties.
3. This Agreement may be reviewed annually by the Oversight Committee for potential updates and effectiveness.

ARTICLE IX

Inclusion of Additional Fire Service Areas

Should any fire service area, district, township, municipality, or territory within Allen County that is not currently a party to this agreement, seek inclusion under the unified oversight structure model, their inclusion shall be subject to approval by a majority vote of the Oversight Committee. Upon approval, the new entity shall agree to the terms and responsibilities outlined in this agreement and any future amendments adopted by the Participating Entities. This process ensures continued coordination and equitable representation across the county's fire and EMS service structure.

ARTICLE X

EXECUTION

Each undersigned entity agrees to the terms and objectives outlined above and hereby enters into this Interlocal Agreement on the date indicated below.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the dates set forth below:

**BOARD OF COMMISSIONERS
OF THE COUNTY OF ALLEN**

Date: _____

Date: _____

Date: _____

ALLEN COUNTY COUNCIL

Date: _____

Date: _____

Date: _____

Date: _____

Date: _____

Date: _____

Date: _____

**NORTHEAST ALLEN COUNTY
FIRE PROTECTION DISTRICT**

Date: _____

**NORTHWEST ALLEN COUNTY FIRE
PROTECTION DISTRICT**

Date: _____

**SOUTHWEST ALLEN COUNTY FIRE
PROTECTION DISTRICT**

Date: _____

**WEST CENTRAL ALLEN COUNTY FIRE
PROTECTION DISTRICT**

Date: _____

**CITY OF NEW HAVEN AS PROVIDING UNIT
OF THE EAST CENTRAL FIRE & EMS
PROTECTION TERRITORY**

Date: _____

EAST CENTRAL

FIRE AND EMS PROTECTION TERRITORY

STATION 1 – 420 BROADWAY ST | NEW HAVEN

STATION 2 – 4625 E PAULDING RD | ADAMS TOWNSHIP

STATION 3 – 910 HARTZELL RD | NEW HAVEN

STATION 4 – 22731 MAIN ST | WOODBURN

STATION 5 – 17022 WOODBURN RD | MILAN TOWNSHIP



October 9, 2025

Territory Board Members,

I am requesting your approval to refinish the Maumee Township Station Floor. The Flooring is original from 1976 when the building became a Fire Station. The Maumee Township Station sits in the heart of Woodburn, and it is a staple in the community for many community related events, the annual Homecoming Parade starts at the station, the annual Halloween event and festival takes place at the Fire Station, the annual Easter Egg Hunt is hosted in combination with the Parks/Township/Lion's and the station is a alternate weather site. We have also requested a quote from local Monroeville S & K Metal Fabrication to redo the metal flooring grates. We originally started this project out by consulting with a local Woodburn Contractor, who suggested we not completely overhaul the concrete floor and try this and flooring grates as a more feasible alternative.

The cost to repair the floor will come from the ERF 4444-0100-4364.00 Building Maintenance Line

Sincerely,

Joshua Hale

A handwritten signature in cursive script that reads "Josh Z. Hale".



Prepared For

East Central Fire Station
(260) 385-4133

Homestead Coatings And Construction LLC

21631 State Rd 37
Harlan, IN 46743
Phone: (260) 341-4221
Email: homesteadbyschwartz@gmail.com

Estimate # 161
Date 09/19/2025

Description	Total
123 system for Woodburn station	\$11,050.00
Colored Epoxy base,2 coats Colored urethane topcoat with grip	
Control joints	\$960.75
-Clean control joints	
- fill joints and grind back to flush	
Repairs	\$650.00
Repairs along drain..spalling in various areas	
Line striping	\$875.00
Yellow lines for parking	
Subtotal	\$13,535.75
Total	\$13,535.75

By signing this document, the customer agrees to the services and conditions outlined in this document.

East Central Fire Station



Estimate

Date	Estimate #
10/3/2025	6187-1738

260-444-2459

4023 Transportation Dr. Ste. A
Fort Wayne IN 46818

Name / Address
New Haven Adams Township Fire & EMS Doug Call 910 Hartzell Rd. New Haven IN 46774

Project
Woodburn - East Central Fire

Item	Description	Qty	U/M	Total
23-Floor Coverings	Floor Coverings - Color: Smoke w/Tomato 1/4" Includes diamond grinding concrete floor in preparation for coating. Includes repair of small holes and cracks. Includes filling Saw Cuts 3/4 full and coating over. Includes Epoxy Base Color Coat Includes Decorative Chip Includes polyaspartic LPR top coat	2,450	sqft	12,862.50
Line-Striping	Epoxy Line Striping	302	ft	1,208.00
Repair	Repair floor - damaged areas along the drain grate	70	ea	2,105.00

Subtotal		\$16,175.50
Sales Tax (7.0%)		\$0.00
Total		\$16,175.50

1
2 **Section 1.01(A): Temporary Promotion and Hiring Flexibility Provision relating to**
3 **Section 1.05 and 1.07**

4 Each district or territory shall make a reasonable and good faith effort to follow the
5 hiring and promotional procedures outlined in this agreement and in accordance with
6 applicable Indiana state statutes. This includes documenting, justifying, and securing
Board approval for any necessary deviations from the established processes.

7 Unless formally extended by a vote of the Territory or District Board at a public meeting,
8 the merit system procedures outlined in this agreement shall become mandatory and fully
9 enforceable as of January 1, 2026. Any such extension must be approved by majority
vote and recorded in the official meeting minutes prior to that date.

10 If an extension is granted, it may delay the mandatory compliance date, but in no case
11 shall it extend beyond January 1, 2027, at which point all districts and territories shall be
fully subject to the merit system provisions described herein.

12 For purposes of this agreement, in any department where a union is not formally
13 recognized, references to the "Union" shall refer to the regular members of the
14 Department. In such cases, decisions typically made by the Union shall instead be made
by a majority vote of those regular members, consistent with governing laws and
departmental policies.

15 **Section 1.01 FIRE MERIT COMMISSION; ORGANIZATION**

- 16 A. The Fire Merit Commission (the "Commission") shall consist of five (5)
17 commissioners. The commissioners are:
- 18 1. Two (2) persons, elected by the active members (the "Members") of the
19 District/Territory (the "Department") A reasonable effort will be made to select
individuals of different political parties;
 - 20 2. One (1) person appointed by the Provider Unit
 - 21 3. Two (2) persons, appointed by the appointing authority (District/Territory Board).
A reasonable effort will be made to select individuals of different political parties.

22
23 Notwithstanding I.C. 36-1-8-10, political affiliation shall be determined through
24 the voters' registration records of the three (3) most recent primary elections.

- 25 B. Each commissioner must have been a legal resident of Allen County, or
26 contiguous county, for three (3) consecutive years immediately preceding the
27 commissioner's term and must be a person of good moral character. A
reasonable effort will be made to select individuals from your specific
28 district/territory. A commissioner must be at least twenty-one (21) years of age.
A commissioner may not be an active first responder of our district/territory.
- 29 C. Each commissioner shall take an oath of office to conscientiously discharge the
30 commissioner's duties. A signed copy of the oath shall be filed with the

- 1 appointing authority.
- 2 D. Commissioners shall not receive any compensation for service as a
- 3 commissioner.

4 **Section 1.02 COMMISSIONERS; TERMS; TENURE**

- 5 A. The term of a commissioner is four (4) years.
- 6 B. A vacancy on the commission shall be filled within thirty (30) days by the
- 7 appointing or electing authority. The selection is for the remainder of the
- 8 unexpired term.
- 9 C. A commissioner serves at the pleasure of the appointing or electing authority and
- 10 may be removed at any time. The process for the election and removal of a
- 11 commissioner elected by the Members of the Department shall be determined by IAFF
- 12 Local 124 (the "Union"). If no union exists, the process shall be determined by a
- 13 majority vote of the Members of the Department.

14 **Section 1.03 RULES OF PROCEDURE**

- 15 A. Authority. The Commission is created by and granted authority and jurisdiction
- 16 as provided by the appointing authority. In considering any matter related to this
- 17 ordinance, the commissioners will consider state law, County Code, any
- 18 collective bargaining agreement between the Union and the appointing authority,
- 19 and orders, policies, notices and guidelines issued from time to time by the Fire
- 20 Chief and the Fire Administration. Unless otherwise stated herein, any change to
- 21 the provisions of this ordinance requires approval by the appointing authority.
- 22 B. Meetings.
- 23 1. Annual Organizational Meeting. The Commission shall meet annually on the
- 24 first Tuesday of February at a time and place to be designated by the
- 25 Commission. At the annual meeting the Commissioners shall select from their
- 26 number a President, Vice-President, and Secretary.
- 27 2. Monthly Meetings. The Commission shall meet monthly on the first Tuesday
- 28 of each month or as needed in order to transact the business of the
- 29 Commission.
- 30 3. Special Meetings. Any Commission member may call Special Meetings of the
- Commission.
4. Executive Session. The Commission may meet in Executive Session
- consistent with the provisions of Indiana Code § 5-14-1.5-6.1 as amended.
5. Meeting Location. The Commission shall establish a regular meeting location.
- The location shall be suitable to accommodate the business of the
- Commission, including appropriate access by the public, and must also
- accommodate remote electronic participation as permitted by state law.
6. Open Meetings. All meetings of the Commission, except Executive Sessions,
- shall be open to interested parties and members of the general public desiring
- to witness the proceeding or be heard by the Commission in accordance with
- this ordinance.
7. Quorum. Three (3) voting commissioners, including commissioner
- participation remotely by electronic means, to the extent allowed by state law,
- constitute a quorum. A majority vote of all five voting commissioners (and
- not simply a majority of the quorum) is necessary to transact the business of

1 the Commission. The President shall have a vote on all matters coming
2 before the Commission. Voting by proxy is not permitted. In any case where
3 a vote of the Commission does not result in official action of the Commission,
4 a subsequent meeting of the Commission shall be rescheduled and the
5 decision reconsidered for action.

6 8. Order of Business. Each meeting of the Commission shall adhere to the
7 following order of business:

- 8 a. Call to Order
- 9 b. Pledge of Allegiance
- 10 c. Roll Call of Members and Staff
- 11 d. Adoption of Agenda
- 12 e. Review of Minutes of Previous Meeting
- 13 f. Unfinished Business
- 14 g. New Business
- 15 h. Miscellaneous Business
- 16 i. Fire Chief's Report
- 17 j. Commissioners' Comments
- 18 k. Public Comment
- 19 l. Adjournment

20 9. Agenda. Commissioners, the Fire Chief, the Union, and any Member may
21 propose Commission agenda items to be heard by the Commission. Proposed
22 agenda items shall be submitted to the Secretary of the Commission no later
23 than three (3) days prior to the next scheduled meeting of the Commission. If
24 a proposed agenda item relates to a specific document(s), the relevant portion
25 of the document(s) shall be submitted with the proposal. The proposed
26 agenda shall be distributed no later than three (3) days prior to that meeting to
27 the Fire Chief, the Union, and the media (according to the media distribution
28 list). Documents referenced in the agenda or that will be addressed according
29 to the agenda shall be made available in advance of that meeting on request
30 unless otherwise restricted from distribution by applicable law. In accordance
with the Commission's Order of Business, the Commission shall review and
adopt an agenda from the proposed agenda items submitted.

10 10. Voting. All voting by the Commission shall be in the form of either a roll call
11 vote or a voice vote. Generally, a voice vote shall be used in deciding all
12 matters. In any instances in which a voice vote is used, any commissioner of
13 the Commission may make a motion requesting a roll call vote. Such roll call
14 vote shall be taken if the motion receives a second from another
15 commissioner.

16 11. Minutes and Record of Proceedings. The Secretary or their designee shall
17 maintain minutes of all public Commission meetings. The minutes of each
18 meeting shall be reviewed by the Commission at its subsequent meeting. No
19 minutes shall be considered official until they are approved by a majority vote
20 as provided in section 7. Above and signed by all voting commissioners
21 present. The minutes shall remain on file with the Fire Department. Copies of
22 the minutes of any meeting may be ordered by any party, and cost thereof
23 shall be paid by the party ordering such copy or copies.

24 12. Orderly Conduct Required. Every person appearing before the Commission
25 shall abide by the order and direction of the Commission's presiding officer.
26 Discourteous, disorderly, or contemptuous conduct shall be regarded as a

breach of the privileges of the Commission and shall be dealt with as the President deems fair and proper.

13. Parties Must Appear in Person. At disciplinary hearings before the Commission, parties must appear in person (unless otherwise provided by law), but may bring an attorney or representative. However, commissioners may participate remotely by electronic means to the extent allowed by state law.

14. Contacting any Commissioner Regarding Pending Matters Prohibited. No person, firm, corporation, public employee, or body politic shall contact any commissioner, nor shall a Commissioner solicit such contact, orally or in writing, in advance of a public hearing or executive session, on a matter then pending for decision by such Commission, for the purpose of attempting to influence any commissioner's decision.

C. MISCELLANEOUS PROVISIONS:

1. Rules of Procedure. The most recent edition of *Robert's Rules of Order* shall govern the conduct of all meetings except to the extent that it conflicts with Indiana law or this ordinance.

2. Suspension of Rules. The suspension of any Rule of Procedure may be ordered at any meeting of the Commission by unanimous vote of those members present.

3. Conflict of Interest. A commissioner shall not participate in any way, including in the discussion and the vote, in any matter involving a relative that is pending before the Commission: "Relative" means any of the following:

- a. Spouse;
- b. Parent or step-parent;
- c. Child or step-child;
- d. Brother, sister, step-brother or step-sister;
- e. Niece or nephew;
- f. Aunt or uncle;
- g. Daughter-in-law or son-in-law;
- h. Cousin;
- i. Sister-in-law or brother-in-law

An adopted child of an individual is treated as a natural child of the individual. The terms "brother" and "sister" include a brother or sister by the half blood. If commissioners have a conflict of interest under this rule, they shall remove themselves physically from the room in which the matter is being discussed and/or voted upon, and similarly shall go off-line if participating in the meeting telephonically or digitally. Prior to removing themselves from the discussion and/or vote, the commissioner shall disclose the conflict of interest for the record. In the case of an undisclosed conflict of interest subsequently discovered regarding a matter, any commissioner or party to the matter can require by request that the matter be heard and/or voted upon again by the Commission in the absence of the commissioner with the conflict of interest.

Section 1.04 UPPER-LEVEL APPOINTMENTS-

1 A. The Merit Commission may appoint and remove Members except for a Member
2 in an upper-level policymaking position. The appointing authority shall appoint
3 and may remove a Member in an upper level policymaking position. For the
4 purposes of this subsection, the term "upper-level policymaking position" shall
5 mean the Fire Chief and the two (2) ranks below the Fire Chief. To the extent
6 this is in conflict with any other definition contained in this ordinance, this
7 definition shall be controlling. However, with respect to the two ranks below the
8 Fire Chief, Members holding those two ranks are subject to the rules governing
9 discipline described herein, with the exception of how disciplinary matters related
10 to Members holding these two ranks are processed. Allegations of misconduct
11 filed against Members holding a Deputy Chief and Assistant Chief position, will
12 be reviewed in a hearing by the merit commissioners. Any finding by each
13 commissioner shall result only in a written recommendation by each
14 commissioner separately to the Appointing authority. Each commissioner will
15 send their individual recommendation to the other commissioners and to the
16 Appointing authority for the Appointing authority's consideration and
17 determination. Discipline based on those recommendations shall be at the
18 Appointing authority's sole discretion. The Fire Chief will report the Appointing
19 authority's determination and outcome to the Merit Commission in the next
20 regular open session.

21 For the Fire Chief, any allegation of misconduct shall be submitted to the merit
22 commission and reviewed in an executive session by the merit commission to
23 ensure confidentiality and fairness. The results and recommendations of the
24 executive session review shall be shared exclusively with the Appointing
25 Authority for their consideration and final determination. The Appointing
26 Authority shall have the sole discretion to determine appropriate action, if any,
27 based on the recommendations provided. Only in the case of termination of the
28 Fire Chief shall the results be made public by the Appointing Authority.

29 B. The removal of a Member from an upper-level policymaking position is removal
30 from rank only and not from the Department. When the Member is removed, the
Member shall be appointed by the Commission to the merit rank in the
Department that the Member held at the time of the Member's upper-level
appointment. If such a rank is not open, the Member is entitled to the pay of that
rank and shall be promoted to that rank as soon as an opening is available. If a
Member is not a regular member of the Department or does not hold a
position covered by the 77s PERF, they may be subject to termination from
the Department upon removal from the upper-level position or ancillary
position. If a regular member voluntarily vacates a promoted level position,
they shall to return to their previously held regular merited position within
the department.

31 C. **Section 1.05 RULES GOVERNING THE HIRING PROCESS- Reference**
32 **Section 1.01(A): Temporary Promotion and Hiring Flexibility Provision**

33 A. To be eligible for appointment to the Fire Department, an applicant must be:

1. A citizen of the United States;
 2. A high school graduate or equivalent;
 3. At least eighteen (18) years of age on the day that the application process closes, but under forty (40) years of age on the date of employment, which is the date that a Member completes all of the conditions in the conditional offer of employment and is sworn in by the appropriate authority. However, the age requirements do not apply to a person who has been previously employed as a member of a qualified fire department or who has prior military experience consistent with state law. A qualified fire department is one which participates in the Indiana State Pension Relief System (Act of 1977); and
 4. Accepted by the Indiana State Pension System (INPRS Act of 1977 for Fire and Police).
- B. No one may appeal any part of the hiring process, unless otherwise described herein.
- C. To be reappointed to the Department, persons must meet all the requirements for appointment. If they meet those requirement they may be placed, upon approval of the appointing authority, on the hiring list.
- D. A person may not be appointed or reappointed if the person has a felony conviction of record.
- E. Applications for appointment or reappointment to the Department must be filed with the appropriate agency. The applicant must produce satisfactory proof of the date and place of the applicant's birth.
- F. Applicants for appointment to the Department must pass the general aptitude test required under state law. The general aptitude test shall: (1) reflect the essential functions of the job; (2) be conducted according to procedures adopted by the Commission; (3) be administered in a manner that reasonably accommodates the needs of disabled applicants; and (4) the written test will be provided, validated and scored by a testing agency. The results of the general aptitude test shall be filed with the Fire Administration. The minimum score of 70% shall be required to be placed on the eligibility list.
- G. Applicants for appointment or reappointment shall successfully complete within the allotted time of ten (10) minutes and twenty (20) seconds the Candidate Physical Ability Testing ("CPAT"), which assesses a candidate's physical ability to perform the essential job functions of a firefighter consistent with the job description of a Member. Applicants who fail to successfully complete the CPAT in under ten (10) minutes and twenty (20) seconds will be ineligible for hire.
- H. Applicants shall then be rated on the selection criteria and testing methods adopted by the Commission, which may include mental alertness, character, and habits. The Fire Administration shall place the names of applicants with passing scores on an eligibility list by the order of their scores on their general aptitude test and oral interview and shall submit the list to the Commission for approval.
- I. The following parameters shall be used to score and rank applicants:
1. A panel will be used to interview candidates to determine stress tolerance, ability to reason and solve problems, flexibility, ability to work as an effective team member, strength of interpersonal relations, service orientation, professional integrity, motivation and preparation for a public safety career, continuous learning and achievement striving, and strength of verbal communications.

2. The panel will score the applicants based upon their answers to specific questions.
 3. A minimum score of seventy percent (70%) shall be required for placement on the eligibility list.
- J. The Fire Chief will determine the number of applicants to be given a conditional offer of employment. An average of the general aptitude test score and the oral interview score will be used to rank the applicants. Applicants will be placed on the eligibility list in the order of their ranking. Only those candidates who have passed the general aptitude test, the oral interview, and the CPAT will be placed on the eligibility list. Pursuant to state law, five points (5%) will then be awarded to those applicants who have been honorably discharged from military service and children of professional municipal firefighters or police officers killed in the line of duty.
1. Those on the eligibility list will be subject to a background investigation prior to proceeding with the required examinations identified in applicable state law.
 2. If an applicant reaches the applicant's fortieth birthday while still on the eligibility list, the applicant's name shall be removed from the eligibility list, unless otherwise eligible under state law.
 3. The eligibility list remains effective for two (2) years from the date of certification unless the Commission terminates or extends the expiration date of the list upon petition by the Fire Chief.
- K. When the Fire Chief deems it appropriate to fill vacancies in the Department, the Commission, upon request of the Fire Chief, shall direct the Fire Administration to administer the physical agility test required under state law to the appropriate number of applicants having the highest score on the eligibility list or to an applicant who completes a lateral transfer process established by the Fire Chief and approved by the Commission. If a selected applicant successfully completes the physical agility test, the applicant shall then be given a conditional offer of employment if:
1. The applicant passes the required examinations identified in state law; and
 2. The applicant passes the background check.
- L. All appointments are probationary for a period not to exceed one year, unless extended by the Commission on petition by the Fire Chief or as otherwise stated herein, from being sworn in. The Fire Chief has sole discretion to establish reasonable conditions and requirements for successful completion of the probationary period. If the Fire Chief determines that a probationary Member's conduct or capacity is not satisfactory or that a probationary Member has not satisfied any of the conditions and requirements of successful completion of the probationary period, the Fire Chief may notify the Commission in writing of that determination, and make a recommendation that the probationary period be extended or that the probationary Member be terminated from employment. The Fire Administration shall provide a copy of that notification and recommendation to the probationary Member. The notification must be served prior to the expiration of the probationary period. Service of such notice suspends the expiration of the probationary period for that probationary Member. The probationary Member, within ten (10) days of service of such notification, may request a hearing of the matter before the Commission, and that request shall be granted. The probationary period for the probationary Member shall be extended

1 until the Commission renders its decision regarding the Fire Chief's
2 recommendation. In all other cases, at the end of the probationary period, the
3 Member is considered regularly employed. In no case shall the probationary
4 period extend beyond two (2) years from the date of hire.

5 **Section 1.06 REINSTATEMENT**

6 A person ordered to be reinstated by a Court of competent jurisdiction must:

- 7 A. Qualify for acceptance into the state fire pension;
- 8 B. Not have a felony conviction of record; and
- 9 C. Meet training requirements, as determined by the Fire Chief.

10 **Section 1.07 RULES GOVERNING PROMOTIONS- Reference Section 1.01(A):** 11 **Temporary Promotion and Hiring Flexibility Provision**

- 12 A. The Fire Chief or Chief of Training shall announce the start of a promotional
13 process through an official notice. The date of that notice is the "Notice Date" for
14 the rank of Lieutenant, Captain, and/or Battalion Chief in the Operations Division
15 as needed. This notice shall include instructions regarding submissions of
16 applications.
- 17 B. A panel of three (3) Members, one (1) of whom is selected by the
18 Union/department and two (2) selected by the Fire Administration, each of whom
19 has held at least the rank which is the subject of promotion or is a current
20 Assistant Chief or higher rank and has been certified as a Qualified Captain, as
21 defined in Department policy, will:
 - 22 1. Recommend selection of testing materials subject to approval by the
 - 23 Commission;
 - 24 2. Serve as observers during each part of the process; and
 - 25 3. Review all appeals regarding the tests and provide a recommendation to the
 - 26 Commission for the Commission's review and determination.
- 27 C. Any Member who has successfully completed a promotion process has met all of
28 the prerequisites to participate in future promotional processes for that rank.
- 29 D. Prerequisites. Promotions to a merit rank must be from the next lower rank.
 - 30 1. Lieutenant candidates must have completed five (5) years of service as a
Member with a minimum of two (2) years in the Operations Division. A full
five (5) years of service must be completed by the application date.
 - 2. Captain candidates must have served a minimum of two (2) years at the
rank of Lieutenant in the Operations Division of the Department. A full two
(2) years of service must be completed by the application date.
 - 3. Battalion Chief candidates must have served a minimum of two (2) years at
the rank of Captain in the Operations Division of the Department. A full one
(2) years of service must be completed by the application date.
 - 4. To be eligible for promotion, a Member must have achieved an overall
rating of "satisfactory" or "competent" on each of their last five (5)
evaluations.
 - 5. In order to be eligible for the Assessment Center, a Member may request
and receive a variance from the Commission by establishing that the
Member has experience equivalent to the certification(s) and years of

service, otherwise required. This is applicable only to the Indiana state certifications described herein. The Member must meet the following minimum training requirements prior to application date:

6. The Fire Administration will make reasonable efforts to provide prerequisite courses.

i. LIEUTENANT. The Member must have completed the following courses certified by the State of Indiana:

- a. Instructor I
- b. Fire Officer Strategy and Tactics
- c. Fire Officer I
- d. Incident Safety Officer (Any Member who holds a Safety Officer Certification meets the requirements for the Incident Safety Officer.)
- e. Technical Rescue Awareness

ii. CAPTAIN. The Member must have successfully completed the State of Indiana Fire Officer II and one of the following four classes certified by the State of Indiana:

- a. Hazardous Materials (Technician level)
- b. Vehicle/Machinery Rescuer (Operations or Technician level)
- c. Rope Rescuer (Operations or Technician level)
- d. Swift Water Rescue (Operations or Technician level)
- e. Fire Instructor II

iii. BATTALION CHIEF. The Member must have the following certifications:

- a. ICS-300 FEMA Certification
- b. ICS-400 FEMA Certification

E. Skills Testing. Once a Member has been confirmed to meet the minimum eligibility requirements, the Chief of Training will schedule the candidates for the hands-on skills assessment.

1. Each Member must complete the same six (6) hands-on skills from the Department's Apprenticeship Training Program
2. There will be three (3) mandatory skills selected by the Chief of Training from among the approved testing materials. Members will be informed of mandatory skills at the time of the drawing.
3. The three (3) random skills will be drawn by the Members from the first testing group. The drawing will be supervised by the Chief of Training or their designee.
4. The Chief of Training shall appoint at least two (2) skill evaluators for the hands-on skills assessment. The same two (2) evaluators shall be used for each testing group.
5. This will be a pass/fail test based on the following conditions:
 - a. Members will be given fifteen (15) minutes to review the skill sheets prior to testing.
 - b. If a Member fails a skill, they will be told they failed and they will proceed to the next station. The Member may only receive one (1) failure for the entire skills testing. If the Member fails a second skill, they are eliminated from the promotional process.

F. Scoring for Promotional Process. Each component of the promotional process shall have the following percentage weight:

Written Test – 25%
Assessment Center – 49%
Oral Interview – 6%
Past Performance – 16%
Length of Service – 4%

1. Appeal Process - Members who are aggrieved with their score received on any segment of the promotional process may appeal in writing to the Commission for a hearing. The written appeal must be filed with the Fire Administration or as otherwise directed within ten (10) days of receipt of their score and must state the basis for the appeal. After reviewing the appeal and the recommendation of the Committee identified in B. above, the Commission shall either affirm or dismiss the appeal according to the determination of the Commission following the procedures described herein. The Member shall continue in the process pending the Commission's determination.
2. Written Test - The written test will count twenty-five percent (25%) of the competitive exam.
 - i. The written test for each rank of officer will be created, validated and may be administered by a professional testing agency hired by the Department.
 - ii. Members must attain a minimum score of seventy percent (70%) to pass. Members will proceed with the process pending the results of the written test.
 - iii. The identity of a Member taking the written examination shall be withheld from the person or persons grading the examination and all written examinations are confidential. Members are entitled to examine these files upon request at any time.
 - iv. The Member shall have four (4) hours to review the questions scored as incorrect and challenge the answer considered correct by the examiner. A Member who is aggrieved with the score received on the written examination may appeal to the Commission for review of the score. The appeal must be filed within ten (10) days after notice of the score. The examination papers shall be retained in a manner consistent with Indiana law.
 - v. A Member can only appeal an answer scored as incorrect. The Commission's review is limited to a determination of whether another of the answers to the specific question could be considered correct. An appeal benefits only the Member who initiated the appeal. If, after the Commission's determination, the Member's score is below the required passing score, the Member shall be eliminated from the process.
3. Assessment Center - The Assessment Center will count as forty-nine percent (49%) of the promotional process. The Member must achieve a passing score of seventy percent (70%) or higher on each component of the Assessment Center to be placed on the eligibility list for promotion. All interaction between the Assessment Board and each Member during the Assessment Center will be video and audio recorded.

i. Eligible Members appear before an Assessment Center Board. This board will include a minimum of two (2) assessors per exercise, including the structured-panel interview, with a minimum of six (6) assessors total selected by the appointing authority or testing company. Assessors selected must be at least one (1) merit rank, or equivalent, above the assessing rank and employed by a full-time professional fire department with a staffing level of equal or greater size to that of the District/Territory. For the Battalion Chief Assessment, the persons on the Assessment Center Board shall have held the merit rank of Battalion Chief, or equivalent, or above. A professional testing company may serve as the facilitator for the Assessment Center process.

ia. Assessment Center – For All Merited Ranks

The process for all merited ranks will consist of two (2) oral tactical exercises and any two (2) of the following:

1. Presentation;
2. Management Exercise;
3. Problem Analysis;
4. Simulated Situation.

ii. Descriptions of Assessment Center exercises:

ia. Oral Tactical Exercise

This exercise assesses a Member's ability to apply their knowledge of firefighting techniques and tactics to a simulated emergency situation. In general, the Member will be given visual and descriptive information regarding an emergency situation. The Member must demonstrate how they would behave in this situation if they were in charge.

iib. Presentation:

In this exercise, a Member is given a topic relevant to a firefighter's work. The Member must prepare and deliver a short presentation on the assigned topic. These presentations are delivered to the Assessment Center Board. This exercise is meant to simulate job tasks which require that an officer teach, instruct or lecture subordinates or make presentations to citizen groups, department committees, and other audiences.

iic. Management Exercise:

In this exercise, a Member is given a series of memos and/or letters. Each memo or letter contains an example of a common situation that is typically faced by individual officers. The Member must discuss their response to each memo or letter. The Member may also be required to write their response in the form of a memo, letter, or report. The Member's responses are scored by the Assessment Center Board as to how well the Member is

able to identify and respond to critical issues. The score shall be based in part on grammar and organization.

iid. Problem Analysis:

In this exercise, the Member is given a problem to evaluate, either in written format or presented as a video scenario. The Member will be required to identify and discuss the issues that the problem raises. This discussion will be presented orally or in writing to the Assessment Center Board.

ie. Simulated Situation:

In this exercise, Members are asked to role play their response to a situation involving interpersonal challenges. For instance, the Member might be asked to meet someone who is role-playing a subordinate in trouble. The Member must demonstrate how they would behave in this situation if they were a supervisor.

4. Oral Competitive Interviews

- i. The Fire Chief shall interview each eligible applicant but no points will be attributed to the Fire Chief's interviews.
- ii. A structured panel interview may result in an award of a maximum of six percent (6%) of the promotional process.
- iii. For the Battalion Chief Assessment, the persons on the Assessment Center Board shall have held the merit rank of Battalion Chief or above.

5. Past Performance

- a. Past performance will count as sixteen percent (16%) of the promotional process. The past performance score sheet will be based on the following for the twenty-four (24) months prior to the Notice Date.

1. Days Late – four percent (6%)

<u>Days Late</u>	<u>Points Awarded</u>
0	8
1	6
2	4
3	0
4 or more	-4

2. Disciplinary Actions – ten percent (10%) of the promotional process.

- i. Vehicle accidents that are determined to be “not at fault” are excluded.
- ii. Three (3) points deducted for every suspension in accordance with the disciplinary scale for five (5) years prior to the Notice Date.
- iii. Based on the Member performance for five (5) years prior to the Notice Date.

6. Length of Service - The Member's length of service will be given a weight factor of four percent (4%) according to the following table:

<u>Years of Service</u>	<u>Points Awarded</u>
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20+	4
19	3.75
18	3.5
17	3.25
16	3
15	2.75
14	2.5
13	2.25
12	2
11	1.75
10	1.5
9	1.25
8	1
7	0.75
6	0.50
5	0.25

- G. The Commission shall certify that the eligibility list was created in accordance with this Ordinance. The eligibility list for a position consists of Members who have been placed on the list in order of their cumulative score on all rating factors. The eligibility list shall be maintained for two (2) years from the date of certification, after which time the list shall be retired and a new list established. The retired list shall be kept for five (5) years and then destroyed in a manner consistent with state law.
- H. If a regular member voluntarily vacates a promoted level position, they shall return to their previously held regular merited position within the department.
- I. Ancillary Positions - Ancillary positions are not merited positions and are not subject to the promotional process except as described in Section H. Ancillary positions are subject to the probationary and disciplinary procedures and disciplinary procedures described in this Ordinance unless otherwise stated. Ancillary positions include, but are not limited to, the following roles as designated by the Fire Department and approved by the Merit Commission.
1. Ancillary Positions – District Chief
 - a. District Chief – Special Operations
 - b. District Chief – Health and Safety
 - c. District Chief – System Administrator
 - d. District Chief – Internal Affairs
 - e. District Chief – Investigation
 - f. District Chief – Training
 - g. District Chief – Logistics
 - h. District Chief - EMS
 2. Ancillary Positions – Captain
 - a. Captain – Investigator
 - b. Captain – Inspector
 - c. Captain – Public Education
 - d. Captain – Instructor

- e. Captain – Quartermaster
- f. Captain – EMS Coordinator
- 3. Selection Process for Ancillary Positions
 - i. Vacancies are determined by the Fire Chief.
 - ii. Job descriptions are reviewed by the Commission and submitted to County Human Resources or appropriate authority for accuracy.
 - iii. Notice of any opening and procedures for selection will be posted to the field. The date of posting is the Notice Date and will include:
 - a. Deadline for submission
 - b. Command Staff acting as point of contact
 - c. Items to submit (resume, goal statements, certificates, etc.)
 - d. Components of process and scale
 - iv. All submissions are gathered and confirmed via email to the Member.
 - v. Once posting closes, a Past Performance Score Sheet will be completed based on the following factors. Items a. and b. are based on candidate performance for twenty-four (24) months prior to the Notice Date. Item c. is based on candidate performance for five (5) years prior to the Notice Date:
 - a. Days late
 - b. Discipline
 - vi. Interviews are arranged individually with Members with whom the position will collaborate or to whom the position will report. All interviews shall be audio and video recorded.
 - a. All candidate submissions (resume, goal statements, etc.) along with a past performance sheet are distributed to each interviewer.
 - b. Each interviewer will provide a separate score sheet.
 - vii. All interviewers meet to discuss individual results of the interview and make recommendations to the Fire Chief for a final decision by the Fire Chief.
 - viii. The Member chosen is contacted and offered the position. If accepted, arrangements are made for promotion with the Appropriate entity and notification is made to the Commission.
 - viii. A Member is probationary in that rank for a period of up to one (1) year. The Fire Chief will make a recommendation during that period to the Commission as to whether the promotion shall stand or be revoked by the Commission. If the Member's promotion is revoked by the Commission, they shall return to their last merited rank.
- 4. If a regular member voluntarily vacates a promoted level position, or it is necessary to eliminate an ancillary position for reasons as determined by the Fire Chief, Members holding those positions will be removed in order of reverse seniority. If an ancillary position is restored within twenty-four (24) months from the date of elimination, Members who held those positions shall be restored in order of seniority, provided the Member still qualifies for the position or becomes qualified within a reasonable period of time. If a Member is not a regular member of the Department or does not hold a position covered

1 by the 77s PERF, they may be subject to termination from the Department
2 upon removal from the upper-level position or ancillary position.

3 5. If the Fire Chief deems it necessary to reassign a Member from their
4 ancillary position temporarily, they will continue to receive pay at the
5 ancillary position pay rate. The Member will return to the ancillary position
6 on completion of the temporary assignment, provided they remain qualified
7 for the position or become qualified within a reasonable period of time.

8 6. At any Class or offense count in the disciplinary process, the Fire Chief
9 may petition the Commission for demotion of a Member holding an ancillary
10 position for violations of rules, regulations, policies, or procedures.

11 **Section 1.08 PROBATIONARY PROMOTION PROCEDURES**

- 12 A. When a vacancy in a merited rank occurs, the Fire Chief shall select from among
13 the two (2) Members with the highest scores remaining on the eligibility list for
14 that particular rank. If the Fire Chief selects a Member other than the one ranking
15 highest on the remaining eligibility list, the Fire Chief shall provide to the
16 Commission a written statement of the reasons that support the decision. The
17 Commission shall accept the Fire Chief's selection and promote that Member
18 unless the Commission rejects the Fire Chief's selection by a vote of at least four
19 (4) commissioners. In that event, the Member with the higher score shall be
20 promoted and the other Member remains on that eligibility list.
- 21 B. All promotions are probationary for a period not to exceed one (1) year unless
22 extended or the promotion is revoked. The Commission, upon request of the Fire
23 Chief, may extend the probationary period, revoke the promotion, or affirm the
24 promotion. At any time during the probationary period, the promotion may be
25 revoked by the Commission upon request of the Fire Chief. The probationary
26 period shall be completed in the division in which the Member is being promoted.
27 At the end of the probationary period, the Fire Chief shall review the Member's
28 performance and recommend to the Commission that the promotion be affirmed
29 or revoked. Following a hearing, the Commission may uphold, deny, or modify
30 the Fire Chief's recommendation.
- C. Actions regarding promotions by the Commission may be appealed within thirty
(30) days to the Circuit or Superior Court of Allen County, with the County being
named as the sole defendant, as provided by I.C. 36-8-3.5-16(d).

31 **Section 1.09 PERFORMANCE RATING PROCEDURES**

- 32 A. The Commission shall approve rules for determining a performance rating. The
33 rules must require that a performance rating for each Member, including
34 probationary Members, be made at least once every twelve (12) months provided
35 that the Fire Chief and the two (2) ranks below the Fire Chief shall not receive a
36 rating or be involved in the performance rating process other than as stated below.
37 The rating shall be made by one (1) or more of the Member's supervisors, as
38 defined in these Rules. The ratings shall be submitted to the Commission and
39 kept on file in the Fire Chief's office under the Fire Chief's supervision. The
40 supervisor shall submit the performance rating into the electronic system and to

the Member, at which time the appeal period starts. The Commission shall notify each Member in writing of the rating that the Member received. Appropriate County technology and resources shall provide reasonable support for the rating system adopted by the Commission.

- B. A Member who is aggrieved with the performance rating given to the Member by the Member's supervisor may appeal to the Commission for a hearing to challenge the rating. The appeal must be filed within ten (10) days after notice of the rating has been sent to the Member. The Commission shall affirm, deny, or otherwise modify the rating.

Section 1.10 RULES GOVERNING DISCIPLINE

A. The Fire Chief may initiate a disciplinary action if the Fire Chief believes that a Member has violated any Rule as enumerated herein, by providing written notice of the allegation of misconduct, including notice by email, to the Member. Likewise, any commissioner may initiate an investigation, in the same manner as required herein of the Fire Chief, if they believe that a Member has violated a rule, by providing written notice of the allegation of misconduct to the Fire Chief, who shall then follow the procedural steps set forth herein. In cases where a Merit Commissioner alleges a violation, and once the Fire Chief completes the investigation, the findings and all information shall be provided to the Merit Commission for review and final determination, following the hearing processes set forth herein.

If the Fire Chief determines, following an investigation, that the act alleged to be a violation was a Class D, E, or F violation committed more than 2 (2) years prior to the date that the Fire Chief (or the commissioner, if initiated by the Commission) had notice of the alleged misconduct, the matter is concluded and shall be reported to the Commission. There is no time limitation for an alleged Class A, B, or C violation.

1. Within twenty (20) days after the Fire Chief receives a written statement, in any form, from anyone who asserts alleged misconduct by a Member, the Fire Administration shall notify the Member in writing, with a copy to the Union, as to whether an investigation of the allegation will be initiated or not. Likewise, if the Fire Chief receives from any source, including an anonymous source, objective evidence such as a video or audio recording, a photo or similar graphic depiction, or a document from a public agency (such as the police, a prosecuting attorney's office, or the Bureau of Motor Vehicles), information upon which the Fire Chief reasonably might base an allegation of misconduct, the Fire Chief shall so notify the Member, with a copy to the Union, within twenty (20) calendar days as to whether an investigation will be initiated or not. However, when the Fire Chief receives notice from a representative of an officially-recognized criminal justice organization of alleged misconduct that could form the basis for a criminal charge against the Member, the Fire Chief may defer the internal investigation, in the interest of preserving the integrity of a possible criminal investigation, until such time as is objectively reasonable, thus delaying the obligation to provide notice to the Member under this provision.

2. The notice shall include a brief statement of the allegations, the identity of the person(s) who submitted the allegations, and a copy of the written statement from that person and the date(s) of the alleged violation(s). In the case of objective evidence described above, a copy of the objective evidence will be included with this notice. In the case of an allegation of sick time abuse (Rule 2-4.09), the Commission shall provide this notice.
3. When the Fire Administration notifies Members that they will be subjected to an interview under Garrity, the notice will be copied to the Union.
4. In all disciplinary actions except those involving late for duty and sick time abuse, the Fire Chief shall cause a Garrity interview of the Members subject to the disciplinary action to be conducted.
5. An interviewer conducting a Garrity interview may not compel Members or their union representative to disclose any conversation that occurred between the Member and the Union representative, provided that the union representative was acting in a representative capacity at the time of the conversation. In that case, a refusal to answer a question that would require disclosure of such a conversation will not be deemed disobedience of an order. If asked and a Member declines to answer, the line of inquiry regarding such communications must stop. If the Member wishes to disclose the substance of such communications, the interviewer may ask relevant follow-up questions. However, the Member or the Union representative shall answer such a question in any of the following circumstances: when necessary to prevent crimes likely to result in a clear, imminent risk of serious injury or death; when the conversation involves criminal actions against the Member or Union representative; or when there is a court order requiring disclosure. A question posed to a Member must otherwise specifically, directly, and narrowly be related to the allegations of the pending disciplinary matter. Nothing in this section relieves a union representative of the duty to report an infraction that they witnessed, and to testify during the investigation and/or at the hearing regarding the conduct that they witnessed. A Member subject to disciplinary action shall have access to all Garrity transcripts created during the investigation.
6. The Fire Chief shall have a reasonable amount of time to conduct an investigation. However, after 90 days, the Fire Chief shall provide an update to the Merit Commission regarding the status of the investigation. The Merit Commission may, at its discretion, grant an extension if necessary. If the investigation is not concluded within a total of six months, all relevant information shall be submitted to the Merit Commission, which shall have sole discretion over the conclusion of the investigation. In cases involving criminal allegations, additional time may be granted by the Merit Commission as necessary, pending the outcome of the criminal proceedings.

B. Except as otherwise provided in these Rules, at the conclusion of an investigation, as determined by the date of written notice to the Member and Union, of an alleged disciplinary violation, the Member or the Union on behalf of the Member may, within ten (10) days, submit a written proposal for settlement of the disciplinary action. The Fire Chief may accept or reject the proposal, or offer an alternative proposal. If the Member accepts a suspension, the Member waives their right to appeal and the Commission shall take no further action. If the

1 Member objects to the suspension, the Fire Chief may proceed with the
2 disciplinary process based on the class and occurrence of the alleged violation(s).
3 If the Member appeals the suspension, the suspension does not take effect until
4 the Commission determines to uphold the suspension. Notwithstanding the
5 foregoing, the Fire Chief, the Union and the Member can resolve a disciplinary
6 action at any time by agreement, which agreement must be reported to the
7 Commission.

- 8 C. The Fire Chief will notify the Commission, with a copy to the Union, of all
9 written reprimands (issued on the designated Departmental form), suspensions,
10 and other conclusions of investigations of alleged infractions to the Commission
11 within forty-eight (48) hours of conclusion. A failure to comply with this
12 provision which does not prejudice a Member subject to the disciplinary action
13 may be corrected without affecting the disciplinary action.
- 14 D. Prior to the conclusion of an investigation of an alleged disciplinary violation or
15 in the absence of such investigation, the Fire Chief may relieve a Member from
16 duty with pay (for non-punitive administrative reasons) or suspend a Member
17 with pay pending investigation of an alleged disciplinary violation, which action
18 shall not be appealable unless otherwise provided herein.
- 19 E. The Fire Chief may issue a written reprimand to a Member based on an allegation
20 of misconduct and an investigation. Except as provided in section 2-4.09, a
21 Member may not appeal a written reprimand based on a Class F violation (unless
22 the violation was a Class E violation or above that was decreased to Class F by
23 the Fire Chief). A Member may initiate an appeal to the Commission regarding
24 any disciplinary action that would result in a suspension without pay, demotion or
25 termination (an "Appealable Disciplinary Action"). Any prior infraction that was
26 a factor in progressive discipline may be addressed at the hearing on appeal.
- 27 F. To appeal an Appealable Disciplinary Action, Members or their Union
28 representative or attorney must file with the administrative secretary to the
29 Commission within ten (10) days of receipt of notice of the Appealable
30 Disciplinary Action a written notice of their intent to appeal the Appealable
Disciplinary Action. Notice transmitted by email satisfies the written notice
requirement. The notice shall include a statement of the basis for the appeal.
- G. Upon receiving notice of appeal from a Member, the Fire Chief shall cause notice
of the appeal to be transmitted to the Commission's secretary and/or attorney.
- H. The Commission shall consult with the Fire Chief and the Member or their
representative to determine the date(s) on which the hearing of the appeal will be
held. The Commission shall use its best efforts to reasonably accommodate the
schedules of both parties and their representatives. Unless the parties otherwise
agree, the hearing will be held no sooner than twenty-one (21) days from the date
of the notice of appeal.
- I. Both parties are entitled to be represented by counsel or, in the case of the
Member, a Union representative. Both parties are entitled to produce evidence at
the hearing. Both parties are entitled to require the Commission to cause
subpoenas to be issued, served, and executed pursuant to Ind. Code 36-8-3.5-
17(e).
- J. Unless otherwise agreed, the parties shall exchange exhibits and a list of
witnesses at least five (5) days prior to the hearing. The exhibits and list of
witnesses shall be made available to the Commissioners at that time. In the

1 absence of an agreement by the parties, the commissioners may determine an
2 appropriate sanction for failure to timely disclose exhibits and witnesses.

- 3 K. If a witness fails to comply with a subpoena issued pursuant to these rules, the
4 Commission shall continue the hearing upon the request of the party that
5 requested the subpoena. The Commission also may file an affidavit in the Circuit
6 Court of Allen County stating the facts of the failure as provided in I.C. 36-8-3.5-
7 17(f). Expenses related to the filing of an affidavit and the issuance and service
8 of a summons shall be charged to the witness against whom the subpoena has
9 been issued, unless the Circuit Court finds that the action of the witness was taken
10 in good faith and with reasonable cause. In that case, the expenses shall be
11 charged to the Commission.
- 12 L. A decision to discipline a Member may be made only if the preponderance of the
13 evidence presented at the hearing supports the decision.
- 14 M. The hearing pursuant to this section shall be conducted in executive session. The
15 Commission shall order separation of witnesses other than the Fire Chief, the
16 Member, and their representatives, upon request of either party.
- 17 N. The Commission shall record the hearing (either by its secretary or a third-party
18 qualified to record such hearings). The Commission shall provide a copy of the
19 recording and a copy of the transcript of the record (if created) upon request to
20 the Member or their representative at no cost to the Member.
- 21 O. The Commission may affirm, modify, or dismiss the disciplinary action. The
22 Commission's authority to charge a Member with a disciplinary violation or to
23 modify a disciplinary action shall be unlimited.
- 24 P. Judicial Review Process. A Member may appeal a decision of the Commission to
25 suspend the Member for a period greater than ninety-six (96) hours or more for a
26 twenty-four (24) hour Member or sixty-four (64) hours or more for a forty (40)
27 hour Member or to dismiss the Member as provided in I.C. 36-8-3.5-18 (or any
28 successor statute), subject to the time limitations and procedural requirements set
29 forth in said statute.
- 30 Q. Written reprimands for the same offense shall cease to have effect in progressive
discipline two (2) years from the date of issue but shall be kept as part of a
Member's permanent record.
- R. Suspensions for the same offense shall have effect in progressive discipline four
(4) years from the date of issue but shall be kept as part of a Member's permanent
record. However, if appealed, when determining the level of discipline and
penalty, the Commission may consider a Member's complete personnel record
when addressing disciplinary matters.
- S. Suspensions shall be at the Member's current rate of pay. Use of overtime,
vacation, or holiday time in lieu of suspension shall not be allowed.
- T. Members may be charged with any or all disciplinary rule violation(s) that may
apply to a single specific action or inaction but may be penalized for only one of
the applicable rule violations. However, Members who commit multiple
violations based on two or more separate actions or inactions within a single,
continuous incident may be penalized once (including where more than one type
of rule violation may apply to a specific action or inaction, as stated above) for
each separate action or inaction, resulting in a separate, single penalty for each
action or inaction. Multiple instances of the same behavior during a single,
continuous incident will not be the basis for escalation on the penalty schedule.

- U. The Fire Chief may increase or decrease the discipline given to a Member (by one infraction occurrence on the penalty schedule or by one class of infraction), depending on the circumstances of the alleged offense. The circumstances that led to the increase or the decrease in discipline shall be stated in writing and conveyed to the Member. Alternatively, the Fire Chief may petition the Commission to determine an appropriate penalty following a hearing.
- V. Members are entitled to a copy of any of their files held by the County subject to exceptions under applicable law, which will be provided within a reasonable time upon request. A denial of such request shall be grieved pursuant to the terms of the collective bargaining agreement.
- W. If a Member is suspended, they shall be entitled to allowances for benefits as defined in the Collective Bargaining Agreement. In the absence of a Collective Bargaining Agreement, the Member shall retain all benefits to which they were entitled prior to the suspension, except for vacation accrual and pension payments made by the County on behalf of the Member.
- To determine vacation suspension, the following calculation will be used: divide the number of suspended hours/days by 365, then multiply that number by the number of earned days for which the Member is eligible. For example, 20 days/365 = .054 x 13 earned days = 0.702 days. Earned days less than .50 will be rounded down to the nearest whole day while earned days equal to or greater than .50 will be rounded up to the nearest whole day.
- X. In order to provide a similar financial impact for suspended time off between eight (8) hour and twenty-four (24) hour personnel, the following Disciplinary Step Conversion Table will be used:

STEP	24-HOUR	40-HOUR
.5	12	8
1	24	16
1.5	36	24
2	48	36
2.5	60	40
Petition for Determinate Suspension		

Y. Penalties:

1. Infractions – Multiple offenses refers to violations of the same rule

CLASS A:	1st Offense	Petition for Dismissal
CLASS B:	1st Offense	Petition for Determinate Suspension
	2nd Offense	Petition for Dismissal
CLASS C:	1st Offense	Step 2.5
	2nd Offense	Petition for Determinate Suspension
	3rd Offense	Petition for Determinate Suspension or Dismissal
	4th or more Offense	Petition for Dismissal
CLASS D:	1st Offense	Step 1.5
	2nd Offense	Step 2.5
	3rd Offense	Petition for Determinate Suspension or Dismissal
	4th or more Offense	Petition for Dismissal

CLASS E:	1st Offense	Step .5
	2nd Offense	Step 1.5
	3rd Offense	Step 2.5
	4th Offense	Petition for Determinate Suspension or Dismissal
	5th or more Offense	Petition for Dismissal
CLASS F:	1st Offense	Written reprimand
	2nd Offense	Step .5
	3rd Offense	Step 1.5
	4th Offense	Step 2.5
	5th Offense	Petition for Determinate Suspension or Dismissal
	6th or more Offense	Petition for Dismissal

2. At any Class or offense count in the disciplinary process the Fire Chief may petition the Commission for demotion of a Member for violations of rules, regulations, policies or procedures.
3. Any violation committed by Members related to the performance of their duties that results in bodily injury to a person other than the Member shall be treated as a Class C offense, subject to the Fire Chief's authority to increase or decrease the discipline. Any such violation that results in serious injury or death to a person other than the Member shall be treated as a Class A offense, subject to the Fire Chief's authority to decrease the discipline.

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- AA. Disciplinary Rules and Regulations:
 1. Section 1 – Neglect of Duty

1 2-1.02 Criminal Violations by Members, Class C

2 A Member who is arrested for and/or charged committing a crime shall
3 personally notify the Fire Administration of these events as soon as
4 reasonably practical, but in any case prior to returning to duty after any such
5 occurrence.

6 2-1.03 Quitting a Post Early, Class C

7 Members shall remain at their assigned posts or duty stations during the hours
8 assigned to them, until they are relieved by oncoming personnel or a
9 supervisor.

10 2-1.04 Submission of Reports, Class F

11 Members shall submit all written reports as required before the completion of
12 their tour of duty or when ordered to do so by a supervisory officer. The
13 company officer shall ensure that all reports are completed before the end of a
14 shift, unless authorized in writing by the Fire Administration.

15 2-1.05 Escape of Penalties, Class C

16 No Member shall be a party to any promise, scheme, arrangement, or
17 agreement as a conspirator in an attempt to help others avoid penalties or in
18 an individual effort to escape penalties.

19 2-1.06 Personal Business, Class F

20 Members shall not conduct personal business while on duty that interferes
21 with the performance of their duties or causes an injury or illness.

22 2-1.07 Failure to Respond to Calls for Service, Class C

- 23 a. On duty Members shall respond to a call for service when they are
24 available and in reasonable proximity to respond.
25 b. When dispatched, Members will acknowledge and respond to all
26 assignments given them by the dispatcher immediately upon receipt of
27 such assignments regardless of the location of the assignment within Allen
28 County.
29 c. After being dispatched, if Members encounter an emergency or serious
30 situation that prevents them from responding to the dispatched
 assignment, they may change their assignment by advising the dispatcher
 as soon as possible.

 2-1.08 Subpoenas, Class F

 Members receiving a subpoena in a Department related case shall notify the
 Fire Administration as soon as reasonably possible. Members subpoenaed for
 Department related cases shall be present at the place, date and time specified
 on the subpoena, unless other lawful arrangements are made by the member.
 Court appearances shall be made in the Class B uniform with tie.

 2-1.09 Supervision, Class D

 Commanding and supervisory officers shall at all times properly supervise
 and evaluate their subordinates while on duty.

 2-1.10 Assistance, Class C

 Members shall render necessary and proper assistance while on duty or in the
 performance of a duty when needed or requested.

 2-1.11 Abuse of County Property, Class F

 Members shall be responsible for the proper care of County property in their
 custody and shall properly report to their immediate supervisor the loss of the
 damage to, or the unserviceable condition of such property. Damage to

County-owned vehicles caused by a vehicular accident is not covered under this rule.

2-1.12 Disclosure of Name and Badge Number, Class F

Members shall divulge their name and badge number to any person when requested. All reports submitted by Members shall contain the name and badge number of the Member submitting the report.

2-1.13 Leaving of County-owned Equipment, Class F

When any County-owned equipment is left any place that is not the normal storing area for that equipment, the Member responsible for leaving that equipment shall record that circumstance in the station log for the oncoming Members, stating the location, items, quantity, and the reasons for leaving such equipment. Such a report shall not be necessary if the equipment is recovered by the Member before the end of their tour of duty.

2-1.14 Leaving Station Grounds, Class E

Leaving the station grounds is prohibited without permission of the officer in charge. Before permission is granted, Members shall report where they are going, the reason for leaving, and the estimated time of return.

2-1.15 Station Work Assignment, Class F

Members shall complete station work assignments as assigned by the officer in charge.

2. Section 2 – Violation of Rules of the Department

2-2.01 Communication, Class F

Members shall maintain appropriate radio communication with the dispatcher at all times.

2-2.02 Public Statements, Class E

Members shall not convey information to anyone regarding Fire Department business or express personal opinions referencing the Department, under the pretense of representing Department, for publication or broadcast, without consent of the Fire Chief.

2-2.03 Alcohol, Class D

Members shall not store or bring into any Department facility, or Department vehicle, alcoholic beverages. Department facilities shall be alcoholic beverage-free.

2-2.04 Use of Tobacco/Smoking, Class F

Members shall comply with State and local ordinances regulating smoking in government buildings and vehicles. Smoking will be prohibited in all County-owned and or County-operated buildings, vehicles and transportation equipment. Smoking is defined in IC 13-1-13-3 as "the carrying or holding of a lighted cigarette, cigar, pipe, or any other lighted smoking equipment, or the inhalation or exhalation of smoke from any lighted smoking equipment." Pursuant to IC 13-1-13-9, this applies to all tobacco products including smokeless or chewing tobacco and vaping.

2-2.05 Telephone and Home Address, Class F

Members shall have telephones and shall report as soon as reasonably possible any changes of telephone numbers to the Fire Chief's office, their Battalion Chief, and their Station Officer. Members shall have on file their current address and shall report as soon as possible any changes of address to the Fire Administration and the County Human resources department or appropriate authority, using a "Change of Address" form.

1 2-2.06 Accepting of Gifts, Class E

2 The accepting of money, rewards, gifts, or other valuable articles, unless of de
3 minimus value of \$50.00 or less per Member, from any person is prohibited
4 unless permission is granted by the Fire Chief.

5 2-2.07 Assigned Districts, Class F

6 Members shall stay within the bounds of their assigned station territories
7 unless assigned by the dispatcher, by permission of their superior officers or
8 while assisting another unit.

9 2-2.08 Personal Use of Fire Department Property, Class E

10 Members shall not remove Department property for personal use without
11 permission of a Battalion Chief or rank above.

12 2-2.09 Trading of Time Policy Violation, Class D

13 Members shall not violate the Department's Trading of Time Policy.

14 2-2.10 False Reports, Class A

15 A Member shall not knowingly make a false report or knowingly omit to
16 make an accurate report to the Department or knowingly enter or cause to be
17 entered or knowingly omit to enter or cause to be entered in any departmental
18 books, records, or reports any inaccurate, false, or improper information. A
19 Member shall not knowingly withhold information from the Department, the
20 Prosecutor of a case, or any Court in which the Member is a witness in a
21 matter related to the performance of their duties, unless otherwise allowed by
22 law.

23 2-2.11 Driver's License Required

24 Members shall have and maintain a motor vehicle operator's license that
25 lawfully entitles them to operate a Department vehicle.

- 26 a. Any change in status to a Member's license not exceeding thirty (30) days
27 shall be subject to a Class E infraction.
28 b. Any change in status to a Member's license exceeding thirty (30) days but
29 not greater than one-hundred eighty (180) days shall be subject to a Class
30 C infraction.
 c. Any change in status to a Member's license exceeding one-hundred eighty
 (180) days shall be subject to a Class B infraction.
 d. Members who fail to notify the Fire Administration immediately of a
 change in status to their license shall be subject to a Class C infraction.

 2-2.12 EMS Certification Required, Class C

 Members shall have and maintain a valid EMS Certification at or above the
 level required in their conditional offer of employment or at the time of hiring
 by the Department. This includes EMS-EMR, EMS-Emergency Medical
 Technician, EMS-Advanced Emergency Medical Technician, or EMS-
 Paramedic License.

- a. Any change in EMS certification status must be reported by Members to
 the Fire Administration before the Member works her or his next shift.
 b. Copies of current EMS certifications must be sent by Members to the Fire
 Administration as directed by policy.
 c. Failure by Members to restore EMS certification to or above the level
 required at their time of hire within ninety (90) days will result in a Class
 B violation.
 d. When A-EMT or P-EMT certification is a condition of employment,
 Members have two (2) years from the date of employment within which to

1 obtain such certification within the standards set by the Fire
2 Administration. Violation of this provision is a Class A infraction.

3 2-2.13 Gear on Apparatus, Class F

4 Gear must be on the assigned apparatus by the assigned starting time.
5 Members reporting for their assigned shift shall properly store the gear of the
6 Member they are relieving from duty. If relieving a Member of a previous
7 shift, their gear will be removed completely and stored properly.

8 2-2.14 Purchases and Disbursements, Class C

9 Members must have written approval from the Fire Chief designee or the Fire
10 Chief prior to entering into any financial transaction on behalf of the
11 Department.

12 3. Section 3 – Neglect or Disobedience of Orders

13 2-3.01 Obedience of Orders, Class E

14 Members shall obey orders, directions, and instructions of their superior
15 officers. When Members are acting under the orders of one supervisory
16 officer and are then given an order by another supervisory officer, they shall
17 immediately report the first order to the second supervisory officer and then
18 abide by the decision of the second supervisory officer. A Member who
19 violates this rule while under Garrity commits a Class B violation.

20 2-3.02 Emergency Duty, Class D

21 Members shall be available for emergency duty, as defined by applicable state
22 law or County ordinance, on notice by the Fire Chief or their duly authorized
23 representative. Failure to respond to emergency duty shall be considered
24 disobedience of orders.

25 2-3.03 Senior Officer at Scene, Class F

26 Either the incident commander or highest-ranking officer on the scene shall
27 assume overall responsibility.

28 2-3.04 Incident Numbers, Class F

29 Members shall log all incident numbers accordingly on incident reports
30 regardless of disposition.

2-3.05 Safety Equipment, Class E

Members will make proper use of available safety equipment, including seat
and shoulder restraints, when operating or riding any County vehicle.
Members shall not disable any safety equipment.

2-3.06 Answering Station Phones, Class F

All telephone calls received must be answered in a proper and courteous
manner. When answering, Members must state their name and the station
number.

2-3.07 Statements While Under Garrity, Class A

When answering questions in an administrative matter under Garrity,
Members shall provide truthful responses. Failure to do so is a Class A
offense. A refusal to answer constitutes a violation of 2-3.01.

2-3.08 Contact With Complaining Parties - Class D

Once Members are notified by the Fire Administration that a written and
signed allegation of misconduct has been lodged against them, Members shall
use all reasonable means to avoid contact, of any nature, including contact
through third parties, with the complaining party or parties. A Member who
is the subject of an allegation of misconduct who is unrepresented by an

attorney or the Union must notify the Fire Administration in writing at least twenty-four (24) hours in advance of contacting potential witnesses.

2-3.09 Obedience to Department Policies and Procedures, Class F

Members shall follow all procedures and policies of the Department that pertain to the division to which they are assigned and those that, in general, pertain to all Members that are not specifically covered anywhere else. Violation of policies and procedures is a Class F violation unless otherwise stated in these Rules. Members are subject to all County employment policies that are not in conflict with a specific Department policy or the collective bargaining agreement between the Union and the County. The following Department policies have specific discipline sanctions other than a Class F violation:

	POLICY #	POLICY NAME
a.	3-0001	Collision/Accident Review
b.	3-0008	Anti-Discrimination/Harassment
c.	3-0016	Hazardous Material Competency & Certification
d.	3-0034	Personal Day
e.	3-0036	Annual Physical Exam
f.	3-0043	Sexual Harassment
g.	3-0049	Trade of Time
h.	3-0051	Vacation Draw
i.	3-0053	Possession of Weapons
j.	3-0056	Hireback Program
k.	3-0057	Joint Apprentice Training Program
l.	3-0074	Emergency Time Off
m.	3-0077	Computers and County Technology
n.	3-0078	Late for Duty
o.	3-0079	Medical Absence
p.	3-0080	Drug Testing
q.	3-0086	Fire Department Vehicle Use
r.	3-0090	Recording Equipment
s.	3-0093	Automatic Vehicle Locator (AVL) System
t.	3-0094	Request for Patient Information

2-3.10 Computer Policies – Class B

Members shall adhere to Department computer and technology policies.

2-3.11 Weapons Policies – Class B

Members shall adhere to Department weapons policies.

4. Section 4 – Incapacity

2-4.01 Fitness for Duty, Class A

Members shall maintain good physical and mental condition at all times. If circumstances reasonably indicate a need, the Fire Chief may order the Member to take appropriate tests to determine the Member's fitness for duty. If a Member refuses such order, that refusal is a violation of this provision. In addition, a Member who exhausts all paid sick time relief and is unable to return to active duty shall be in violation of this provision.

2-4.02 Intoxicants, Class B

Members shall not consume intoxicating beverages while on duty. Members shall not consume intoxicating beverages in uniform without prior approval of the Fire Chief.

2-4.03 Intoxicants (appearance for duty), Class E

Members shall not appear for duty, be on duty, or be in a County-owned vehicle with the odor of intoxicants on their breath or body. Blood concentration testing resulting in above 0.0 but less than .02 shall result in a violation of this section.

2-4.04 Submission to Testing, Class B

Members suspected of being under the influence of intoxicants while on duty will submit to a breath test on either a portable breath test unit or the current model of breathalyzer used by the Sheriff department Police Department. Test results will be made a part of the Member's disciplinary file.

2-4.05 Intoxication, Class B

Members shall not have an alcohol concentration of .02 or greater while on duty.

2-4.06 Alcohol Assessment, Class C

Members who have incurred a final finding of a violation of 2-4.02, 2-4.03, 2-4.04, or 2-4.05 must submit to an assessment by a substance abuse counselor identified in the Employee Assistance Program.

2-4.07 Driving While Intoxicated

a. Members, on or off duty, shall not operate a vehicle while under the influence of drugs or alcohol. Conviction of an offense related to driving while intoxicated under state law shall be sufficient evidence to sustain a charge under this section.

b. Members charged with driving while under the influence of drugs or alcohol will be automatically suspended without pay, without appeal, for a period of two hundred forty (240) hours for a twenty-four (24) hour Member and one hundred seventy-two (172) hours for a forty (40) hour Member.

c. If a Member's driver's license is suspended in excess of thirty (30) days for reasons related to a charge of driving while under the influence of drugs or alcohol, the Member will be subject to additional penalties as provided in the Rules regarding Members' driver's license requirements.

d. Members also may be subject to additional penalties related to criminal or administrative charges following the completion or discontinuation of any criminal case related to driving while under the influence of drugs or alcohol.

2-4.08 Possession and Use of Controlled Substances, Class A

a. Members shall not possess or use any controlled substances, except as legally prescribed for the Member by a health care provider. The charging of a Member under this rule shall be undertaken only after the completion of an appropriate test as identified in the Department's drug testing policy.

b. Members, one time during their career, prior to taking a drug test, may self-report an issue with illegal drugs (that is, that they will likely fail the test) and then enter into a drug-cessation/recovery program at the County's expense. Members who invoke this option shall be on unpaid suspension for two hundred forty (240) hours for a twenty-four (24) hour Member and one hundred seventy-two (172) hours for a forty (40) hour

Member and agrees to release to the Fire Administration their records related to the Member's treatment and status in the drug-cessation/recovery program.

- c. The Fire Chief may petition the Commission to extend the suspension period for reasonable cause.

2-4.10 Outside Employment or Other Activity While on Medical Leave - Class E

Members may not engage in outside employment or other activity while on medical leave that would conflict with their regular Department work schedule if they were actively at work, unless otherwise allowed by Department SOP or applicable law. If the outside employment or other activity is determined by a medical professional to interfere with rehabilitation, the Fire Chief may require that Members not work their outside employment or engage in the activity for the period recommended by the medical professional. The Fire Chief, at the Fire Chief's discretion, may require the Member to submit to evaluation by a medical professional(s) selected by the County, at the County's expense.

2-4.11 Tattoos – Class B

While wearing the Class B uniform with a long-sleeve shirt, tattoos shall not be visible. Exceptions must be approved by the appointing authority.

5. Section 5 – Absence Without Leave

2-5.01 Reporting Late for Duty, Class F

Members shall report for work as scheduled on time unless excused by the Fire Chief or the Fire Chief's designee. Violations of this rule are subject to the SOP regarding reporting late for duty.

2-5.02 Absent Without Leave and Missed Time, Class C

If Members are scheduled to work, regular or contract, and fail to report to work, they will be considered absent without leave as stated in the SOP regarding reporting late for duty.

6. Section 6 – Conduct Injurious to the Public Peace or Welfare

2-6.01 Emergency Runs, Class E

Members shall proceed with due regard and not at excessive speeds. Emergency runs shall be in accordance with Indiana Code. If instructed to shut down early, both lights and siren shall be shut off.

7. Section 7 – Conduct Unbecoming

2-7.01 Sexual Activity, Class B

While on duty, Members shall not engage in any form of sexual activity.

2-7.02 Improper Conduct, Class D

Members shall not engage in any act or conduct that is unethical, or tends to harass, intimidate, demean, debase, ridicule, disgrace or degrade any other person.

2-7.03 Physical Altercation, Class C

Members shall not physically shove, strike, or engage in any physical altercation directly or indirectly with any person without legal justification.

2-7.04 Harassment, Discrimination, Intimidation Class C

Members shall not engage in sexual harassment, discrimination, or intimidation as prohibited by applicable County, State and Federal laws and the Department's standard operating policies and procedures.

2-7.05 Misdemeanor Conviction, Class B

1 A Member convicted of a crime that is a misdemeanor under Indiana law
2 shall be charged with a Class B rule violation. A Member charged with a
3 crime that is a misdemeanor under Indiana law may be relieved of duty with
4 pay, suspended without pay by the Commission upon petition by the Fire
5 Chief, or temporarily placed in a non-investigative, non-operations position,
6 except that a Member charged with an OWI shall be subject to unpaid
7 suspension as stated in 2-4.07.

8
9 2-7.06 Administrative Misdemeanor, Class C

10 A Member found, after an internal investigation, to have engaged in an act
11 that is a misdemeanor in Indiana and is not convicted of the misdemeanor
12 shall be administratively charged for disciplinary purposes.

13 2-7.07 Felony Charges, Class B

14 A Member shall be suspended with or without pay during any period the
15 Member stands charged with a felony criminal offense. The Fire Chief may
16 petition the Commission to suspend the Member without pay. Nothing in this
17 section shall prevent the suspension or termination of a Member for violation
18 of any other rule or policy or the suspension or termination of the Member in
19 the event of a conviction.

20 2-07.08 Administrative Felony, Class B – A Member found, after an internal
21 investigation, to have engaged in an act that is a felony and is not convicted of
22 the felony shall be administratively charged.

23 2-7.09 Felony Conviction, Class A

24 A Member convicted of a felony shall be subject to a petition for dismissal. A
25 certified copy of the judgment indicating conviction shall be considered prima
26 facie evidence of a violation of this rule.

27 2-7.10 Insubordination, Class E

28 Members shall at all times exhibit respectful and professional demeanor
29 regarding supervisory officers.

30 2-7.11 Patient Confidentiality, Class B

Members shall not disclose protected patient health information.

2-7.12 Compromising the Hiring and Promotion Process

- a. Members who falsified their application materials presented during the hiring process or cheated on any element of the hiring process shall have committed a Class A offense.
- b. Members who assisted a candidate for hire to cheat on any element of that candidate's hiring process shall have committed a Class A offense.
- c. Members who cheated on any element of the promotion process shall have committed a Class C offense, shall be precluded from the promotion process immediately and for a period of five (5) years and, if they hold rank, shall be demoted to the merit rank below.
- d. Members who assisted a candidate for promotion to cheat on any element of the promotion process shall have committed a Class C offense, shall be precluded from the promotion process immediately and for a period of five (5) years and, if they hold rank, shall be demoted to the merit rank below.
- e. Candidates for promotion who receive information from a Member or other source not legitimately available otherwise that would give them an

1 unfair competitive advantage but who do not use such information in any
2 way, whether to their advantage or not, shall not be subject to disciplinary
3 action under this provision, provided that, prior to the element of the
4 process for which the information might be used, the candidate discloses
5 in writing to the Fire Administration the identity of the Member or
6 Members who furnished the information and a description of the
information furnished. In addition to not being subjected to disciplinary
action, candidates shall not be eliminated from the promotional process
unless for some other reason.

7 **Section 35.11 RETIREMENTS**

8 A Member shall retire from the Department when the Member reaches the Member's
9 seventieth (70) birthday.

10 **Section 35.12 LEAVES OF ABSENCE**

- 11 A. If it is necessary to reduce the number of Members of the Department, the
12 reduction shall be made by granting a temporary leave of absence, without pay or
13 other financial obligation of the County, to the appropriate number of Members.
The last Member appointed shall be put on leave first, with other Members also
14 put on leave in reverse hiring order, until the desired level is achieved.
- 15 B. If the Department is increased in number again, the Members who have been
16 granted leaves of absence under this section shall be reinstated before an
17 applicant on the eligibility list is appointed to the Department. The reinstatements
18 begin with the last Member granted a leave.
- 19 C. A Member on leave of absence shall keep the Fire Administration advised of the
20 Member's current address. A Member shall be informed of the Member's
21 reinstatement by written notice. Within ten (10) calendar days after a Member
22 receives notice of reinstatement, the member must advise the Fire Administration
23 Commission that the Member accepts reinstatement and will be able to
24 commence employment on the date specified in the notice. All reinstatement
rights granted to a Member terminate upon the Member's failure to accept
reinstatement within that period.
- 25 D. Nothing herein shall limit the Fire Chief's authority to grant, upon request by a
26 Member, temporary leaves of absence for other reasons. Leaves of absence
27 granted for reasons other than as provided in the pension statute will be without
28 pay, any other benefits, pension contributions, or accrual of seniority. A Member
29 may be subject to state pension system approval for reinstatement following a
30 leave of absence.

Section 35.13 NOTIFICATION OF RULES

26 The Department shall make available the most recent version of the Merit Ordinance
27 and Rules on the Department Intranet. Any modification shall be effective ten (10)
28 days after the modification is approved by Appointing authority and the Appointing
29 authority.
30

Section 35.14 ORDER OF MERIT RANKS, positions include, but are not limited to, the following roles as designated by the Fire Department and approved by the Merit Commission.

- A. The order of merit ranks will be as follows: Probationary Firefighter, Firefighter (or Private), Lieutenant, Captain, and Battalion Chief.
- B. Current District/territory Fire Department Ancillary Positions:
 - 1. District Chief – Special Operations
 - 2. District Chief – Health and Safety
 - 3. District Chief – System Administrator (Information/Technology)
 - 4. District Chief – Internal Affairs
 - 5. District Chief – Investigations
 - 6. District Chief – Training
 - 7. District Chief – Logistics
 - 8. District Chief – EMS
 - 9. Captain – Investigator
 - 10. Captain – Inspector
 - 11. Captain – Public Education
 - 12. Captain – Instructor
 - 13. Captain – Quartermaster
 - 14. Captain – EMS Coordinator

Section 2. This Ordinance shall be in full force and effect from and after its passing and any necessary approval by the Appointing authority.

APPROVED AS TO FORM AND LEGALITY

09/11/2025

Invoice No. 1144

To
Joshua Hale
jhale@newhaven.in.gov



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Quantity	Description	Unit Price	Total
1	Certified Public Manager (CPM) Phase I Students: Joshua Hale	\$1,795.00	\$1,795.00,
Subtotal			\$1,795.00
Sales Tax			\$0.00
Shipping & Handling			\$0.00
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