

**City of Freeport, Minnesota
RESOLUTION 2018-05**

FIRE DEPARTMENT PERSONNEL POLICIES

Scope

The Freeport Volunteer Fire Department (the “Department”) has been organized with the objective of preserving and protecting residents and property from and during such fires and/or emergencies as may occur in the City of Freeport and Freeport Area Fire Service. The purpose of these policies is to set forth the policies and procedures governing the operation of the Department.

Organization

The Department shall be organized of members and officers, and such standing committees as may be deemed necessary for the proper transaction of business. .

Officers

The officers shall include a Fire Chief, a First Assistant, a Second Assistant, and Secretary.

Article I. APPOINTMENT OF OFFICERS

Officers within the Department shall be appointed pursuant to the following policy and must be an active member of the Freeport Fire Department at the time of appointment. An “active member” shall be defined for the purposes of this policy as a firefighter in good standing and meeting drill and attendance requirements.

Purpose

This policy is intended to detail the process to be used for the appointment of firefighters to the officer positions within the Department.

Applicability of Freeport Fire Department New Firefighter Hiring Procedure and other personnel policies

Unless otherwise clearly stated, the relevant policies contained in the Freeport Fire Department New Member Hiring Policy shall apply to the extent they accommodate the procedures contained in this policy for the appointment of officers. *See article IV.*

Selection Process for Officers

The Officers will be appointed by the City Council to serve for a term of approximately one (1) year. However, since delays in the process may occur, the term shall be for such time beginning on the day following appointment by the City Council until the Council again appoints officers. It is anticipated that the normal term will run from approximately January 1st to January 1st of the second following year. The Officers will be appointed pursuant to the following process:

1. At the first meeting in October of the Department, the current Chief will post a notice in a conspicuous place in the Fire Hall, advising interested persons to complete and return to the Chief a form stating their interest in a position(s) and qualifications. The positions sought must be indicated on the form.
2. All forms must be submitted to the City Clerk before the close of City Hall by the second Monday of November.
3. The election committee of the Department, which will consist of two random department members, will review the forms and determine by the first December meeting of the Fire Department (or the next monthly meeting in the case of a vacancy) those persons that meet the minimum eligibility requirements for the positions.
4. The Department will make nominations for each of the officer positions. After the nominations have been made, the Chief will deliver to the City Clerk the names of the nominated individuals, the forms submitted under paragraph 1, and any other materials made or used by the Department in making its determinations.
5. The City will review the materials and forms and consider the appointments of the nominees selected by the members of the Department at the December council meeting.
6. In the event the Council disagrees with a nominee(s), it will appoint the nominee(s) with whom it agrees and refer the remaining appointments back to the Department, which will make a recommendation to the Council.

Removal

During the term of their appointment, any officer may be removed at the discretion of the City Council. The City Council may remove for any reason including, but not limited to, the following: 1) negligence or misconduct in the performance of duties; 2) insubordination or willful refusal to perform a position's duties or such duties assigned by a supervisor, 3) abuse of his or her authority; 4) inability to perform his or her duties consistent with generally accepted standards for the position; and 5) any violation of applicable City or Fire Department policies and codes governing conduct.

Eligibility Criteria For The Positions of Officer

Before an individual may be appointed to the position of officer in the Freeport Fire Department he or she must meet the following minimum eligibility requirements:

*If no eligible person meets all of the below criteria, the Department may approve the nomination of an existing member of the fire department. However, the nomination cannot be approved until the candidate develops an approved plan for satisfying the eligibility criteria. This plan must be approved by the Council.

1. Five (5) years of firefighter experience with the Freeport Fire Department, or seven (7) years firefighter experience with at least three (3) years with the Freeport Fire Department.
2. The person has demonstrated through his/her previous firefighting experiences, leadership and expertise in firefighting ability.
3. In the case of appointment for Chief only, the person must have held the position of Chief or Assistant Chief at the Freeport Fire Department, or an officer (Chief, Assistant Chief, or Captain) with another fire department within the past five (5) years.
4. The person must demonstrate availability during daytime hours. The person will be required to obtain a letter from his/her current employer, if not already on file, verifying their understanding and commitment to allowing him or her to perform the required duties.
5. The person must have attended one (1) or more State of Minnesota sponsored, and Fire Chief approved, leadership coursework, or, in the alternative, demonstrates the ability to attend such a course within 12 months of being appointed.
6. The person must have demonstrated knowledge of and the ability to operate all Department vehicles and equipment.

Article II. DUTIES

Duties of the Fire Chief

The Fire Chief shall have those duties contained in the approved Job Description, which shall be kept on file with the City. *See attached description.*

Duties of the First and Second Assistants

The Assistant Chiefs have those duties contained in the approved Job Description, which shall be kept on file with the City. *See attached description.*

Duties of the Secretary

The Secretary shall have the duty to attend all regular and special meetings of the Department, record all votes, and take and keep accurate minutes of all regular and special meetings of the Department.

Duties of the Members

A member of the Department shall have those duties contained in the approved Job Description, which shall be kept on file with the City. In addition, firefighters will be responsible to:

1. Properly attend all meetings and regular drills, and on every fire alarm to assemble at the Fire Station without delay to assist in getting the apparatus to the fire and in readiness for operation as soon as possible;
2. Attend at least six (6) regular or special meetings and at least fifty percent (50%) of the drills per year (December 1st through November 30st).
3. Attend thirty-five percent (35%) of calls per year.
4. Notify the Fire Chief prior to being absent from the City for twenty-four (24) continuous hours or more.
5. Address problems or questions relating to the operation of the Department to his or her immediate supervisor as soon as possible for further handling.
6. Report any unsafe equipment, materials, and/or acts to his or her immediate supervisor as soon as possible.
7. Report any loss or damage of equipment and tools to his or her immediate supervisor as soon as possible.
8. Refrain from giving detailed or confidential information relative to any emergency call to a person or persons not connected with the Department except as authorized by the Fire Chief.
9. Report conditions that may affect their performance to the Chief or officer in charge. Members must also report all injuries that occur while performing the duties of a firefighter immediately to the Fire Chief or officer in charge.
10. Remain at the fire hall after arriving in response to an emergency call until given permission to leave by the officer in charge.
11. Remain at the fire scene until given permission to leave by the officer in charge.
12. Obey the commands of their officers while on duty.
13. Become familiar with the handling and working of all equipment and with these Personnel Policies and shall conduct his or herself accordingly.
14. Upon leaving the Department, return Department/City property to the Fire Chief.
15. Submit to and pass a physical every three (3) years.

16. Notify the Fire Chief in the event of a change in employment or residence. In the case of a change in employment, the member must obtain from his or her new employer a letter demonstrating availability to perform his or her duties with the Department.
17. Ensure that the first truck out of the Fire Station has an adequate number of members on board;
18. As a driver of a truck, you will remain the operator unless relieved by chief or officer in charge.
19. The first vehicle out will be filled in the following order: driver, then back of rig and the passenger will be the officer in charge
20. As the first member to reach the Fire Station in response to a call, assumes command of the Department until the arrival of a more senior member or officer.
21. Use only his or her personal equipment assigned by the Department.
22. As designated by the Fire Chief, check Department trucks pursuant to the approved checklist.
23. Obtain his or her first responder certification within twelve (12) months of being hired and keep his or her first responder certification current at all times while a firefighter.

Article III. SENIOR FIREFIGHTER

Definition

A firefighter with twenty years or more of service who has retired from the Relief Association in good-standing, but who has maintained an active first responder certification is eligible to be selected as senior firefighter.

Duties

Upon recommendation by the Chief, the City Council may appoint one or more senior firefighters. The purpose of the senior firefighter position is to supplement the personnel needs of the department with otherwise retired firefighters who will be available for daytime calls, but will be exempt from the minimum fire call requirement applicable to regular volunteer firefighters. The senior firefighter will not be required to attend other training or drills the department hosts, except as determined necessary by the Chief. The senior firefighter may be exempted from the response time requirements generally applicable to volunteer firefighters.

Conditions of Service

The Council may set such other conditions of service for senior firefighters as may seem prudent. Senior firefighters may be terminated at will. Senior firefighters are subject to all city policies and procedures to the same extent as other firefighters, except as expressly provided.

Compensation

Senior Firefighters will be eligible for call time compensation. No other compensation or benefits will be provided for senior firefighters.

Article IV. MULTIPLE DEPARTMENT MEMBERS

1. Must make first three (3) months of drills and meetings to familiarize them with the department;
2. After three (3) months they must keep up certifications with primary department;
3. They are obligated to attend annual meeting and annual Ham barbeque fundraiser.
4. The department the fireman identifies as parent department is the department the fireman will receive retirement benefits from.
Ex: John lives in Avon and is on the Fire Department. John works in Freeport and is on their daytime only crew. John would receive retirement benefits through Avon Fire Department.

Article V. NEW MEMBER HIRING POLICY

Purpose

The purpose of these procedures is to explain how candidates are selected as volunteer firefighters with the Freeport Volunteer Fire Department.

City Policies

All city personnel and hiring policies of general applicability apply to the hiring of volunteer firefighters, unless those policies specifically contain an exemption. Persons assisting in the hiring process should become familiar with the City Personnel Policies Manual. During any active hiring process, the City Clerk will make sure that participants in the process are provided

with a working copy of these policies, the City Personnel Policies Manual and any other policies and procedures applicable to the process.

Coordination/File Maintenance

All files and records associated with the hiring process as well as ongoing employment records are personnel records of the City. They must be maintained in a secure location in officially designated secure storage facilities on City property. Routine access to these files are limited to the Fire Chief or one officer designated by the chief to supervise the personnel process and to the City Clerk or one City employee designated by the City Clerk as responsible for city personnel records maintenance, and to legal counsel to the extent needed to assist the city with personnel related legal issues. Application and related personnel records are available to the hiring committees at their committee meetings. No personnel records (original or copies) may be removed from City premises. If authorized by a specific decision of the council, and after consultation with council, personnel records needed by the Council to assist the Council in decision making may be made available to the council.

Selection Process

The Fire Department has primary responsibility for performing such selection components as reference checks, oral interviews, physical fitness testing, and training. The Department recommends candidates for final selection by the City Council.

Information to Potential Applicants

The City maintains an application year from May 1 to April 30 of the following year. Any potential applicant may obtain information about the job application process at any time, whether there are potential vacancies or not, and may obtain and complete an application. Each applicant must submit a letter from his or her employer demonstrating availability to perform the required duties. Applications received during a period when there are no potential vacancies will not be considered active applications, but will be retained for future review. An application received at City Hall on or after May 1 will be kept on file until April 30, at which time, any applicant must complete an updated application form. Applications received will receive no further processing until the Chief certifies that there is a potential vacancy. When, after consultation with the City Clerk, the Chief certifies that there is a potential vacancy the City will set an application deadline. The City will post and advertise an announcement that there are pending vacancies and will commence the application review procedure. The City will contact persons who have previously filed an application form during the application year to determine if they wish to activate their application for formal review.

Data Practices

Persons who apply should understand that once an application is on file for active review, certain applicant data might be publicly available. An applicant who files an application consents to release of any data regarding that application which is required to be released under Minnesota law. Any requests for applicant data should be directed in writing to the City Clerk. The City will maintain all records and will assure that data privacy and public data access laws are followed.

Application Review Process

Preliminary Screening Interview: The Chief or his designee will review the initial applications for completeness and compliance with minimum requirements. If the application is incomplete on its face or discloses that the applicant does not meet minimum requirements, the application shall be rejected at this point. Any person whose application is rejected by the Chief (or designee) because the applicant fails to meet minimum requirements, or because the application is incomplete, may request a summary paper review of that decision by sending a letter explaining the applicant's position to the Chief with a copy to the City Clerk. The Chief's decision is final and binding, except that the Council reserves the right on its own motion to review and reverse any such decision.

Veteran's Preference

The City considers all eligible applicants at the final interview. For this reason, all veterans who meet minimum job requirements for the position will be considered as finalists.

Previous Employment Investigation

In the event that the applicant meets minimum criteria, the department will advise the applicant that the Department will conduct a previous employment investigation pursuant to Minn. Stat. Section 299F.036. The Applicant will provide appropriate releases as provided in subdivision 2 of that section. With the assistance of appropriate city personnel, the Chief will cause a request for disclosure to be issued to all employers of the applicant for whom the applicant worked during the preceding ten years. All such information obtained will be filed in a secure location as provided above, and will be maintained in strict confidence, subject to all applicable data privacy laws.

Reference Check

The applicant shall supply at least two references of persons familiar with the applicant's capabilities, character and work history. If the applicant meets the minimum requirements, the Department shall conduct a reference check by contacting the applicant's references. The Chief or his or her designee shall conduct reference checks and shall maintain a written summary of the references so obtained.

Agility Test

Prior to oral interview, applicants who meet the minimum qualifications shall take the agility test. Passage of the agility test is a minimum requirement for the position. The agility test consists of:

- Beam Walk
- Backboard Carry
- Hose Coupling/Drag

The Department will keep a record of the applicant's performance on the test. An applicant may use the results of an agility test performed within 365 days of the oral interview. The requirements of the test are public information. Applicants are expected to consult with their

own physician to make sure that the test is within their physical capabilities. The applicant must sign a waiver of liability for injuries sustained during the test.

Oral Interview Committee

The oral interview committee will review the applications of all active applicants who meet the minimum qualifications. The oral interview committee shall consist of the Fire Department Executive Committee. The applicants may be asked such legally permissible questions as may be appropriate during the interview process. Each member of the interview committee will keep a record of his or her impressions of the candidate. Following the interview, the committee will seek to agree on the successful applicants by consensus, but may, if necessary, select the candidates by majority vote. Higher preference will be given to applicants living and working nearest to the Fire Station. The names of the approved candidates will be forwarded to the City Council for approval. The Council retains final decision-making authority.

Conditional Offer/Medical Examination

If the council approves an applicant, then the City will make an offer for at-will employment as a firefighter, conditional upon the applicant's passage of a medical examination. The City will retain the services of a qualified medical examiner for this purpose. Each applicant must pass the medical examination of the City's selected medical examiner. The City will provide the medical examiner with a copy of the job description and the standard examination criteria. The examiner may request copies of the applicant's medical records. If the medical examiner determines that additional tests may be necessary, the medical examiner may conduct such further tests, provided that the City must first authorize any additional expense.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except information as specifically allowed by this law. To comply with this law, we will not ask you to provide any genetic information in connection with the medical examination or when responding to any request for medical information. "Genetic information" as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Initial 12-Month Period of Employment

Each new firefighter shall be assigned an Assistant Chief with responsibility for monitoring training and performance issues during the initial 12-months of employment, subject to the supervision of the Chief. The Assistant Chief will initially meet with the new employee to discuss expectations and establish a regular review procedure. During the first 12 months of employment, the City Clerk, or the Clerk's delegate, will maintain a written performance record to assist in evaluation. The Assistant Chief will make a written evaluation entry at least monthly. A copy of the record will be provided to the employee, who will sign the record to signify that the employee has received a copy of the record. After a fire call, drill, or training event, if the Assistant Chief identifies performance issues or areas of recommended professional growth, the

Assistant Chief will identify those areas in writing, with a copy to the employee and the employee's personnel file. The Assistant Chief will meet with the new employee and discuss any written report. Assistant Chiefs are encouraged as well to provide regular positive reviews where warranted. The City Clerk will work with the Chief and Assistant Chiefs to make sure that written documentation of performance satisfy city policies regarding appropriate documentation.

Article VI. EMPLOYMENT AT WILL

The City of Freeport has the right to terminate any employee, including firefighters, at any time for any reason or no reason. Firefighters may terminate employment at any time for any reason.

Article VII. MEETINGS

The Fire Department will have regular business meetings at 9:00 p.m. on the first Monday of every month, except when a national holiday falls on that day, in which case it shall be held on the following Monday, and special meetings as called from time to time at the discretion of the Fire Chief.

Article VIII. DISCIPLINE

Members of the Department are employees of the City of Freeport and expected to follow all City ordinances, Codes, and policies to the extent applicable. Any member may be disciplined pursuant to the City's personnel policy and Code of Conduct, including suspension and expulsion from membership, misconduct including but not limited to:

1. Missing any regular or special meeting or drill, unless excused by the Fire Chief or an Assistant Chief.
2. Failure to notify the Fire Chief prior to being absent from the City for twenty-four (24) continuous hours or more.
3. Appearing at any meeting of the Department, any drill, or on duty under the influence of alcohol or illegal substances. The procedure for determining substance shall be that which is contained in the City's personnel policies.
4. Use of insulting, indecent, profane, or improper language.

5. Conduct unbecoming a firefighter, acts of moral turpitude, or other conduct that disparages or is detrimental to the Department's performance.
6. Taking property from the scene of an emergency for personal use or gain.
7. Converting, misappropriating, or misusing funds or property from the Department, City, or Relief Association.
8. Insubordination, disobedience of orders, or interfering with the officer in charge by giving counter orders, commencing a quarrel with any other member of the Department or members of any other department.
9. Violating City policies, including, but not limited to, the Code of Conduct, the Sexual Harassment Prevention Policy, and the Drug Free Workplace Policy.
10. After arriving at the fire hall, absenting oneself therefrom without the permission of the officer in charge.
11. After arriving at the scene of a fire, leaving without the permission of the officer in charge.
12. Taking or borrowing any article from the Fire Station without the permission of the Fire Chief or, in the absence of the Fire Chief, the most senior officer present.
13. Failure to return a completed physical form, if required, by December 31st.
14. Failure to notify the Fire Chief in the event of a change in employment or residence.
15. Failure to attend at least six (6) regular or special meetings and at least fifty percent (50%) of the drills per year (December 1st through November 30th).
16. Failure to attend thirty-five (35%) of fire calls per year.
17. Failure to keep his/her first responder certification current.
18. Missing three (3) consecutive regular meetings, unless excused by the Fire Chief or an Assistant Chief.

Article IX. LEAVE OF ABSENCE

A member of the Freeport Fire Department may request a leave of absence (for good cause) for a period of up to one (1) year. The request will be reviewed and approved by the Fire Chief and the City Clerk, who may consult with the Fire Department Executive Committee. "Good Cause" shall include, but not be limited to: illness, job related matters, family related matters, or other personal matters that may be reasonably perceived as temporarily interfering with the member's performance of his or her duties. A leave of absence shall be granted upon receipt of a written request to the Fire Chief from the individual concerned. If the Fire Chief does not receive a written request, the individual will be automatically discharged. Any member who is granted a leave of absence shall relinquish all property of the Freeport Fire Department to the Chief during their absence. Members called into military service shall be granted all rights according to the federal law governing right to active membership.

Article X. CHANGES IN EMPLOYMENT OR RESIDENCE THAT AFFECT RESPONSE TIME

Any member of the Freeport Fire Department, who shall have a change in employment or residence, shall notify the Fire Chief. The Executive Committee will review the new employment or residence to evaluate the impact on the member's response time. In the event the Executive Committee finds that the member is no longer able to respond to emergency calls in a timely manner, such delay prevents the member from performing the duties of the position, the Department would be better served by having the duties performed by a new hiree, and there is such a new hiree eligible to be hired, the member may be recommended to the Council to consider discharging the member or other appropriate action.

Fire department members must be able to achieve a 10 minute response drive time from their residence to the fire hall, while obeying traffic laws. Exceptions are made for members who work in Freeport, but live further than 10 minutes.

This resolution repeals and replaces all other personnel policies of the Freeport Volunteer Fire Department.

Policy adopted by the Freeport City Council on this 27th day of February, 2018.

Rodney Atkinson, Mayor

ATTEST:

Adrianna Hennen, Clerk-Treasurer