



WADING RIVER FIRE DISTRICT BOARD OF FIRE COMMISSIONERS

Rules and Regulations of The Wading River Fire District

RULES AND REGULATIONS OF THE WADING RIVER FIRE DISTRICT

Supplemental Rules of Conduct and Procedure for Members and officers of the Wading River Fire Department

A.Introduction

The purpose of these rules are to give members and officers notice of what is expected of them by the Board of Fire Commissioners as members and officers of the fire department. The Board has promulgated other rules, regulations and policies that member and officers must also comply with, but these rules have been adopted in order to provide further structure to department and company operations and supplement those other requirements. Under Section 176 of the Town Law, the Board of Fire Commissioners are required to set rules and regulations to govern the conduct of members and officers of the district's fire department. Additionally, the Board is required to provide for the maintenance of discipline and morale within the ranks of the fire department and hold the members and officers to account when they fail to follow the rules and regulations.

Under Section 176-a of the Town Law the Chief of Department and his or her assistant chiefs in his or her absence are to hold the members and officers of the fire department strictly to account for following the rules and regulations adopted by the Board of Fire Commissioners. The Chief is also directed hereunder to see that the members and officers follow all rules, regulations and bylaws of the fire department and their assigned fire companies. The fire company officers (captains and

lieutenants) are to hold the members and officers of their respective fire companies to account for following the rules and regulations adopted by the Board of Fire Commissioners, and all rules, regulations and policies of the fire district, fire department and their assigned fire companies.

The Board of Fire Commissioners reserves the right to commence disciplinary proceedings against fire department personnel for violation of these rules and regulations and any other rules, regulations or policies adopted by this Board, the department or the fire companies, and for misconduct and / or incompetence. The Board shall commence disciplinary action by adoption and service of a notice and statement of charges specifying the misconduct or incompetence alleged and conduct proceedings in accordance with Section 209-1 of the General Municipal Law (Section 75 of the Civil Service Law for employees). The right of the department or company to institute separate proceedings under their bylaws for members and officers to be provided with a disciplinary process at the department or company level shall not prevent the Board of Fire Commissioners from commencing a proceeding at the Board level and shall not prevent the Board from reviewing the result of such proceedings and granting relief to members and officers aggrieved by the result of such proceedings.

The Board of Fire Commissioners shall have the authority to suspend a member or officer formally charged by the Board with misconduct or incompetence pending the outcome of disciplinary proceedings.

For the purposes of these rules the terms “misconduct and incompetence” shall include rules violations.

The Board reserves the right to appoint a hearing officer to hear the charges in accordance with the provisions of Section 209-1 of the General Municipal Law and Section 75 of the Civil Service Law. Any hearing officer appointed must issue his or her report and recommendations to the Board within 90 days of the close of the proceeding before him or her. Proceedings shall be deemed closed at the completion of all witness testimony, the completion of the hearing sessions and the completion of any written submittal schedule set by the hearing officer. A hearing officer appointed by the Board or the Board when it conducts the hearing, may decline to delay the completion of the hearing for the parties to make written submittals and may direct that the hearing is closed at the completion of the last scheduled hearing session. Parties should come to all hearings ready to proceed to conclusion. Arrangements shall be made for a stenographer and the hearing officer and Board shall be provided with a transcript of the proceeding as soon as possible at the close of the proceedings. There shall be no obligation to provide transcripts until the proceeding is closed and no rush charges for transcripts will be paid for by the district.

The Board shall not be bound by any time limit set by department or company rules, regulation and bylaws for the bringing of a charge and shall not be bound by the result of any departmental or company level trial of such charges.

At hearings before the Board or hearing officer it appoints, and at hearings conducted by the Fire Department or any company thereof pursuant to their internal bylaws, members and officers may be represented by counsel at their own expense. Members and officers may proceed without counsel, but their statements made while acting as their own counsel shall be arguments and shall not be evidence. Only their statements made under oath shall be evidence in the proceeding. They shall have the right to cross examine witnesses testifying against them and to present witnesses and evidence in defense of the charges.

At such proceedings the rules of evidence shall not apply and there shall be no right to discovery afforded beyond the statement of charges and notice of hearing. However, during the hearing the respondent member or officer shall be permitted to inspect and review any document to be presented at the proceeding.

The Board at its discretion may deny the right to a hearing to any member or officer removed or disciplined for absenteeism at fires or meetings or removed or disciplined by the department or company for failure to comply with the constitution and by-laws of the department or such company.

A. Duty to Follow Orders of Superior Officers

Orders issued by Chief officers to member(s) and / or officer(s) of the department and company based upon the rules and regulations adopted by the Board of Fire Commissioners, and all rules, regulations and bylaws of the fire department and the fire companies shall be deemed lawful orders. Orders issued by captains and lieutenants of fire companies to member(s) and/ or officer(s) of the department and company based upon the rules and regulations adopted by the Board of Fire Commissioners, and all rules, regulations and bylaws of the fire department and the fire companies shall be deemed lawful orders provided the captain and lieutenant are following the proper chain of command.

Orders issued by Chief officers and captains and lieutenants of the companies to member(s) and / or officer(s) of the department and company based upon the laws and regulations of the town, county, state and federal government shall be deemed lawful orders.

B. Basic Rules of Conduct

The following additional rules shall be observed by all members and officers:

1. It shall be the duty of all members and officers of the department and company to faithfully obey and follow the lawful orders of superior officers.
2. It shall be the duty of all members and officers of the department and company in the performance of their duties to abide by and faithfully obey and follow the Constitution of the United States and the Constitution of the State of New York.
3. It shall be the duty of all members and officers of the department and company to faithfully obey and follow all of the rules and regulations adopted by the Board of Fire Commissioners, and all rules, regulations and bylaws of the fire department and the fire companies, and all laws and regulations of the town, county, state and federal government.
4. All members and officers of the department shall be deemed to have constructive notice of and be responsible for all of the rules and regulations adopted by the Board of Fire Commissioners, and all rules, regulations and bylaws of the fire department and the fire companies, all laws and regulations of the town, county, state and federal government, and the Constitution of the United States and the Constitution of the State of New York.
5. The Board of Fire Commissioners reserves the right and authority to make the final determination with regard to any member or officer disciplinary action. The Board will comply with Section 209-1 of the General Municipal Law and may elect to defer to the action of the department or company disciplining a member or officer for violation of internal bylaws. The Board of Fire Commissioners may elect to commence a disciplinary action against any member or officer for any form of misconduct, incompetence or rule violation if it determines such action to be in the best interest of the fire district regardless of the intention of the department or company to commence an internal process. When considering the conduct of personnel the Board will not be bound by any deadline stated in department or company bylaws, rules or regulations for the commencement or processing of disciplinary actions and will be bound only by state and federal law and the rules and regulations adopted by the Board. This rule specifically supersedes any such bylaw, rule or regulations previously put in place by the department or company and previously reviewed by this Board.
6. It shall be the duty of all members and officers of the department to preserve and maintain all equipment and property of the district, department and company issued or assigned to them and it shall be their further duty to return that equipment and property in good condition upon the termination of their membership (whether by resignation, dismissal or abandonment) or direction from this Board or a superior officer to return such property or equipment. Such property or equipment shall be turned in to the respective company captain or Chief's office

promptly upon termination of membership or direction from the Board or superior officer and in no event shall such property or equipment be returned to the appropriate officer later than one week from the time it was directed to be handed in.

7. In accepting property or equipment assigned the member or officer agree that he or she will promptly return it and that he or she shall be liable to the fire district for its replacement value and all attorneys fees and costs associated with securing its return. In the event that the Board of Fire Commissioners must secure the assistance of counsel and file a court action to recover the property or its replacement value the member or officer shall be responsible for all court costs and all attorneys' fees incurred by the district.
8. If the property or equipment assigned to a member or officer is lost or stolen it shall be the duty of that member or officer to promptly report such loss or theft to the Chief's office. A police report may be requested by the Board of Fire Commissioners for the theft of equipment.
9. It shall be the duty of all members and officers to preserve and maintain the equipment and property of the district and department assigned to the department and their respective fire company. They shall follow the orders of their chiefs and company officers to inspect and clean the vehicles and equipment assigned to their fire companies.
10. It shall be the duty of all members and officers to contribute to maintaining their assigned fire station in a clean and organized condition.
11. If the fire company or department conducts a social event at a district building, it shall be the responsibility of the members and officers present at the event to clean the facility used.
12. If a member or officer is permitted the use a district building for a social event, it shall be the responsibility of the member or officer to clean the facility and leave it in the clean condition he or she found the facility at the commencement of the use. In such case the member or officer shall be responsible to reimburse the district for all costs associated with district personnel cleaning the facility after such use and to pay for any damage that might be done to the facility during such use. Nothing contained herein shall be deemed to create a right for members and officers to use district facilities for personnel events and a separate policy of this Board would be required to create such permission and further set rules for use. Members shall follow the orders of their chiefs and company officers to clean and organize their fire stations.
13. It shall be the duty of all members and officers to refrain from damaging district, department and company facilities and property.
14. It shall be the duty of all members and officers to refrain from altering or modifying any apparatus or equipment issued to the department, company or the member or officer individually.
15. It shall be the duty of all members and officers to refrain from taking district, department and company property without proper authorization.
16. It shall be the duty of all members and officers to refrain from tampering with district security, surveillance, communications (radio, telephone, etc.), and computer equipment.
17. No member or officer may remove property or equipment of the district, department or company from a piece of fire apparatus, an ambulance or other response vehicle for personal use.
18. No member or officer may remove property or equipment of the district, department or company from a district, department or company facility without approval from the Chief of Department.

19. Any member or officer permitted to borrow any property or equipment will be strictly responsible to return the property or equipment to the Chief and failing to do so will be subject to disciplinary action as well as required to pay the replacement cost for the property or equipment. The Chief will obtain authority from the Board for types of property and equipment that can be lent out and if none is secured shall not permit personal use of such equipment. The Chief will develop an inventory system in order to make certain that such property and equipment is accounted for. Nothing contained herein will apply this authority to property and equipment assigned to a piece of fire apparatus, an ambulance or other response vehicle for personal use.
20. No member or officer may remove property or equipment of the district, department or company from a piece of fire apparatus, an ambulance or other response vehicle without the permission of the officer assigned to maintain that vehicle (the captain of the company to which the vehicle is assigned by the chief) and the Chief of Department. Equipment or property that must be removed for service or repair will be removed based upon the applicable repair reporting procedure with the company captain and Chief being informed. No officer shall permit the removal of property or equipment from a piece of fire apparatus, an ambulance or other response vehicle for personal use. Such property and equipment shall only be removed for cleaning, repair or reassignment.
21. New equipment will be purchased by the Board of Fire Commissioners and turned over to the Chief of Department for assignment to proper apparatus or company. The Chief will work with the Board to see that a proper equipment inventory is maintained.
- 22. Any member or officer violating these rules and causing damage or loss to District, Department or Company personal or real property shall be required to reimburse the District, Department or Company as the owner of such personal or real property for the costs associated with repairing or replacing such personal or real property. Such costs shall include repair and/ or replacement costs as well as incidental costs and expenses including attorneys fees and court costs associated with securing such repair and replacement as well as reimbursement or restitution from such member, officer or employee. The Board of Fire Commissioners shall have the discretion to determine if an item should be replaced or repaired and the discretion to select the vendor and agree to the method of repair or replacement. The Board's determination as to the fair cost for repair or replacement shall be final for purposes of determining the obligation of a member or officer to pay the costs of same.**
23. It shall be the duty of all members and officers to treat fellow members and officers, district officers and employees and the general public with respect and to observe the proper decorum and proper conduct when representing the district, department, and company in public and/ or within the confines of district, department or company operations.
24. It shall be the duty of all members and officers to act in an orderly and respective manner when attending meetings and hearings conducted by the district, department and company. They shall respect the authority of the chair at all meetings and hearings and shall refrain from abusive and vulgar outbursts.
25. It shall be the duty of all members and officers to refrain from conduct involving unlawful discrimination against fellow members and officers, district officers and employees and the general public in the performance of their duties.
26. It shall be the duty of all members and officers to respect the communications equipment of the district, department and company and refrain from participating in communications that violate any law, rule, regulation or bylaw. Such equipment shall not be used to harass,

embarrass, intimidate or annoy any person. Such equipment shall not be used to conduct more than minimal personal business as appropriate. All members and officers shall comply with the separate district policy relative to use of electronic forms of communication (internet/communication policy).

27. It shall be the duty of all members and officers to refrain from engaging in conduct that could be deemed to create a hostile work environment for fellow members and officers, district officers and employees and the general public with regard to issues of gender, sex or violence or with regard to any form of unlawful discrimination. Members and officers shall refrain from using computers or televisions at district, department, or company facilities to watch material that would be offensive to others given the fact that these are public facilities and not private quarters.
28. It shall be the duty of all members and officers to refrain from the use of illegal drugs on district, department or company facilities or while on duty.
29. It shall be the duty of all members and officers to refrain from the performance of duties if the consumption of illegal drugs or any other type of drug has rendered the member or officer impaired from drugs and unable to perform his or her duties.
30. It shall be the duty of all members and officers to refrain from the consumption of alcohol while on duty and to refrain from the performance of duties if the consumption of alcoholic beverages prior to the performance of such duties has rendered the member or officer impaired from alcohol. Members and officers are advised that alcoholic beverage impairment can prevent a volunteer firefighter from being eligible for benefits under the Volunteer Firefighters' Benefits Law.
31. The Wading River Fire District is a drug-free workplace as required by federal and state law.
32. No member or officer shall possess an illegal drug while on district, department or company facilities, while at a function sponsored by the district, department or company or while on duty.
33. No member or officer under the age of 21 years shall consume or possess an alcoholic beverage while on district, department or company facilities, while at a function sponsored by the district, department or company or while on duty.
34. No member or officer shall assist, aid, suffer or permit a member, officer, or civilian under the age of 21 years to violate this rule. Members and officers shall have an affirmative obligation to report such acts to the Chief of Department.
35. No member or officer shall permit an intoxicated person to be served an alcoholic beverage while on district, department or company facilities, while at a function sponsored by the district, department or company or while on duty.
36. A member or officer who cannot conduct himself or herself in a proper manner at district, department or company functions where alcohol is served will be barred from consuming alcohol at future functions by order of the Chief and thereafter subject to disciplinary action for failure to comply with that order. Members and officers may be individually or as a group barred from consuming alcoholic beverages on district, department and company property and at district, department or company functions by the Chief at his or her discretion or by the Board at its discretion and that determination shall not be subject to review on behalf of the member or group restricted.
37. Members and officers shall refrain from disorderly conduct and / or disrespectful conduct while on district, department or company facilities, while at a function sponsored by the district, department or company or while on duty.

38. No member or officer may have a guest present at a district, department or company facilities after 10:00 p.m. if the guest is under the age of 18 years and is not in the presence of his or her parent or guardian. All guests over the age of 18 years must exit district, department or company facilities at 12:00 midnight unless granted permission to remain by the Chief of Department or are present to attend a function of the district, department or company for which the curfew is extended.
39. Members and officers shall be responsible for the guests that they bring into district facilities and to district, department and company functions, and shall be subject to disciplinary action for failing to control the conduct of their guests. If the guest of a member damages or destroys district, department or company property, or the property of another, the member or officer shall be responsible to pay for the cost of repairing or replacing the property. The district, department or company or other person or entity as the owner of the property shall decide if it must be repaired or replaced and the member or officer will make good on the cost of same. Similarly, if a member or officer is the one who damages the property he or she shall be directly responsible for such cost.
40. If a guest acts inappropriately the member or officer may be disciplined for the misconduct of his or her guest.
41. No member or officer shall strike, physically injure or engage in offensive touching of another person while on duty, while at district, department or company facilities or while at a function sponsored by the district, department or company.
42. No member or officer shall strike, physically injure or engage in offensive touching of another person while in uniform or wearing any clothing with indicia that identifies the district, department or company. There is never an acceptable rationale for engaging in a physical altercation with another person while on duty, while at district, department or company facilities, while at a function sponsored by the district, department or company, or while in uniform or wearing any clothing with indicia that identifies the district, department or company unless the member or officer has been physically attacked and must defend himself or herself.
43. It shall be the duty of all members and officers to refrain from conduct that would tend to damage the good name of the district, department or company.
44. It shall be the duty of all members and officers when on duty or representing the district, department or company to conduct himself or herself in a professional, courteous and appropriate manner. The rule shall also apply when members and officers are present at facilities maintained by the district, department or company.
45. No member or officer shall comment to the public or the media on a district, department or company matter as a member or officer of the department or company without obtaining prior permission from the Board of Fire Commissioners or a Chief officer. This rule shall not prevent a member or officer from commenting as a citizen on a matter of public concern as long as he or she makes it clear that his or her comments do not reflect the position of the district, department or company.
46. No member or officer shall use any camera, cell phone or any recording device to photograph the victim at any alarm. Photographs and videos of alarms, drills or department or company events may only be taken with the express consent of a Chief officer. This consent does not authorize the electronic dissemination of these photographs and/or videos to any media outlet. This includes, but is not limited to, newspaper, television, personal and commercial websites.

47. All applicants must complete their membership application in a legible, accurate, and truthful manner. Falsification of a membership application shall be grounds to deny an application and shall be grounds for dismissal after acceptance of membership at any time that the falsification is later discovered.
48. Applicants for membership will be required to be screened as part of the arson records check required by state law. An applicant previously convicted of the crime of arson in any degree will be ineligible for membership. A member convicted of the crime of arson in any degree will be deemed to forfeit his or her membership.
49. Applicants for membership will be required to disclose on the application for membership any prior criminal convictions and any pending criminal charges. They will not be required to disclose any prior arrests that did not result in a criminal conviction. They will be required to disclose in writing an explanation for any prior criminal convictions. They will be required to provide a certificate issued by the court to document each prior criminal conviction. The Board of Fire Commissioners will apply the procedures stated in Article 23-A of the Correction Law in order to determine if a prior criminal conviction (other than arson conviction which is automatic bar) should act as a basis for denying the application.
50. All members and officers will be required to report to the Chief the fact that they have been convicted of any crime during their period of membership within one week of the entry of the conviction by the court. They shall provide the Chief thereafter with a certificate of conviction issued by the court after sentencing. The Board of Fire Commissioners will apply the procedures stated in Article 23-A of the Correction Law in order to determine if a new criminal conviction (other than arson conviction which is automatic bar) should act as a basis for terminating their membership in the department. Failure to report the conviction on a timely basis shall be grounds for dismissal without the need for an Article 23-A of the Correction Law review. A conviction of a crime while a member or officer of the department shall be deemed a violation of these rules and regulations.
51. All applicants for membership shall be required to possess a valid New York State Driver's License. All members and officers shall be required to report to the Chief the fact that their license or privilege to operate a motor vehicle has been suspended or revoked if such action is taken by a court or the Department of Motor Vehicles. Members and officers whose license or privilege to operate a motor vehicle has been suspended or revoked shall not be permitted to operate any motor vehicle or fire apparatus owned or maintained by the district until full privileges are restored by the court or the Department of Motor Vehicles. Members and officers whose license or privilege to operate a motor vehicle has been suspended or revoked shall not be permitted to operate any motor vehicle in the performance of their duties or on district property. They shall not be permitted to operate any motor vehicle while traveling on district, department or company business. For purposes of this rule the terms "court or the Department of Motor Vehicles" shall relate to the courts and administrative agencies of this state and all sister states, and a suspension or revocation of a drivers license or the privilege to drive in any jurisdiction shall be covered by this rule.
52. Fire apparatus and response vehicles will only be operated by members and officers of the fire department who have completed the course of chauffeur instruction established by the Chief and certified by his or her officer as competent and able to be a chauffeur for the particular apparatus.
53. Fire apparatus chauffeurs and all personnel operating any vehicle owned by the district shall operate the vehicles in accordance with the Vehicle and Traffic Law.

54. No apparatus, except for the transportation of aided, relatives of the aided or health care workers, will be operated in emergency response mode with civilian passengers in the vehicle (with the exception of Chief vehicles and 6399). Such vehicles may proceed to an emergency scene in non-emergency mode.
55. The Board of Fire Commissioners will be authorized to issue blue lights to members and officers to be used in their personal vehicles to assist in their call responses. The blue light is only a light that identifies volunteer firefighters and permits the public to grant them courtesies on the road. Members and officers using a blue light must drive their vehicle complying with all rules of the road and all vehicle and traffic laws. They must observe speed limits, stop at stop signs and red lights, yield the right of way, etc. The Chief may revoke blue light privileges of any member or officer at his or her discretion, and must do so if he or she determines that the officer or member is abusing this privilege. Members and officers responding to a call in their personal vehicles must comply with the New York State Vehicle and Traffic Law.
56. All applicants for membership shall be required to complete the entry level physical examination process and be certified by the district physician as physically able to perform the duties of a firefighter or firemedic as more fully described in the district entry level and periodic physical examination policy in order to be considered by the Board for membership. All applicants must complete their physical examination forms in a legible, accurate, and truthful manner. Falsification of their physical examination forms shall be grounds to deny an application and shall be grounds for dismissal after acceptance of membership at any time that the falsification is later discovered.
57. Members and officers shall also be required to submit to periodic physical examinations and return to duty physical examinations. When a schedule is set for submission to a physical examination the member must meet the schedule set by the Board and subject to the provisions of the fire district physical examination policy.
58. All members and officers shall complete all reports and documents filled out in the course of their duties in a legible, accurate, and truthful manner. District records are governmental records and falsifying a government record is a crime.
59. All members and officers shall complete attendance reports in a legible, accurate, and truthful manner. They shall refrain from signing in a member or officer who was not present at the event or detail.
60. It shall be the duty of all members and officers to refrain from providing any information concerning the condition of a patient treated at the scene of an emergency and to refrain from releasing patient care reports and other medical records without obtaining a proper patient release from the person requesting the document. All medical records of patients, members and officers shall be treated as confidential records and documents.
61. All members and officers will follow the district travel expense reimbursement policy when traveling and incurring expenses on authorized district or department travel. Travel authorizations must be secured through the office of the Board of Fire Commissioners. The Board has the discretion to deny any request for travel expense reimbursement. Members and officers will need to follow the policy in order to be eligible for reimbursement.
62. All members and officers authorized to travel for a business purpose of the district or department and traveling at the expense of the district or department, shall be responsible to conduct themselves in an appropriate manner so as to preserve the good name and reputation of the department and district and while on the travel assignment. They shall refrain from disorderly or disrespectful conduct.

63. Members and officers may not make purchases for the fire district. The purchasing function is the province of the Board of Fire Commissioners. The Board must approve all purchases in advance and follow its purchasing and procurement policy. It will not accept responsibility for purchases made by members and officers outside of this process.
64. It shall be the duty of all members and officers to refrain from using any equipment in the performance of emergency response duties other than the equipment issued by the Board of Fire Commissioners. Equipment issued by the Board shall not be altered by any member or officer. The Board makes certain that personnel have uniform personal protective equipment that meets applicable standards. It cannot permit members and officers to use personal equipment or to alter district or department equipment.
65. It shall be the duty of all members and officers responding to an emergency call to wear the personal protective equipment and clothing assigned to them in order to comply with the guidelines for fire brigades and in order to comply with bloodborne pathogen protocols and emergency medical service protocols relative to protective equipment and clothing for emergency medical service operations.
66. It shall be the duty of all members and officers to comply with any safety requirements set for firefighters by the New York State Department of Labor and the Labor Law.
67. It shall be the duty of all members and officers performing emergency medical service duties to follow applicable emergency medical service protocols and regulations adopted by the New York State Department of Health relative to such duties.
68. It shall be the duty of the Chief to assume full charge of all members and officers, apparatus, and equipment, while on parade, at drills, at conventions, and at fires or other emergencies requiring the services of the department. He or she shall have the right to call out any and all members and officers and apparatus for any purpose incidental to his office. He or she shall assume full responsibility for all fire equipment and see to its proper care and maintenance. It shall be his or her responsibility to review, recommend or deny 5W requests submitted by the officers. He or she shall see that adequate training programs are conducted in the department and shall acquaint himself or herself with all new firefighting methods by attending fire schools, drills and conferences.
69. The Chief of Department shall make application to the Board for permission to send fire department personnel to out of state training programs and shall comply with the procedures for out of state training programs as outlined in the General Municipal Law.
70. The Chief of Department shall make application to the Board for permission to send fire department personnel for local training programs and shall comply with the training procedures established by the Board of Fire Commissioners.
71. The Chief of Department shall recommend the purchase of suitable training manuals, textbooks and other instructional material for the Department membership.
72. The Chief of Department shall see that proper discipline is maintained in the department. He or she may suspend a member or officer pending the next meeting of the Board of Fire Commissioners and when such action is taken shall report to the Board on it at such meeting.
73. It shall be the duty of the Chief to see that a proper record is kept of all alarms in accordance with reporting procedure outlined by the Office of Fire Prevention and Control.
74. The Chief of Department shall report to the Board at each meeting of the Board and at such other times and formats as directed by the Board. He shall make such written reports as is provided for by law and the Board furnishing a copy of them to the District Secretary.

75. It shall be the duty and responsibility of the Chief to review and to certify all department attendance reports of members and officers responding to emergencies and performing fire department and fire company duties.
76. It shall be the duty of the assistant chiefs to perform the duties of the Chief in his or her absence and to perform such of the Chief's duties as are assigned by the Chief on an ongoing basis.
77. It shall be the duty of the company captains to take command of their companies at all fires, drills, parades and other public appearances. They shall be held responsible for the action and discipline of their companies. They shall have the authority to bring charges against any member of their company or of the department for insubordination or misconduct committed in their presence or while they are in command. They may request that the Chief suspend a member pending the next meeting of the Board of Fire Commissioners for such conduct. It shall be their duty to see that the equipment in their charge is in good repair and ready for service. It shall be their duty to report any loss or breakage of equipment to the Chief immediately.
78. It shall be the duty of the company lieutenants to perform the duties of the company captains in their absence and to perform such of the captain's duties in the company as are assigned by the captain on an ongoing basis.
79. It shall be the duty of all members and officers to follow a strict chain of command in performing their duties and communicating or corresponding with district, department and company officers. Members and officers and lieutenants shall address communications and correspondence to the company captain and shall not sidestep him or her without his or her permission in order to address the chiefs or the Board of Fire Commissioners on district, department or company business. Members and officers shall address communications and correspondence to the Chief of Department and shall not sidestep him or her without his or her permission in order to address the Board of Fire Commissioners on district, department or company business. Captains and Chiefs shall exercise proper discretion to see that communications and correspondence are sent through the chain of command in order to make certain that if a member or officer has a grievance or disagreement with the officer staff that it is reported to the Chief and then to the Board.
80. It shall be the duty of all members and officers to follow a strict chain of command with regard to day to day activities of the department and companies and with regard to emergency response operations. The chain of command shall be Chief followed by assistant chiefs as assigned to each house. The Chief shall determine the order of seniority with regard to company officers when no chief is available and shall notify the department by Chief's order in writing on taking office. The Chief may provide for a chain of command at fire scenes that integrates other members of the department.
81. Any member present at a fire station or scene of an emergency response and currently certified to perform firematic or emergency medical service duties by the district physician will at the time of an emergency call (from the recording of notice of the call to the time that all personnel are released by the officer in charge) be subject to assignment to work in the context of the emergency by the officer of the department or company in charge. Such officer shall only assign the member or officer in accordance with his or her duty classification and in accordance with his or her emergency medical certification, but will be permitted to issue a duty assignment that shall be considered a lawful order of the superior officer. If members and officers are not available for emergency service they should not present themselves at district, department or company facilities or at emergency scenes of the fire department.

Members of the Board of Fire Commissioners and employees present at district facilities to perform their district level duties may remain to perform their district level duties and will not be subject to this rule.

82. Any member or officer responding to an emergency call of the department shall remain on duty until released by the officer in charge. Permission must be granted by the officer in charge for a member or officer to be released before the entire unit is released.
83. Any member or officer responding to an emergency scene shall remain with his or her apparatus unless assigned to a task by the officer in charge of that apparatus or the officer in charge of the scene. Members and officers shall return to the fire station on their assigned apparatus unless given special direction or orders by the officer in charge.
84. At emergency scenes the officer in charge shall be responsible to interact and work with other emergency response agencies (police, fire, etc.). Members and officers present at emergency scenes should defer to the officer in charge to handle both cooperative operations and disagreements. Members and officers are not to argue with personnel from these agencies. They should refer the matter to the officer in charge.
85. Officers shall not order a member or officer impaired by alcoholic beverage consumption or drugs to perform any duties, and if they determine a member or officer on duty is so impaired shall relieve him or her from duty and report the matter to the Chief of Department. Officers shall use their best judgment in such matters and err on the side of caution by placing the member off duty even if it is later determined that the cause was an illness rather than such impairment.
86. Members and officers present at any function of the district, department or company or present at any facility of the district shall be under the orders and direction of the officer in charge and shall conduct themselves in a professional, courteous and appropriate manner. When in uniform they shall maintain a neat and proper appearance and wear the proper uniform. Only the officer in charge may permit the relaxing of uniform standards during more informal periods of the event. The Chief (department functions) and the company captain (company functions) shall determine the class of uniform to be worn for the event. At any uniform event no member or officer shall unbutton or remove his or her shirt, pants, socks and/ or shoes. Shirts shall remain buttoned and tucked into pants. Hats, ties and jackets may be removed on order of the officer in charge.
87. Any member or officer suspended by a chief officer or by the Board of Fire Commissioners shall forthwith turn over all property and equipment of the district, department, and company previously issued to him or her to the Chief of Department. Failure to return such property within one week of the date of the notice of suspension shall be considered the refusal of a lawful order of the Board of Fire Commissioners and subject the member or officer to further disciplinary charges and action. While suspended from membership the member or officer may not be present at the buildings and grounds owned or operated by the district and may not be present at any function or activity of the district, department or companies and may not be present when any unit of the department is on duty. Failure to abide by the rules of the suspension order shall be considered the refusal of a lawful order of the Board of Fire Commissioners and subject the member or officer to further disciplinary charges and action unrelated to whether or not the underlying charge(s) are sustained against the firefighter. The member shall be permitted to be present on district facilities to attend any public meetings or hearings related to his or suspension and disciplinary action or to testify in proceedings related to the suspensions or disciplinary actions brought against other members and officers. Members and officers on suspension may be present to vote in public elections held on

district or department property. A fire department internal election is not a public election as those terms are used herein.

88. Any member or officer of the fire department dismissed for cause will not be eligible to apply for membership in the department or any of its companies in the future.
89. In order to provide for the safety of all personnel and citizens on district facilities and at official functions and in order to provide for the maintenance of proper morale and discipline within the ranks of the fire department and the paid staff of fire district employees we adopt the following rule: That a member of the fire department who is removed from membership for cause shall not be permitted to be present on the buildings and grounds of the fire district, nor shall he or she be permitted to be present at any function sponsored by the fire district, fire department or its constituent fire companies. No officer or member of the fire department or any of its constituent fire companies, or officer or employee of the fire district may invite such person to be present on district facilities or at such functions as a guest. This rule shall not bar a member previously dismissed for cause from attending the public meetings and hearings of the Board of Fire Commissioners of this district, and shall not act to bar such person from exercising his or her right to vote in public elections held on the buildings and grounds of the fire district. This rule shall not bar such persons from exercising their rights under the Freedom of Information Law. This bar shall also not prevent such person from contacting the fire department or coming to a fire department facility to request emergency aid or assistance. Any person violating this rule shall be deemed to be trespassing on the building and grounds of the fire district and/ or at such functions described and shall be directed to leave by the Chief or highest ranking officer of the department or district. If the person refuses to leave the facilities or function when requested by the officer, the officer shall contact the police department and request its assistance in removing the person from the facilities or function. The Chief or district official may file a complaint on behalf of the fire district for criminal trespass if the person refuses to obey the direction of the police officer to vacate the premises or function. Any officer or member of the fire department and/or any officer or employee of the fire district who shall violate this rule by bringing such barred person as a guest on to district facilities or to a function shall be guilty of violation of this rule.
90. At emergency scenes members and officers shall follow the orders of the officer in charge. If a member is not on duty, but present at an established emergency scene, he or she shall remain behind the fire line or other barrier between civilians and emergency response personnel. Only members and officers on duty and participating in a department response shall be present in the emergency scene service area.
91. Members and officers shall comply with the fire department and fire district code of ethics.
92. Member and officers shall be responsible to retain records of the district, department and company entrusted to them in order that the records retention schedule as set out by the State Archives and Records Administration (SARA) may be complied with by the district, department, and company.
93. Members and officers shall promptly report and turn over any legal document handed over to them or served upon them at the district, department or company facilities or at their place of residence or business if the document relates to a district, department or company matter.
 - a. They shall deliver to the fire district any subpoena or legal process that relates to a district, department or company matter.

- b. They shall refrain from telling any process server that they are authorized to accept service of legal documents for the district, department or company.
 - c. They shall comply with all subpoenas and legal documents that relate to them and the performance of their duties as a member of the fire department.
94. Members and officers shall safeguard the financial resources of the department and company and shall refrain from any conduct that would waste or cause loss of those financial resources.
- a. They shall utilize district cell phones issued for their use for district business purposes only and shall use them for limited personal purposes as permitted by the Board of Fire Commissioners subject to the Cellular Phone Use Policy.
 - b. They shall utilize district owned vehicles assigned to them by the Board for district business purposes only and shall use them for limited personal purposes as permitted by the Board of Fire Commissioners.
 - c. They shall only consume gasoline and fuel provided from district authorized fuel pumps or purchased on the credit of the fire district for district business purposes with the exception that chiefs' vehicles may use such fuel resources for extremely limited personal purposes.
 - d. They shall refrain from acts of theft and embezzlement from the financial accounts and resources of the department, company and any affiliated organizations.
 - e. They shall not make personal purchases of goods or services using the sales tax exempt status of the district or department. Such tax exemption shall only be used for the official purposes of the district, department or company.
 - f. They shall refrain from the use of computer and internet resources of the district, department, and company in a manner that violates any law, in order to conduct a personal business, in order to contact minors not related to them, in a manner that results in unauthorized charges to the district, department or company, in order to access adult, pornographic, offensive non-business related material, in a manner that violates and software licenses, etc. District computers and internet resources shall not be used to participate in any blogs or other forms of internet discussion. Such use shall not be a business use. All members and officers are subject to comply with the district internet/communication policy.
 - g. They shall refrain from utilizing any district paid television service that violates the rules of the provider or results in additional charges being levied to the account of the district.
 - h. They shall follow the rules of the district, department or company with regard to department and company fund raising and safeguard fundraising funds.
 - i. They shall file all reports on fundraising as required by the district, department, company or outside entity.
95. Members and officers shall comply with the district sexual harassment policy and shall attend mandated training as ordered by the Chief.
96. Members and officers shall comply with the district entry level and periodic physical examination policy and shall meet all deadlines for submitting to their periodic physical examination.
- a. They shall comply with all limitations placed on their activities by the district physician.
 - b. They shall comply with the deadline set for periodic SCBA mask certifications.

- c. They shall complete all documents related to these programs accurately and truthfully.
 - d. They shall promptly submit to a return to duty physical exams when returning from a line of duty injury or a personal medical leave.
97. Parking areas at district buildings are reserved for those having business with the district.
- a. Members and officers may not leave vehicles or other property in district parking lots for storage.
 - b. Members and officers may not leave vehicles in district parking lots displaying “for sale” or similar signs.
 - c. Members and officers may not authorize family members to park in district facilities when they do not have a district purpose for such use.
 - d. No person may park a personal vehicle on a firehouse ramp or at any location on district property that will block the entrance and exit of district vehicles.
 - e. Members and officers may not park personal vehicles on public highways in locations that block the view of district chauffeurs as they enter or exit fire stations regardless of posted parking restriction or the lack of same.
 - f. Members and officers may not park personal vehicles at emergency scene locations in places that will block access to emergency vehicles or in some other way interfere with the emergency response. A personal vehicle must be moved immediately on direction from a fire department officer.
98. District facilities are public buildings, but access is limited to protect and preserve property and equipment
- a. Members and officers are issued key access to the buildings and certain of their internal rooms. Members and officers are responsible to protect and preserve their key access equipment.
 - b. Members and officers may not give their key access equipment to others for their use.
 - c. Members and officers are responsible to close doors and lock buildings when they conclude their business and leave the premises.
 - d. In opening overhead apparatus bay doors members and officers should keep in mind that heating, cooling and electrical operational costs are impacted. For this reason their use should be limited.
99. District facilities are maintained by district maintenance personnel. Members and officers must refrain from interfering with or tampering with building mechanical and operational systems unless given authorization from the Board of Fire Commissioners.
- a. It shall be the obligation of all members and officers to promptly report violations of these rules and regulations by other members and officers committed in their presence to a superior officer. Failure to promptly report a violation occurring in their presence shall be grounds for disciplinary action.
 - b. Members and officers shall comply with all training and drilling obligations established by the Chief for the department and the captains for their respective companies. If the Board, the Chief’s office or a company captain makes a training class(es) or a drill(s) mandatory, members and officers shall comply with that

requirement. Chiefs and captains shall have the authority to set mandatory attendance requirements with respect to trainings and/or drills.

- c. Members and officers shall comply with all duty assignment obligations established by the Chiefs for the department and the captains for their respective companies. If the Board, the Chief's office or a company captain makes a duty assignment mandatory, members and officers shall comply with that requirement. Chiefs and captains shall have the authority to set mandatory duty assignments for personnel.
- d. The Chief of Department may restrict members and officers from participating in district, department and company activities and teams sponsored by the district, department or company. Such restrictions shall be duty assignments and not disciplinary in nature. The Chief may set emergency response, training, drill and/or meeting attendance as a priority and restrict the activities of personnel to maximize attendance at those activities.
- e. Members and officers shall conduct themselves in a professional and respectful manner when attending parades and other public activities of the district, department and companies. They shall be responsible for their conduct and subject to discipline for unprofessional or disrespectful conduct while en route to, during, and while returning from such activities. They shall be responsible for their conduct and subject to discipline for unprofessional or disrespectful conduct while remaining in uniform after completion of such activities. Upon completion of the event and dismissal by the officer in charge such personnel shall change to civilian clothes in order to avoid liability for subsequent conduct under this rule.
- f. The Chief of Department or officer in charge at an emergency scene may accept the services of a volunteer firefighter from another volunteer fire department if such firefighter offers his or her services, can be properly outfitted with proper safety gear and the officer determines that his or her services are necessary. If such determination is made it shall be the duty of the officer accepting the services to make a record of the name and fire department of the firefighter and place that information in his or her fire report. Such activity shall be conducted in accordance with Section 209-i of the General Municipal Law. The Chief shall be responsible to verify the active membership status of all volunteer firefighters assisting the fire department.
- g. It shall be the responsibility of each member to inform the fire department and fire company secretary of any change of residence within one week of a change of address. Members and officers moving outside the boundaries of the fire district must terminate their membership. Failure to report a change of residence in accordance with this procedure shall be grounds for dismissal.
- h. No gambling will be permitted on fire district premises and at functions sponsored by the district, department or company unless proper approvals have been obtained from the State Racing and Wagering Board by the department or company. Any persons promoting gambling or participating in gambling activities without the proper approvals shall be deemed in violation of this rule.
- i. No entertainment shall be permitted at a fire district building or at a fire department or fire company function unless it has been approved in advance by the Board of Fire Commissioners and a Chief officer. Personnel must keep in mind that the fire district and fire department are in place to provide a governmental service to the community and entertainment cannot be permitted which the community would find offensive.

- j. Members and officers of the fire department shall have an affirmative obligation to notify the chief of department of any incident where a member or officer has committed an act of misconduct or incompetence or is the subject of a complaint that has been made internally by another member or externally by a citizen not associated with the district or department relative to his or her membership with the department or the performance of his or her duties as a member or officer. The duty to notify shall also apply when the fire department is attending a function or event or when district vehicles or property is involved. The duty shall apply if it is alleged that some form of damage has been done to a third party by a member, officer or district equipment. Failure to submit a written incident report to the chief shall be considered a violation of this rule.
- k. Any time that a member is required to notify an officer or official or to obtain authorization from an officer or official under these rules or the rules of the department or company, the members and officers shall bear the responsibility to see that the officer or official has received and acknowledged the notification and has affirmatively given the authorization. A text message, a voice message, or an e-mail standing by itself shall not meet the requirement of a notification or authorization. The officer or official must acknowledge that he or she has been notified and must affirmatively state his or her approval.

BE IT RESOLVED, that the foregoing policy be adopted by the Board of Fire Commissioners as the Rules of Conduct Policy of the Wading River Fire District to govern all officers, members, employees and agents of the Wading River Fire District and Wading River Fire Department.

The resolution was thereupon duly adopted.

Dated: Wading River, New York

June 24, 2019

Reaffirmed by the Wading River Fire District Board of Fire Commissioners on Monday, 06/24/2019.

James Meier, Chairman
Michael Harrigan, Commissioner
John McManus, Commissioner
Kevin McQueeney, Commissioner
Joseph Moreno, Commissioner