

# **SUGAR CREEK TOWNSHIP FIRE DEPARTMENT**

## **Merit Commission Rules & Regulations**

**DATE OF ADOPTION: AUGUST 9, 2007**

**DATE OF REVISION: DECEMBER 9, 2010**

**DATE OF REVISION: MAY 12, 2011**

**DATE OF REVISION: NOVEMBER 8, 2012**

**DATE OF REVISION: NOVEMBER 14, 2013**

**DATE OF REVISION: APRIL 10, 2014**

**DATE OF REVISION: DECEMBER 10, 2015**

The Department and the Township are equal opportunity employers and do not discriminate in hiring or employment practices on the basis of age, gender, race, color, national origin, religious or political affiliation, sexual orientation, veteran status or disability except where specific age, gender or physical requirements constitute a bona fide occupational qualification, are necessary for proper and efficient administration of the Department or are otherwise allowed or required by law. All hiring list creation processes shall be administered in compliance with the Americans with Disabilities Act, and the Department and the Commission shall take any action necessary to comply with the provisions of the Americans with Disabilities Act.



## **Overview of Recent Changes**

This page is an overview of the changes made in the April 10, 2014 version to achieve the December 10, 2015 version.

**All modifications for this revision occur in Section II, “Applicant Requirements and Procedures” and Section IV “Promotional Process”.**

Due to the number of changes, review of the December 10, 2015 version of Sugar Creek Township Fire Department Merit Commission Rules and Regulations and comparison to the April 10, 2014 version is recommended.

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***SUGAR CREEK TOWNSHIP FIRE DEPARTMENT***  
**MERIT COMMISSION**

**RULES AND REGULATIONS**

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**SECTION I**  
**MERIT COMMISSION GENERAL PROCEDURES**

- A) **Duties of Commission.** The Sugar Creek Township Fire Department Merit Commission (the “Commission”) is responsible for establishing and administering uniform procedures for the selection, promotion, performance review, career development and discipline of Members of the Sugar Creek Township Fire Department (the “Department”) and to provide review and oversight of those processes. The Commission was established by Resolution of the Township Board of Sugar Creek Township of Hancock County, Indiana (the “Township”) and shall have all the authorities and responsibilities set forth in applicable Indiana law.
- B) **Definitions.** As used throughout the Sugar Creek Township Fire Department Merit Commission Rules and Regulations, the following terms shall have the definitions indicated:
- 1) “Board” shall mean the Township Board of Sugar Creek Township of Hancock County, Indiana.
  - 2) “Chief” shall mean the Chief of the Sugar Creek Township Fire Department.
  - 3) “Commission” shall mean the Sugar Creek Township Fire Department Merit Commission.
  - 4) “Department” shall mean the Sugar Creek Township Fire Department.
  - 5) “Department Headquarters” shall mean 3545 S. 600 W, New Palestine, IN 46163-9735.
  - 6) “Member” or “Member of the Department” shall mean a full time paid career firefighter employed by the Sugar Creek Township Fire Department.
  - 7) “Merit Commission Rules” or “Rules” shall mean these Sugar Creek Township Fire Department Merit Commission Rules and Regulations.
  - 8) “Merit Law” or “Indiana Merit Law” shall mean the Indiana Merit Statute, I.C. 36-8-3.5-1 *et seq.* as amended and supplemented by the Board or the Merit Commission Rules.
  - 9) “Township” shall mean Sugar Creek Township of Hancock County, Indiana.
  - 10) “Trustee” shall mean the Township Trustee of Sugar Creek Township of Hancock County, Indiana.
  - 11) “IDHS” shall mean the Indiana Department of Homeland Security.
  - 12) “INPRS” shall mean the Indiana Public Retirement System, 1977 Police Officers' and Firefighters' Pension and Disability Fund.
  - 13) OIT shall mean the “Officer in Training” program.

C) **Appointment and Qualifications of Commissioners.**

- 1) **Terms.** The Commission shall consist of five (5) members. Commissioners shall serve four (4) year terms at the pleasure of their respective appointing authority. Current Commission members, political affiliation, appointing authority and term expiration are as follows:

<b><u>Member</u></b>	<b><u>Appointing Authority</u></b>	<b><u>Term Expires</u></b>
Tony Wilson (D)	Firefighters	December 31, 2010
Ron Sanders (R)	Trustee	December 31, 2008
Mike Merlau (D)	Trustee	December 31, 2010
Johanna Black (R)	Township Board	December 31, 2010
Paul Romoser (R)	Firefighters	December 31, 2008

The above members, appointing authorities and terms are listed for future reference only, and these Rules need not be amended to reflect new appointees.

- 2) **Qualifications.** Commissioners must be legal residents of Sugar Creek Township and have maintained that residency for at least three (3) years prior to their appointment. Commissioners shall be persons of good moral character. Commissioners must be at least twenty-one (21) years of age and may not be an active member of a police or fire agency. No more than two (2) Commissioners may be past members of a police or fire agency. In addition, no paid Sugar Creek Township employee may serve on the Commission. Political affiliation shall be determined in accordance with I.C. 36-1-8-10.
- 3) **Removal and Vacancies.** Commissioners shall serve at the pleasure of the appointing or electing authority and may be removed at any time, with or without cause. In the case of a Commissioner elected by the Members of the Department, the Trustee shall call a meeting of the Members of the Department to select a replacement under the procedures specified in I.C. 36-8-3.5-8, if a recall petition signed by a majority of the Members of the Department is submitted to the Trustee. All vacancies shall be filled within thirty (30) days, and the replacement Commissioner shall serve for the remainder of the unexpired term of the original Commissioner.



D) **Meetings and Commission Business.**

- 1) **Regular Monthly Meetings.** The Commission shall establish and post a schedule of regular monthly meetings at the beginning of each year. When establishing the schedule, the Commission will consider input from the Chief regarding anticipated needs in the coming year for firefighter selection, appointment and promotion processes. Meetings will normally occur at Department Headquarters but may be held elsewhere at the discretion of the Commission. At least forty-eight (48) hours prior to a regularly scheduled meeting, notice will be posted at the meeting location. If there is no anticipated business, upon approval of the President or other designate of the Commission, a regular meeting may be cancelled by posting notice at least twenty-four (24) hours prior to the regularly scheduled meeting.
- 2) **Special Meetings.** A Special Meeting may be called upon forty-eight (48) hour notice to Commissioners and required media and the posting of the meeting date, time and location at Department Headquarters. A Special Meeting may be called by the President of the Commission, or by any three (3) members of the Commission. Reasons for Special Meetings may include, but are not limited to, disciplinary appeals, review of disciplinary matters, unforeseen changes in selection or promotion processes, or unforeseen vacancies in rank or positions.
- 3) **Executive Sessions.** The Commission may hold executive sessions upon the call of the President or any two (2) members of the Commission for any purpose permitted under I.C. 5-14-1.5-6.1. At least forty-eight (48) hours prior to an executive session, notice shall be given to all Commissioners and required media and shall be posted at the meeting location, including within the Notice the stated purpose for the executive session. Executive sessions are closed to the public. Final action on all matters must be taken at a meeting open to the public in accordance with Indiana law.
- 4) **Quorum and Official Action.** At any meeting of the Commission, the presence of at least three (3) members of the Commission shall be necessary to constitute a quorum. Action by the Commission shall be authorized by the affirmative vote of at least three (3) Commissioners acting at a properly called meeting at which a quorum is present.
- 5) **Conduct of Meetings.** Meetings of the Commission shall be conducted within normal public meeting guidelines and under the general guidelines of Roberts Rules of Order. Meetings shall be subject to the provisions of the Indiana Open Door Law, I.C. 5-14-1.5 *et seq.*

- 6) **Officers.** At the first meeting of every calendar year, the Commission shall select from its members a President, Vice-President and Secretary. The President is responsible for presiding at all meetings, communicating with Commission members in cases of special meetings or cancellation of meetings, official communication with members of the Department, and preparation and presentation of the Commission budget. The Vice-President is responsible for performing duties of the President in the absence of the President. The Secretary is responsible for record keeping, minutes of meetings, and circulation and posting of notices of meetings. A recording secretary may be employed by the Commission.
  
- 7) **Public Records.** An official record of all meetings of the Commission shall be maintained in accordance with I.C. 5-14-1.5-4(b) and (c) and shall be available for inspection at Department Headquarters during normal business hours. Records of selection and promotion processes and disciplinary proceedings that include confidential information shall be separately retained and secured at Department Headquarters. The Commission shall be governed by, and all records of the Commission shall be maintained in accordance with, I.C. 5-14-3 *et seq.*
  
- 8) **Budget.** The Commission shall annually submit a budget to the Trustee sufficient to cover all anticipated costs of the Commission for the coming year. The President shall prepare and present a draft budget for approval by the Commission at the June meeting of each year. After approval by the Commission, the budget shall be forwarded to the Trustee in the same manner as other budgets for the Township.
  
- 9) **Notices from Department Members.** All notices, correspondence, appeals or other notifications to the Commission from Members of the Department, unless otherwise specified in the Rules or Merit Law, shall be by written correspondence (i.e. not electronic mail) addressed to the Commission President and delivered to the Commission President by way of the Commission President's mailbox at Department Headquarters. In addition to placing the written correspondence in the Commission President's mailbox at Department Headquarters, the Commission President shall be immediately contacted by email to inform the Commission President that such correspondence has been placed in their mailbox at Department Headquarters.

## SECTION II

### APPLICANT REQUIREMENTS AND PROCEDURES

- A) **General Requirements.** To be appointed to the Department, applicants must meet the following minimum requirements:
- 1) Applicants must be citizens of the United States at least twenty-one (21) years of age, but under thirty-six (36) years of age at the time of appointment to the Department. The age requirements do not apply to a person who has been previously employed as a Member of the Department or is a current member of the INPRS 1977 Police Officers' and Firefighters' Pension and Disability Fund and who otherwise qualifies under Indiana law.
  - 2) Applicants must be high school graduates or have attained an equivalent certification.
  - 3) In accordance with I.C. 36-8-3.5-12(c), applicants for appointment, reappointment or reinstatement must not have been convicted of a felony.
  - 4) Applicants must be of good moral character.
  - 5) Applicants must be residents of Hancock County or counties adjacent to Hancock County within six (6) months of appointment, and must remain residents of Hancock County or counties adjacent to Hancock County during their term of employment with the Department, and must maintain telephone service.
  - 6) Applicants must possess a current valid driver's license, and must possess and maintain a valid Indiana driver's license without restriction due to traffic violations at the time of appointment and throughout the applicant's employment by the Department. Appointees with a valid unrestricted out of state driver's license shall have thirty (30) days from the date of appointment to obtain an Indiana driver's license meeting these requirements.
  - 7) Applicants must be able to read, write, speak, understand and otherwise communicate fluently in the English language.
  - 8) Applicants shall:
    - a) Be certified as an Emergency Medical Technician (EMT), either Indiana Department of Homeland Security (IDHS) or National Registry or eligible for reciprocity, and shall maintain such certification throughout the applicant's employment. IDHS certification must be obtained prior to conditional offer of employment.

- b) Have NFPA Firefighter II certification (IFSAC or Pro-Board) or IDHS equivalent. Certification shall be maintained throughout the applicant's employment. IDHS certification must be obtained prior to conditional offer of employment.
  - c) The Commission may waive the NFPA Firefighter II certification (IFSAC or Pro-Board) or IDHS equivalent requirement to meet the needs of the Department. The Commission shall make such decision prior to the initiation of a hiring list creation process. However, the applicant shall meet this requirement within the first year of employment.
- 9) The applicant must not have been dishonorably discharged from the military service.
- 10) The Commission may set additional minimum requirements for a specific hiring event including, but not limited to; prior experience as a full time firefighter, current membership in the Indiana Public Retirement System 1977 Police and Firefighters' Pension Fund or specific certifications (such as Paramedic Licensure).
- B) **Notification of Hiring List Creation Process.** Applicants will be notified of the Department's creation of a hiring list through advertisements placed with the local print and/or electronic media, and/or the posting of hiring literature in public places, and/or by internet notification.
- C) **Overview of Hiring List Creation Process.** Applicants shall be rated on selection criteria and testing methods developed by the Department and adopted by the Commission prior to the hiring list creation process in accordance with I.C. 36-8-3.5-12(e), as amended. The following is an overview of the events normally comprising the hiring list creation process. These events may or may not be in the sequence set forth below, and the Commission shall determine the appropriate sequence of events prior to each hiring list creation process. In addition, the Commission may determine that certain events will be added to or deleted from the following list:
- 1) Request from the Chief that the Commission approve the creation of a new eligibility list from which to hire firefighters for vacancies as they occur;
  - 2) Approval of process and application packet by Commission, along with any specific limitations or directions to the Chief
  - 3) Advertisement and notice of commencement of process to create an eligibility list;
  - 4) Distribution of pre-application materials;
  - 5) Pre-application materials returned to the Chief or his/her designee for review and approval;
  - 6) Written test administered;

- 7) Aerial climb evaluation administered;
  - 8) Confined space evaluation administered;
  - 9) Detailed application distributed to successful participants;
  - 10) Completed detailed application and proof of successful passing of the Candidate Physical Ability Test (CPAT) returned to the Chief or his/her designee;
  - 11) Perform detailed background investigation;
  - 12) Structured oral interview administered;
  - 13) Scores tabulated and eligibility list developed;
  - 14) Eligibility list submitted to and certified by Merit Commission;
  - 15) Notification to applicants of conditional offer of employment;
  - 16) Post-offer background checks are conducted;
  - 17) Medical and psychological testing process through INPRS;
  - 18) Satisfactorily complete career recruit school and
  - 19) Swearing in.
- D) **Pre-application.** A basic pre-application form will be distributed to applicants and/or be made available online to register for the hiring list creation process and obtain basic application information. All applicants meeting the pre-application deadline and base requirements will receive notification regarding the written test.
- E) **Written Test.** Applicants are required to take and pass a written test reflecting essential functions of the job conducted according to procedures adopted by the Commission and administered in a manner reasonably accommodating the needs of disabled applicants. The test date, place, and starting time will be announced in writing to each applicant; tardiness shall cause the applicant to be removed from the hiring list creation process. Unless otherwise determined by the Commission, the test shall constitute fifty percent (50%) of the applicant's overall score. The Commission or its designee shall determine a minimum test cutoff score, and those applicants scoring below the cutoff score shall be eliminated from the hiring list creation process. Unless otherwise determined by the Commission, the cutoff score shall be set at seventy percent (70%).
- F) **Aerial Climb Evaluation.** Applicants are required to fully ascend and descend an aerial ladder within an allotted time and according to instruction. This evaluation is pass/fail. Those applicants not successfully completing the evaluation shall be eliminated from the hiring list creation process.

- G) **Confined Space Evaluation**. Applicants are required to successfully navigate an enclosed, confined space course within an allotted time and according to instruction. This evaluation is pass/fail. Those applicants not successfully completing the evaluation shall be eliminated from the hiring list creation process.
- H) **Receipt of Application**. Applicants successfully completing the written test, aerial climb evaluation and confined space evaluation phases will receive a detailed application packet. With the application packet, applicants will receive a job description for probationary firefighter and a notice to applicants detailing the hiring list creation process and necessary qualifications, all in a format approved by the Commission.
- I) **Physical Ability Test**. Applicants for placement on the Department's hiring eligibility list must successfully complete the Candidate Physical Ability Test (CPAT) to meet the physical agility test requirements of I.C. 36-8-3.2-3 as approved by the Commission.
- 1) Applicants shall submit proof of passing the CPAT by submitting a copy of their CPAT card which must be current and valid as of the deadline for submission of the detailed application packet.
  - 2) To receive a conditional offer of employment from the Department, a candidate must have a current valid CPAT card.
  - 3) All CPAT testing shall be at the expense of the applicant.
- J) **Return of Application to Commission**. Detailed application packets, along with proof of successful CPAT completion on the terms set forth above, must be submitted to the Department no later than the time and date set forth in the application materials. Any applicant who does not return the completed application and CPAT confirmation within the time limits set by the Commission will not be allowed to continue with the hiring list creation process.
- K) **Structured Oral Interview**. Applicants will answer questions from an oral interview board that has been approved by the Commission. The board shall be
- 1) Comprised of at least 50% state certified firefighters and other individuals deemed qualified by the Chief.
  - 2) The Department's firefighters' union shall appoint one (1) member.
  - 3) The board shall consist of no less than five (5) members, with at least three (3) members from outside of the Department.
  - 4) The questions will be identical for each applicant and each applicant will be rated on his/her answers in accordance with uniform anchors established by the Chief.

5) Unless otherwise determined by the Commission, the oral interview shall constitute forty percent (40%) of the applicant's overall score.

L) **Certifications and Experience.** Additional points shall be awarded to applicants for the following for a maximum of ten percent (10%) of the total eligible score:

- |  |           |
|--|-----------|
| 1) Honorable discharge from the military or a current, active member in good standing of the National Guard / Reserves   | 2 points  |
| 2) Any IDHS Technical Rescue Certification at or above Operations Level. A bonus of 0.5 points shall be awarded for each qualified certification to a maximum of two (2) points. | 2 points  |
| 3) IDHS hazardous materials certification at or above the operations level.  | .5 points |
| 4) Three (3) Years Documented Fire Service Experience (Full or Part Time or Volunteer)   | .5 points |
| 5) Associate's Degree *  | 1 point   |
| 6) Bachelor's and beyond *   | 2 points  |
| 7) One (1) Year Volunteer member, in good standing, of the Department for period of 12 continuous months prior to application deadline**   | 1 point   |
| 8) Two (2) Years Volunteer member, in good standing, of the Department for period of 24 continuous months prior to application deadline**  | 2 points  |

\*School must be accredited by an organization recognized by either the United States Department of Education or the Council for Higher Education Accreditation

\*\*Points shall be awarded for either one (1) year or two (2) years of volunteer service, not both.

M) **Statutory Employment Preference.** As required by I.C. 36-8-13-3 the Commission will give preference in employment to individuals whose parent was a qualifying firefighter or police officer who died in the line of duty.

N) **Development of Eligibility List.** Applicants who meet or exceed the minimum score on all graded components and a passing score on all pass/fail components will be placed on a hiring eligibility list in order from highest to lowest as computed by scores resulting from the structured oral interview, the written test, certifications and experience factors.

- O) **Background Checks**. The Chief or his/her designee will conduct background checks of applicants to examine the applicants' character, habits, and reputation. Background checks may be conducted prior to the certification of the eligibility list, prior to notification of a conditional offer of employment, or after a conditional offer of employment has been extended at the option of the Commission. Successful completion of the background checks is required for employment. Components of the background check may include but is not limited to:
- 1) Drug screen
  - 2) Driving record
  - 3) Criminal history with local, state and national law enforcement agencies
  - 4) Credit history
  - 5) Employment history and references
  - 6) Military history
  - 7) Residence history
  - 8) Personal interviews
  - 9) Educational confirmation and verification
  - 10) Acquisition of additional written and/or verbal data and information
- P) **Certification of Eligibility List**. The hiring eligibility list will be presented to the Commission for certification. The hiring eligibility list prepared as a result of an applicant screening process shall be in effect for two (2) years or until a new eligibility list is certified by the Commission for any reason, whichever occurs first. A person who is not selected for appointment from a prior eligibility list may reapply as an applicant, unless that individual no longer meets the eligibility qualifications set forth above. The Commission may elect to decertify a list prior to its expiration by majority vote of the Commission. The Commission may also periodically purge a current certified list by removing those individuals no longer interested in or eligible for employment by the Department.
- Q) **Conditional Offer of Employment**. The Chief, with the approval of the Commission, shall make a conditional offer of employment as a probationary firefighter to such applicant or applicants as are necessary by taking the applicant having the highest score on the eligibility list and proceeding down the list in order. The Chief, with the approval of the Commission, shall make a conditional offer of employment for every fourth vacancy by selecting any person remaining on the final eligibility list based on the needs of the Department and the qualifications of the individual. This process will continue on a rotating basis so that at least



three-fourths (3/4) of the applicants are selected based on having the highest score on the eligibility list.

- R) **Indiana Public Retirement System (INPRS) Approval**. Those applicants receiving conditional offers of employment shall be required to take and pass a pension physical and psychological examination meeting the requirements of I.C. 36-8-8-19, the results of which are subject to review by INPRS. All test results shall be referred to the Sugar Creek Township Fire Pension Board for review and final acceptance.
- S) **Swearing In Ceremony**. Upon receipt of the approval notification of the INPRS examinations by state and local pension boards, and passing of all background checks and other criteria, appointment to the Department will occur at a swearing in ceremony scheduled by the Chief. Every person appointed shall subscribe to and take the Oath of Office.
- T) **Probationary Status**. Applicants hired will become employees of Sugar Creek Township of Hancock County, Indiana, and will be Members of the Department. Members will remain on a probationary status for a period of one (1) year after appointment and are subject to all the rules and regulations of the Department. Upon request of the Chief of the Department stating that the conduct or capacity of a probationary Member is unsatisfactory, the Commission may dismiss any probationary Member of the Department, without hearing or right of appeal, so long as the request is delivered to and acted upon by the Commission within the Member's probationary period. The Commission may extend the probationary period of any member an additional six (6) months at the request of the Chief. In the event a probationary member is called to military service during the probationary period, the time during which the Member is absent from duties as a firefighter shall toll and shall not be counted towards the probationary period. When the probationary firefighter returns to duty following military service, he or she shall be required to complete the probationary service and shall be given credit for only such probationary service as was successfully completed prior to the absence.
- U) **Order of Seniority**. For those Members hired to participate in a common recruit class and who successfully complete the recruit class, seniority within that class shall be determined by the Members' order of finish in the recruit class as determined by combined test and certification scores during that class.

- V) **Orientation.** Unless granted an extension by the Department, members hired will be required during the basic training period, which shall not exceed six (6) months from the date of employment, to take and pass the following:
- 1) The approved Department orientation program;
  - 2) The IDHS approved Hazardous Materials Operations class and IDHS Certification Examination;
  - 3) IDHS approved Technical Rescue Awareness course offered by the Department and the IDHS Certification Examination per NFPA guidelines; and
  - 4) National Incident Management System (NIMS) IS 100, IS 200, IS 700 and IS 800.
- W) **Certification of Emergency Medical Technicians.** All members must maintain IDHS EMT certification throughout their employment with the Department.
- X) **Career Recruit School.** All recruit firefighters shall satisfactorily complete career recruit school.
- Y) **Licensure of Paramedics.** Members hired as paramedics will also be required to have licensure as a paramedic by the IDHS at the time of appointment, and to maintain licensure and active affiliation with the Department's sponsoring hospital throughout the time they are functioning as a paramedic with the Department. Paramedics must have the permission of the Chief of the Department to drop their Paramedic Licensure.
- Z) **Joint Hiring Board.** The Chief shall have the authority to enter into a joint hiring board process with other departments with the approval of the Commission.

## SECTION III

### PERFORMANCE EVALUATIONS

- A) **General and Job Specific Performance Evaluation.** The Department shall administer, at least one every six (6) months, both a General Performance Evaluation and a Job Specific Performance Evaluation for every non-probationary Member of the Department in accordance with I.C. 36-8-3.5-15, as amended. Performance evaluations shall be conducted by one (1) or more of the Member's superiors in accordance with procedures established by the Chief subject to approval by the Commission.
- B) **Probationary Employees.** A probationary Member shall receive an evaluation at least once every six (6) months after the date of hire, including an evaluation immediately prior to the expiration of the probationary period. A recommendation shall be made to the Commission by the Chief regarding the probationary Member's successful completion of the probationary period.
- C) **EMS Field Evaluation.** An Emergency Medical Services Field Evaluation and other evaluative tests may be utilized during the year to assess performance of EMS personnel.
- D) **Promotional Employees.** All promotions shall be probationary for a period of one (1) year from the date of promotion. Following a promotion, a Member shall receive an evaluation at six (6) months after the date of promotion and at eleven (11) months after the date of promotion. A recommendation shall be made to the Commission by the Chief regarding the probationary promotee's successful completion of the probationary promotion period.
- E) **Records.** The Chief shall notify each Member of the Department in writing of the rating the Member received. All ratings shall be submitted to the Chief and shall be maintained in the Member's personnel file.
- F) **Appeals.** A Member who is aggrieved with the performance rating given by his superior may appeal in writing to the Commission for a review of the rating. The appeal must be filed with the office of the Chief within ten (10) days after receiving notice of the rating received. A short written narrative of the perceived evaluation discrepancy and a copy of the performance appraisal must be included with the appeal. The Commission shall affirm or correct the rating at the Commission's next meeting, or at such other time designated by the Commission. The Commission shall notify the appealing party, the Chief, the evaluator and the Union District President at least forty-eight (48) hours prior to hearing the appeal of any performance evaluation.

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## SECTION IV

### PROMOTIONAL PROCESS

Members participating in the Department's promotional process shall be rated on selection criteria and testing methods developed by the Department and adopted by the Commission prior to the promotional process. The following is an overview of the events normally comprising the promotional process. These events may or may not be in the sequence set forth below, and the Commission will determine the appropriate sequence of events prior to each promotional process. In addition, the Commission may determine that certain events or requirements (e.g., educational requirements, pre-application requirements and assessment standards) will be added to or deleted from the promotional process described below on a case-by-case basis.

- A) **Merit Ranks**. The merit ranks within the Department are:
- 1) Firefighter (private);
  - 2) Lieutenant; and
  - 3) Captain.
- B) **Job Descriptions**. Each position shall be described in a written job description and shall be included in the Job Classification Manual established and maintained by the Chief.
- C) **Promotional Requirements**. Each position has educational and experience prerequisites that must be met prior to the promotional process registration deadline. The requirements are as follows:
- 1) Lieutenant candidates must:
    - a) Have Current IDHS certification in NFPA Fire Officer I
    - b) Have Current IDHS certification in NFPA Fire Instructor I
    - c) Have completed three (3) years continuous, active, full-time duty with the Department
    - d) Have attended and participated in at least 75% of Department officer in-services and trainings and complete assignments in a manner deemed acceptable by the instructor in the immediate year preceding the promotional process registration deadline.
    - e) Not received disciplinary action at or above a written reprimand in the immediate year preceding the promotional process registration deadline.

- 2) Captain candidates must have successfully completed the educational and experience requirements for the rank of lieutenant as well as the following requirements or their equivalents:
  - a) Current IDHS certification in NFPA Fire Officer II
  - b) Current IDHS certification in NFPA Fire Instructor II and III
  - c) The completion of two (2) years continuous, active, full-time duty with the Department at the rank of lieutenant
  - d) Have attended and participated in at least 75% of Department officer in-services and trainings and complete assignments in a manner deemed acceptable by the instructor in the immediate year preceding the promotional process registration deadline.
  - e) Not received disciplinary action at or above a written reprimand in the immediate year preceding the promotional process registration deadline.
  
- D) **Eligibility List**. The chief officer supervising Department training will submit to the Chief of the Department a list of personnel within the Department who are qualified to participate in the promotional process. The Chief of the Department will notify each of those Members when a promotional process is about to begin and that those Members are qualified to participate.
  
- E) **Registration**. A sign up list will be posted at Headquarters for a period of at least two (2) weeks prior to the start of the promotional process. There will be one (1) sign up list for each of the promotional ranks within the Department. In order to participate in the process, a candidate must sign up in. At the end of the registration period each candidate will receive a promotional packet. The promotional packet will describe details about the process, list reading requirements, sources for reading requirements, percentages for scoring, contact personnel for questions, and dates on which aspects of the promotional process will occur.

F) **Overview of Promotional Process.** In accordance with I.C. 36-8-3.5-13(a), the Commission has determined that the promotional process shall be comprised of the following weighted components:

- 1) Written examination (35%);
- 2) Skills Assessment (25%);
- 3) Structured Oral interview (20%);
- 4) Performance record (5%).
- 5) Educational Experience (10% - which shall be broken down as follows):
  - a) Honorable discharge from the military or be a current, active member in good standing of the National Guard or Reserves 2 points
  - b) IDHS NFPA Fire Officer III Certification 1 point
  - c) IDHS NFPA Fire Officer IV Certification 2 points
  - d) IDHS certified at Technician Level in at least 5 of the Technical Rescue Disciplines 2 points
  - e) Associate's Degree \* 1 point
  - f) Bachelor's Degree and above \* 2 points

\* School must be accredited by an organization recognized by either the United States Department of Education or the Council for Higher Education Accreditation

6) Seniority (5%);

G) **Disqualification.** If any candidate for promotion:

- 1) Is late for and/or absent from any part of the promotional process, he/she may be allowed to continue with the promotional process but may be removed from further consideration.
- 2) Fails to attend and participate in at least 75% of Department officer in-services and trainings and complete assignments in a manner deemed acceptable by the instructor up to the time of being promoted, that individual may be removed from that promotional process.

- 3) Disagrees with his/her disqualification, a written appeal of the disqualification may be submitted to the Chief within five (5) days of the candidate receiving written notice of disqualification. The submission shall include a written explanation supporting their appeal.
    - a) A review panel consisting of one (1) Department member appointed by the Chief and one (1) Department member appointed by the union shall review the appeal. The appeal shall be reviewed, decided and written notification made to the candidate and Chief within five (5) days of the appeal's receipt.
    - b) Upon receipt of written notice of the panel's decision, the candidate may request the Merit Commission review the disqualification. This request must be submitted to the Merit Commission in the manner described in Section I, D(9) of the Merit Commission Rules with a copy sent to the Chief in the same manner. The Merit Commission shall consider the appeal at their next regularly scheduled meeting. The Merit Commission's decision shall be final.
  - 4) Has been disqualified for placement on the promotional list, he/she shall have the option to continue to participate in the promotional process while within the five (5) day appeal period. If the candidate for promotion does not appeal his/her disqualification within the five (5) day period, he/she shall be removed from the promotional process. However, a candidate for promotion shall continue to participate in the promotional process pending any decision of an appeal. The candidate may resign from the promotional process by submitting his/her resignation in writing to the Chief.
- H) **Educational and Training Experience.** Each candidate is responsible for ensuring that their training file contains up to date and correct information regarding all training and educational experience. The chief officer supervising training must be notified of any corrections to the contents of the candidate's file no later than fifteen (15) days after the close of the promotion sign up period unless the promotional process materials contain a different date.
- I) **Written Examination.**
- 1) Assigned reading materials will be made available in all station houses. Additional copies may be purchased by the individual. Candidates should make sure that the edition and title are the same as the assigned reading materials. Candidates for promotion shall be notified that the questions on the written test will be taken from the reading materials that are listed as assigned reading materials in the promotional booklet.



- 2) The specific dates, times, and locations for the exams will be published at least 30 days prior to the exams. If necessary, there will be two exam sessions, so that each candidate will be able to attend off duty. There will be no allowances for make-up testing: candidates must arrange their schedules appropriately.
  - 3) The Commission or its designee shall determine a minimum test cutoff score, and those individuals scoring below the cutoff score shall be eliminated from the promotional process. Unless otherwise determined by the Commission, the cutoff score shall be set at seventy percent (70%).
- J) **Oral Interview.** The next phase of the promotional process will be a structured oral interview. The interviews will be scheduled over a period of time starting the week after the written tests. The times and dates will be announced so that each candidate may attend the interview off duty. The structured oral interview is meant to assess a candidate's ability to respond to critical questions which may be posed by superiors and subordinates. The interview will be conducted by a promotional interview board comprised of five (5) officers at least one rank higher than the candidate, with at least three (3) members from outside of the Department.
- K) **Skills Assessment.** This phase of the process examines the job related behavioral tasks and job duties. The job related tasks and duties will be those of the rank the candidate is competing to attain. The Promotional Interview Board that evaluates the oral interview will also evaluate the skills assessment exercises. The skills assessment exercises will generally occur at the same time as the oral interviews. The assessment exercises may include presentations to the Board, oral interview exercises involving memos, group discussions, problem analysis, or simulated situations, and knowledge of strategic and tactical operations (including special operations), ropes and knots, hydraulics, and Department rules, regulations and procedures.
- L) **Independent Review.** The Commission may utilize an outside, independent agency to act on its behalf to construct, evaluate, administer, grade and report on the written test questions, the oral interview questions, and the skills assessment evaluations. A Promotional Development Committee may be convened to review and approve written questions, oral questions and the skills assessment exercise recommended by the outside agency.

- M) **Test Review and Appeal Process.** After the results have been sent to each of the candidates, there will be a review session to allow each candidate to review the written questions and their own answers. All candidates will be allowed to submit written challenges on questions which appear on the written test within five (5) days of the review session. The challenges will be submitted to the Chief or his/her designee for evaluation and action. If a problem is found with a question and the question is thrown out, the question will be thrown out for all candidates. A candidate who is aggrieved with the score received on the examination may appeal the determination to the Commission. This request shall follow the procedure set forth in the Merit Commission Rules for review of disciplinary action. The Merit Commission's decision shall be final.
- N) **Establishment of Promotional List.** After the review and appeal process is complete, the Chief or his/her designee and/or any outside agency shall tabulate scores for all candidates and shall submit them to the Commission. The Commission shall establish a promotional list for each rank, ranking personnel on their respective list in order of their cumulative scores on all rating factors. However, should any individual placed on a promotional list fail to maintain the minimum prerequisites as set forth in Paragraph "C" of this Section, up to and including the time that they are promoted to the applicable rank, that individual shall be removed from the Promotional List. Also, to be eligible for promotion, candidates shall continue to attend and participate in at least 75% of Department officer in-services and trainings and complete assignments in a manner deemed acceptable by the instructor.
- O) **Promotion of Members.** When a vacancy in rank occurs, the Commission shall certify to the Chief the three (3) Members with the highest scores on the eligibility list for that rank. Within six (6) months the Commission, upon the recommendation of the Chief, shall promote one (1) of those Members to fill the vacant position.
- P) **Terms of Appointment.** All promotions are probationary for a period not to exceed one (1) year. The Chief or his/her designee shall send written notice to the Commission fifteen (15) days in advance of the projected date upon which any probationary officer is due to complete the one (1) year probationary period. At the end of the period, a probationary officer's superior shall review the probationary officer's performance and recommend to the Commission that: (1) the promotion be made permanent; or (2) the promotion be revoked. The Commission shall review the report and determine the action to be taken. The probationary officer is entitled to appear before the Commission and be heard on any matter contained in the superior's report. The probationary officer is also entitled to representation by counsel or another representative of his or her choice. If the promotion is revoked, the member shall be returned to a rank not lower than the rank held before the probationary promotion. Actions by the Commission other than making the promotion permanent may be appealed within thirty (30) days to the Circuit or Superior Court of

Hancock County. With the Township being named as the sole defendant.

- Q) **Upper Level Policymaking Positions.** The Trustee is empowered by Indiana law to appoint upper level policymaking positions, including the Chief, Battalion Chiefs , Fire Marshall and Division Chiefs of the Department. The Chief shall be selected from the Members of the Department and must have at least five (5) years of service in the Department before appointment. This requirement may be waived by a majority vote of the Township Board upon request of the Trustee. However, the Chief must still have at least five (5) years of service in a full-time, paid fire department or fire agency. Removal by the Trustee of a Member from an upper level policymaking position is removal from rank only and not from the Department. When a Member holding an upper level policymaking position is removed by the Trustee, the Member shall be appointed by the Commission to the rank in the Department held at the time of appointment to the upper level policymaking position or to any rank to which the Member had been promoted during the Member's tenure in the upper level policymaking position. If such a rank is not open in either case, the Member is entitled to the pay of that rank and shall be promoted to that rank as soon as an opening is available.
- R) **Members Not Eligible.** Members of the Department demoted for cause may not participate in the promotional process within two (2) years of the effective date of the demotion. Any Member of the Department on probationary status is not eligible for promotion during the probationary period.

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## SECTION V

### DISCIPLINARY ACTIONS

Both the Chief and the Commission may take disciplinary action against a Member of the Department. The policies and procedures for such disciplinary actions are generally set forth below, and are governed by I.C. 36-8-3.5-17, -18, -19, as amended, and other applicable law. The following procedures generally follow the foregoing provisions, but shall not limit the discretion of the Department, the Chief, the Township or the Commission in any way. To the extent that these procedures are inconsistent with or omit any non-discretionary provision of Indiana law, these procedures are deemed to be amended by the applicable Indiana Code requirements and relevant case law which are incorporated herein by reference and should be referred to in addition to these procedures.

A) **General:** Indiana law provides that, with certain exceptions, a Member of the Department holds office or grade until he or she is dismissed or demoted by the Commission. In accordance with I.C. 36-8-3.5-17, the Commission may take the following disciplinary actions against a regular Member of the Department:

- 1) Suspension with or without pay;
- 2) Demotion;
- 3) Dismissal.

If a Member is suspended by the Commission, the Member is entitled to the Member's remuneration and allowances for insurance benefits to which the Member was entitled before the suspension. In addition, the Township may provide the Member's allowances for any other fringe benefits to which the Member was entitled before the suspension, at the Township's option. The Commission shall determine if a Member of the Department who is suspended in excess of five (5) days shall continue to receive the Member's salary during suspension.

B) **Offenses.** A Member of the Department may be disciplined by the Commission upon the occurrence of any of the following:

- 1) Conviction in any court of any crime; or
- 2) A finding and decision of the Commission that the member has been or is guilty of any breach of discipline, including:
  - a) Neglect of duty;
  - b) A violation of Commission rules, regulations or policies;

- c) Neglect or disobedience of orders;
  - d) Continuing incapacity;
  - e) Absence without leave;
  - f) Immoral conduct;
  - g) Conduct injurious to the public peace or welfare;
  - h) Conduct unbecoming an employee of the Department;
  - i) Furnishing information to an applicant for appointment or promotion that gives that person an advantage over another applicant; or
  - j) Any other breach of discipline or violation of Department rules or policies.
- C) **Investigation**. All disciplinary matters shall be presented to the Chief for appropriate investigation and inquiry. If, in the Chief's opinion, a full investigation should be made, he may appoint an Investigation Board comprised of one (1) or more persons to complete the investigation. The Chief may also appoint a Special Investigator (who may or may not be a member of the Department) to handle investigations of a smaller scale or where a full board is not warranted or desired. On all matters coming before the Investigative Board or the Special Investigator appointed by the Chief, a written finding of fact and recommendations shall be prepared, with a recommendation of charges (if any) to file against the member. A copy of these findings and all relevant information, photos, statements, physical evidence, official reports and other materials will be delivered to the Chief for further action by the Chief or the Commission.
- D) **Hearing Request**. If the Chief, after an investigation within the Department, brings charges against a Member for an alleged breach of discipline, including any civilian complaint, a hearing shall be conducted upon the request of the Member. If a hearing is requested within five (5) days of the Chief bringing charges, the parties may by agreement designate a Hearing Officer who is qualified by education, training, or experience. If no agreement is reached within this five (5) day period, the Commission may hold a hearing or designate a person or board to conduct the hearing following procedures set by the Commission. The designated person or board must be qualified by education, training, or experience to conduct such hearing and may not hold an upper level policy making position with the Department. Any hearing conducted pursuant to these procedures shall be held within thirty (30) days after it is requested by the Member, unless the parties agree otherwise.

- E) **Notice**. Written notice of the hearing shall be served upon the accused Member in person or by a copy left at the Member's last and usual place of residence at least fourteen (14) days before the date set for the hearing. The notice must state: (1) the time and place of the hearing; (2) the charges against the Member; (3) the specific conduct that comprises the charges; (4) that the Member is entitled to be represented by counsel or another representative of the Member's choice; (5) that the Member is entitled to call and cross-examine witnesses; (6) that the Member is entitled to require the production of evidence; and (7) that the Member is entitled to have subpoenas issued, served, and executed.
- F) **Commission Powers**. The Commission may compel the attendance of witnesses by issuing subpoenas, examine witnesses under oath, and order the production of books, papers, and other evidence by issuing subpoenas. If a witness refuses to appear at a hearing of the Commission after having received written notice requiring the witnesses' attendance, or refuses to produce evidence that the Commission requests by written notice, the Commission may file an affidavit in the Hancock Circuit Court setting forth the facts of the refusal. Upon the filing of the Affidavit, a summons shall be issued from the Circuit Court and served by the Hancock County Sheriff requiring the appearance of the witness or the production of information or evidence to the Commission. Disobedience of a summons constitutes contempt of the Circuit Court. All expenses related to the filing of an affidavit and the issuance and service of a summons shall be charged to the witness against whom the summons has been issued unless the Circuit Court provides otherwise.
- G) **Criminal Charges**. If a member is subject to criminal charges, the Chief or the Commission may place the member on administrative leave until the disposition of the criminal charges in the trial court. An administrative leave due to criminal charges may be with or without pay. Administrative leave without pay in excess of forty (40) hours may only be ordered by the Commission. Any other action by the Commission is stayed until the disposition of the criminal charges in the trial court. If the member is placed on leave without pay, the Commission, in its discretion, may award back pay if the member is exonerated in the criminal matter. The Commission, however, is not required to award back pay regardless of the ultimate disposition of the criminal charges.

- H) **Determination**. A determination by the Commission to discipline a Member may be made only if the preponderance of the evidence presented at the hearing indicates such a course of action. A Member who is aggrieved by the decision of a person or board designated by the Commission to conduct a disciplinary hearing may appeal to the Commission within ten (10) days of the decision. The Commission shall on appeal review the record and either affirm, modify, or reverse the decision on the base of the record and such oral or written testimony that the Commission determines, including additional or newly discovered evidence. The Commission, or the designated person or board, shall keep a record of the proceedings in cases of suspension, demotion or dismissal. The Commission shall give a free copy of the transcript to the Member upon request if an appeal is filed.
- I) **Appeals to Court**. A Member who is aggrieved by a decision of the Commission to issue a suspension for a period greater than ten (10) calendar days, demotion, or dismissal may appeal to the Hancock Circuit or Superior Court in accordance with I.C. 36-8-3.5-18. The appeal shall be made according to the Indiana Rules of Trial Procedure with the exceptions stated in the foregoing statute. The aggrieved Member must file a bond at the time of filing the complaint conditioned on the Member prosecuting the appeal to a final determination and paying the court costs incurred in the appeal. Within thirty (30) days after the service of summons, the Commission shall file in court a complete transcript of all papers, entries, and other parts of the record relating to the case. The appeal takes precedence over other litigation pending before the court.
- J) **Chief's Disciplinary Authority**. In addition to the disciplinary powers of the Commission, the Chief may, without a hearing, reprimand or suspend without pay a Member for a maximum of five (5) working days. For the purposes of this policy, eight (8) hours of paid time constitutes one (1) working day. If the Chief reprimands a member in writing or suspends a Member, he shall, within forty-eight (48) hours, notify the Commission in writing of the action and the reasons for the action. A Member who is reprimanded in writing or suspended under this section may, within forty-eight (48) hours after receiving notice of the reprimand or suspension, request in writing that the Commission review the reprimand or suspension and either uphold or reverse the Chief's decision. The forty-eight (48) hours shall be calculated from the date and time that the Member receives the discipline and such receipt shall be acknowledged by signature of the Member on the discipline. At its discretion, the Commission may hold a hearing during this review. If the Board holds a hearing, written notice must be given either by service upon the Member in person or by a copy left at the Member's last and usual place of residence at least fourteen (14) days before the date set for the hearing. The notice must contain the information listed under I.C. 36-8-3.5-17(d). If the decision is reversed, the individual who is suspended is entitled to any wages withheld as a result of the suspension.



Any notifications to the Commission required under this subsection shall be in writing and a copy of such placed in the Commission President's mailbox located at Department Headquarters within the time period set forth. Such notification shall have the date and time of placing such notification clearly written on the notification as well as written across the seal of the envelope by the individual providing such notice (i.e. the Chief of the Department or the appealing Member). Such notification shall also be emailed to the Commission President within the time period set forth along with a phone call to the Commission President. The email time stamp shall serve as the determinative time as to when the notice of appeal was filed. If email is unavailable (such unavailability shall be ultimately determined by the Commission), the time and date stamp of the phone call to the Commission President shall serve as the determinative time as to when the notice of appeal was filed. Any such notifications shall clearly set forth the issue, purpose, and any other information deemed relevant and necessary for the Commission to take any action required. If such notification is a request by a member to review discipline issued by the Department under this subsection, such notification shall be separate from any notifications required to be submitted by the Department.

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**SECTION VI**  
**POLITICAL ACTIVITIES**

- A) Prohibited Activities. It shall be cause for disciplinary action for any Member of the Department during duty hours to solicit any person to vote at any general, special or primary election for any candidate, nominee or political party, or in any manner attempt to influence any delegate to a political convention.
  
- B) Permitted Activities. Members of the Department may be candidates for elective office and may, so long as they are not in uniform and not on duty, solicit votes and campaign funds and challenge voters for an office for which they are candidates, and otherwise engage in lawful political activity.

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