

# SPIRIT LAKE FIRE PROTECTION DISTRICT



## PERSONNEL MANUAL

*Volunteer Version*

### Policies & Procedures

The Spirit Lake Fire Protection District Board of Fire Commissioners  
Chief John DeBernardi

These policies are guides to help you learn more about Spirit Lake Fire Protection District (the District), your responsibilities, benefits, and privileges you enjoy, during your employment.

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## WELCOME

The Spirit Lake Fire Protection District welcomes you as a member of our team.

On the following pages are the SLFPD standards and benefits, which apply to you in your employment with us. We would like you to read each section carefully, and if there are any questions, let us know and we will answer them to your satisfaction.

This manual supersedes all previous employee manuals issued by the SLFPD.

It will be the practice of the SLFPD to provide a good work place for all employees associated with us.

The statements in this handbook are provided as standards and guidelines for SLFPD and its employees, but are not to be considered as an employment contract between the two parties. It is recognized that both the employee and the employer have reserved the right to terminate the employment relationship at any time for any reason. Additionally, the district reserves the right to delete, modify, or expand the guidelines in and beyond those expressed in this manual at anytime. No member of the fire district has authority to change this at-will relationship, except by execution of a written explanation, and contract signed by the majority of the District Board of Commissioners.



**SPIRIT LAKE FIRE PROTECTION DISTRICT**  
*RECEIPT AND ACKNOWLEDGEMENT OF PERSONNEL POLICY MANUAL*

A copy of the current SLFPD Personnel Policy Manual is available in electronic format on the District's computer system (S drive>Office Documents>SLFPD Personnel Manual). It is all personnel's responsibility to read and be aware of all policies contained therein. Please see HR to review a printed copy of the manual.

These policies are in no way to be interpreted as a contract between the District and any of its employees.

*Policies defined in the Personnel Policy Manual apply to all personnel unless the terms of your employment are subject to Local 4336's current Collective Bargaining Agreement (CBA).*

The District reserves the right to change, correct, modify, or revoke any policies with appropriate notice. All such changes will generally be communicated through official notices, and revised information may supersede, modify, or eliminate existing policies. In all employment decisions, the District reserves the right to take such action as it deems appropriate given the specific circumstances relating to those decisions.

This is to acknowledge that I am responsible for reviewing the District's Personnel Policies. By signing this Receipt and Acknowledgment Form, I agree to follow all District policies.

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**Employee Name (please print)**

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**Employee Signature**

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**Date**

After signing, keep a copy for yourself and return the original to Human Resources for placement in your personnel file.

1. The chain of command of the Spirit Lake Fire Protection District (The District) is established by its Board of Fire Commissioners. The chain of command is the hierarchy of command and authority under which District personnel conduct the business and operations of the District. It serves the function of allowing information to flow in an orderly manner from firefighter to the Board and to all steps between. Personnel must become familiar with the Chain of Command. Abuse of, or a disregard for, the chain of command is a violation of the District's Policy and will be treated accordingly.
2. Idaho Code Section 31-1417 provides that a Board of Fire Protection District Commissioners shall have discretionary powers to manage and conduct the affairs of the District. As such, the District Board of Fire Commissioners wishes to define the chain of command as it applies to the operations of the District.
3. The District Board of Fire Commissioners has established the following definitions of the chain of command for the District:
  - a. Fire Chief will be under (subordinate) the direct supervision of the Board of Commissioners and will answer directly to the Board;
  - b. Shift Officer will be under (subordinate) the direct supervision of the Fire Chief and will answer directly to the Fire Chief;
  - c. All line positions, including Driver Operators and Firefighters, will be under (subordinate) the direct supervision of their assigned Shift Officer and subject to the overall command of the Fire Chief;
  - d. The Bookkeeper will be under (subordinate) the direct supervision of the Board of Fire Commissioners;
  - e. The position of Fire Marshal will be under the direct supervision (subordinate to) of the Fire Chief and will answer to the Fire Chief and Board of Commissioners.

## CHAIN OF COMMAND PROCEDURE

### General Statement

It is important to utilize the proper chain of command in dealing with any type of situation. Breaking the Chain of Command creates communication, follow-up and other management problems. Therefore, all Spirit Lake Fire Protection District personnel shall utilize the chain of command in all applicable situations.

Common sense and a little cooperation should easily settle which situations dictate chain of command communication, and what is necessary to accomplish the task at hand.

### E-Mail Communications

When e-mail communications take place across the ranks, everyone in the proper chain of command between the sender and recipient of the e-mail must be copied (CC'd). This holds true for e-mail communication both up and down the chain of command. Emails to the Commissioners will be CC'd at the discretion of the Commissioners.

## **Meeting**

Requests for meetings that cross ranks must be forwarded through the proper channels. Requests for meetings with the Board of Commissioners shall be made directly to the Commissioners.

*Note: Employees covered by a collective bargaining agreement (CBA) to which SLFPD is a party and which addresses meetings, in which case the terms of the CBA shall apply.*

## **Acting Officers**

Those individuals acting “out-of-rank” or “swinging up” are considered of full rank for chain of command purposes. These individuals will have full authority and responsibility of the rank for the period of time they are assigned to “swing-up” status.

## **Firefighters**

At times, firefighters must assume the responsibilities of the officer. It is the responsibility of the officer to develop the assigned firefighter to be able to assume the station officer duties when necessary. Therefore, the officer is expected to utilize the firefighter in ways that provide the training necessary to be able to perform station officer duties.

The following terms shall have the meanings indicated in this section for the purpose of these Policies unless otherwise specifically stated:

<b>Apparatus Driver/Operator:</b>	An employee who drives or controls any Spirit Lake Fire District vehicle.
<b>Applicant/Promotion Review Board:</b>	The District evaluation board for hiring and promotion.(Review Board)
<b>Board of Commissioners:</b>	The governing body of the District as defined by statute. (Board)
<b>Chain of Command:</b>	The hierarchy of authority and rank for the District.
<b>Civilian Personnel:</b>	Employees who do not perform firefighting duties.
<b>Collective Bargaining Agreement</b>	The agreement that may be in effect, as amended from time to time, between the District and the International Association of Firefighters Local 4336. The CBA may also be referred to as “agreement” or “labor contract.”
<b>Collective Bargaining Unit:</b>	Those employees specifically covered by the collective bargaining agreement, as defined in that agreement.
<b>Commanding Officer:</b>	The officer or acting officer who is the immediate superior of the members in the chain of command.
<b>Commissioned Personnel:</b>	Any full-time sworn officers and/or firefighters of the District.
<b>Company:</b>	The basic fire fighting organizational unit headed by a Captain or Lieutenant or Shift Officer.
<b>District:</b>	The Spirit Lake Fire Protection District
<b>Duty Chief:</b>	Officer that is in charge of the District during a defined period of time.
<b>Employee:</b>	The full time or part time paid personnel, the volunteer firefighters and civilian personnel.
<b>EMS System</b>	Emergency Medical Services.
<b>Incident Command:</b>	A system that provides structure and organization to emergency scene operations.
<b>Line Officers:</b>	Officers regularly assigned to a shift. Shift Officers, Captain, Lieutenants
<b>Line Personnel:</b>	Full time firefighters, line officers, EMS personnel and volunteer firefighters.
<b>May:</b>	Indicates a recommended procedure, which can be enforced at the discretion of the officer in charge.
<b>Management:</b>	The Board, Fire Chief, Other Chief Officers that are not members of a bargaining unit.
<b>Volunteer:</b>	Volunteer firefighters and civilians that serve as “on call” personnel of the District
<b>Chief Officer:</b>	A member who holds the rank of Chief.
<b>On Duty:</b>	A condition wherein an employee is actively engaged in a function of the District

<b>Shall:</b>	Indicates a mandatory requirement.
<b>Should:</b>	Indicates an obligation or duty to do so. Does not indicate a requirement or mandatory condition
<b>Shift:</b>	The regular and scheduled time spent on duty. Other schedules may be employed as needed.
<b>Shift Personnel:</b>	Employees that are normally assigned to a shift rotation assignment
<b>Special Detail:</b>	An assignment to perform a particular service or task.
<b>Standard Operating Guidelines:</b>	Written guidelines that explain how the District intends to operate, and also what is expected of fire service personnel in performing their job duties. (National Fire Academy and NFPA definitions)
<b>Station Sergeant</b>	The Volunteer Station Sergeant is an appointed position. The sergeant has no rank on emergency scenes. The Fire Chief or his designee may reevaluate this position and make needed changes at his/her discretion.
<b>Subordinate:</b>	An employee who stands in rank below another.
<b>Supervisor:</b>	An employee whom has management authority over the other.
<b>Will:</b>	A command or prompt to action. Giving as an order.



**EQUALITY IN THE WORKFORCE**

The District strives to make all employment decisions based on merit and business needs, and not on race, color, citizenship status, national origin, ancestry, gender, sexual orientation, age, religion, creed, physical or mental disability, marital status, veteran status, political affiliation, or any other factor protected by law.

Equal employment opportunity notices are posted near employee gathering places as required by law. These notices summarize the rights of employees to equal opportunity in employment and list the names and addresses of the various government agencies that may be contacted in the event that any person believes he or she has been discriminated against.

Management is primarily responsible for seeing that the District's equal employment opportunity policies are implemented, but all members of the staff share in the responsibility for assuring that by their personal actions, the policies are effective and apply uniformly to everyone.

*Any employees, including supervisors, who are found to be involved in discriminatory employment practices, will be subject to discipline, including termination.*

The District intends to provide a work environment that is pleasant, professional, and free from intimidation, hostility or other offenses, which might interfere with work performance. Harassment of any sort - verbal, physical or visual - will not be tolerated, particularly against employees in protected classes. These classes include, but are not necessarily limited to, race, color, religion, sex, age, sexual orientation, national origin or ancestry, disability, medical condition, marital status, veteran status, or any other protected status defined by law.

## A. What Is Harassment?

Workplace harassment can take many forms. It may be, but is not limited to, words, signs, offensive jokes, cartoons, pictures, posters, e-mail jokes or statements, pranks, intimidation, physical assaults or contact, or violence. Harassment is not necessarily sexual in nature. It may also take the form of other activities including derogatory statements not necessarily directed to the targeted individual but made within their hearing. Other prohibited conduct includes written material such as notes, photographs, cartoons, articles of a harassing or offensive nature, and taking retaliatory action against an employee for discussing or making a harassment complaint.

## B. Responsibilities:

All District employees, and particularly supervisors, have a responsibility for keeping our work environment free of harassment. Any employee, who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, must report it to their immediate supervisor or designated representative with whom they feel comfortable. When management becomes aware of the existence of harassment, it is obligated by law to take prompt and appropriate action, regardless of whether or not the victim wants the District to do so.

## C. Complaints & Reporting:

While the District encourages you to communicate directly with the alleged harasser when you feel that you can comfortably and safely do so, in order to make it clear that the harasser's behavior is unacceptable, offensive or inappropriate, however, it is not required that you do so. It is essential, however, to notify your supervisor or designated District representative immediately; even if you are not sure that the offending behavior meets the legal or technical definition of harassment.

Any incidents of harassment must be immediately reported, *in writing*, to a supervisor or other management representative. Complaints alleging a violation of this policy are encouraged and must be brought to the attention of the appropriate District officials as soon as possible after the alleged incident of sexual harassment. A copy of any written complaint will be forwarded to the Board of Fire Commissioners.

Complaints are entitled to as much confidentiality as practical, and only those District employees *with a need to know* will be informed of the complaint. All employees will be treated with due respect during the investigation process and no employee shall be subjected to harassment or retaliation as a result of having

filed a complaint. Caution must be exercised, however, to accurately state the facts giving rise to the complaint and to avoid making knowingly false complaints. Making knowingly groundless or false complaints shall be construed as having been made in bad faith and may subject the employee bringing the knowingly false complaint to disciplinary action.

Any employee found to have harassed a fellow employee or subordinate will be subject to disciplinary action up to and including termination. The District will also take any other action they deem to be reasonable and necessary to remedy the situation. Retaliation of any sort will not be permitted. No adverse employment action will be taken for any employee making a good faith report of alleged harassment. However, where an employee is found to have knowingly reported false allegations of harassment against another member, the employee may be disciplined for such action.

It is the policy of the District to strictly prohibit sexual harassment in the work place. No employee shall be harassed by another employee or supervisor on the basis of sex. Any officer or employee who is found to have engaged in sexual harassment of another employee will be subject to immediate disciplinary action, up to and including termination.

## **A. Definition of Sexual Harassment:**

1. In the case of sexual harassment of any employee by another employee, sexual harassment means any:
  - a) Unwelcome sexual advances;
  - b) Request for sexual favors; or
  - c) Any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
2. Sexual harassment includes verbal, nonverbal or physical conduct. The terms intimidating, hostile, or offensive as used above include conduct which has the effect of humiliation, embarrassment or discomfort.
3. The following are examples of sexual harassment:
  - a) Verbal: sexual innuendo, suggestive comments, insults, threats, jokes about gender-specific traits, or sexual propositions;
  - b) Nonverbal: making suggestive or insulting noises, leering, whistling, giving letters, gifts, and/or materials of a sexual nature, or making obscene gestures;
  - c) Physical: sexual conduct including touching, pinching, brushing the body, patting, or more serious degrees of unwelcome sexual contact.

## **B. Complaints & Reporting:**

Complaints and reporting for sexual harassment will follow the same protocol already described for harassment (Policy 202). Any employee found to have sexually harassed a fellow employee will be held to the same disciplinary actions described for harassment (Policy 202).

## Disability Discrimination Policy

Policy Number 204

August 27, 2014

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The District shall comply with the Americans With Disabilities Act and similar state laws, in the delivery of its services, programs and activities, by making reasonable accommodations for people with disabilities, when such accommodations do not impose an undue hardship on the District, as defined by the ADA, and will enable people with disabilities to meet essential eligibility requirements for employment, programs and activities by the District.

It is the policy of the District to strictly prohibit workplace violence. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion, which involve or affect the District, or which occur on District property, will not be tolerated.

The District's prohibition against threats and acts of violence applies to all persons involved in the District's operation, including but not limited to: elected officials, personnel, volunteers, contract and temporary workers and anyone else on District property. Violations of this policy by any individual on District property will lead to disciplinary action, up to and including termination and/or legal action as appropriate.

## 1. Definition of Workplace Violence

- a. Acts or threats of violence include conduct which is sufficiently severe, offensive, or intimidating to alter the employment conditions at the District, or to create a hostile, abusive, or intimidating work environment for one or several employees. Examples of workplace violence include, but are not limited to, the following:
  - i. All threats or acts of violence occurring on the District's premises, regardless of the relationship between the District and the parties involved.
  - ii. All threats or acts of violence occurring off the District's premises involving someone who is acting in the capacity as a representative of the District.
- b. Specific examples of conduct, which may be considered threats or acts of violence, include, but are not limited to, the following:
  - i. Hitting or shoving an individual;
  - ii. Threatening an individual or his/her family, friends, associates, or property with harm;
  - iii. Intentional destruction or threatening destruction of District property;
  - iv. Making harassing or threatening phone calls;
  - v. Harassing surveillance or stalking (following or watching someone);
  - vi. Unauthorized possession or inappropriate use of firearms or weapons of any kind.

## 2. Complaints

- a. Any incidents of threats or acts of violence must be immediately reported to a supervisor or other management representative. Complaints alleging violation of this policy are encouraged and must be brought to the attention of the appropriate District officials as soon as possible after the alleged incident.

## VIOLENCE IN THE WORKPLACE PROCEDURE

1. Any employee who believes he or she has been subjected to unlawful threats or acts of violence prohibited by this policy should immediately tell the alleged harasser to stop his/her unwanted behavior and immediately report that behavior, *in writing*, to the Fire Chief, and Administrative Assistant. If the employee, for any reason, does not want to discuss the behavior with the harasser, the employee may request a supervisor to advise the harasser to stop the unwanted behavior. Said supervisor shall immediately advise the harasser to stop the unwanted behavior and report it to the Fire Chief and Administrative Assistant.
2. If an employee becomes aware of unlawful threats or acts of violence engaged in or suffered by a District employee, regardless of whether such harassment directly affects that employee, the employee shall immediately report that information, *in writing*, to the Fire Chief and Administrative Assistant.
3. Employees also have the right to contact law enforcement and/or a private lawyer to discuss their legal rights. The District encourages each employee to use the procedures set forth in this policy to address any workplace violence problems as quickly as possible.
4. Whenever Administration is made aware of a situation which may violate this policy, the District will conduct an immediate, thorough and objective investigation of any threats or acts of violence claims. If the District determines that prohibited behavior has occurred, it will take appropriate action against a person found to have engaged in said behavior to ensure that the conduct will not reoccur. A determination regarding the alleged behavior will be made and communicated to the person claiming harassment as soon as practical. The type of discipline administered will be dependent upon the severity of the conduct, as well as any other factors presented in the particular circumstances. Employees violating the policy, however, are subject to discipline up to and including termination.
5. The District strictly prohibits retaliation against any person by another employee or by the District for using this complaint procedure, reporting prohibited behavior, or for filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by the District or a governmental enforcement agency. Prohibited retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions or otherwise denying any employment benefit.
6. The District does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including elected officials or management employees.
7. The foregoing lists are not all-inclusive. Violation of any of the rules set forth above shall be grounds for disciplinary action, including possible dismissal. The rules contained in this personnel policy manual are subject to change at any time in the sole discretion of the Board. Potential penalties for violation of any such rules may include but shall not be limited to:
  - a. Reprimand.
  - b. Leave with or without pay.
  - c. Suspension for a variable or fixed period.
  - d. Demotion to position with lower compensation and/or authority.
  - e. Dismissal.



1. The use of illegal drugs and the abuse of legal drugs, whether controlled or otherwise, and the on duty use or off duty abuse of alcohol by employees of the District present unacceptable risks to the safety and well-being of other employees and the public, in addition to being unlawful in some cases. Therefore it is the policy of the District that any manufacture, distribution, dispensation, sale, possession or use of illegal drugs, or the use of alcoholic beverages or legal drugs in a manner which may impair or adversely affect an employee's ability to perform his or her job is prohibited on all District properties at any time by any employee or guest, and at all times when an employee is performing duties for the District.
2. In addition, all employees are required to report to their immediate supervisor whenever they are taking a medication or prescription drug which has known side effects that could adversely impact job performance. Employees are also prohibited from entering upon District property or from being at any time or place while performing employment duties for the District while impaired by alcohol or any other substances.
3. The terms "employee" and "employees", as used in this policy, refer to both paid employees and volunteers.

## DRUG AND ALCOHOL USE PROCEDURE

1. Volunteers
  - a. Volunteer firefighters who have consumed alcoholic beverages within the previous eight (8) hours shall not respond to or take part in any Fire District activities.
  - b. Volunteer firefighters who are using any prescription or over the counter medication that may cause impairment shall not respond to or take part in any hazardous Fire District activity.
  - c. The use of any illegal drugs or controlled substance not legally prescribed for the volunteer firefighter is prohibited by the Fire District.
  - d. Volunteer firefighters shall not consume alcohol within eight (8) hours following a motor vehicle accident or until the volunteer undergoes a post accident alcohol test, whichever occurs first.
2. Illness-related Impairment
  - a. Any person who may be assigned to perform hazardous duty including responding to fire, medical and other emergencies, engages in fire fighting activities including the use of self contained breathing apparatus shall be in a physical health condition that allows them to perform commensurate with any and all job duties and not place other responding personnel or the public at risk.
  - b. Any person with severe symptoms of illness may be asked to leave shift for an evaluation by a physician should said person show signs they may not be able to perform required job duties.
  - c. Persons asked to leave shift due to any illness-related impairment shall be required to utilize sick leave during their absence.
3. Suspected Drug use and Testing

- a. An employee shall be required to submit to a drug/alcohol screen at the expense of the District under the following circumstances:
    - i. When, in the opinion of at least two (2) other employees of the District, one of whom must be acting in a supervisory or administrative capacity, an employee displays behavior or engages in conduct which would lead a reasonable person to believe the employee is impaired; or
    - ii. When the District otherwise has reasonable suspicion to believe, based on reliable information or observation, that an employee is or may be impaired by alcohol, illegal drugs and/or any other substance;
    - iii. When an employee is involved in a motor vehicle accident involving injuries, fatalities or property damage .
  - b. Results of any and all drug/alcohol screen information shall be confidential and provided directly to the Fire Chief or his designee.
  - c. Any persons found to have positive results from a drug/alcohol screen shall be placed on paid leave pending further investigation.
  - d. There shall be no random or unit-wide testing for drugs/alcohol of employees.
  - e. In the case of an individual who violates the prohibition against the possession, use or sale of any illegal drug or the prohibition against consuming or possessing alcohol while on duty can be randomly tested for drug/alcohol.
  - f. Disciplinary action up to and including termination may result from the use of illegal drugs or the impairment on duty from the use of alcohol, legal drugs or other substances.
  - g. An employee who refuses to submit to a drug/alcohol screen as required hereunder shall be subject to disciplinary action for insubordination, up to and including termination. In addition, the District may, in its discretion, deem the refusal the equivalent of a positive screen.
4. Voluntary Requests for Assistance
- a. The District shall take no adverse employment action against any employee who voluntarily seeks treatment, counseling or other support for an alcohol or drug related problem unless the employee is found impaired on the job. The District shall assist employees in selecting a course of action in the event that drug counseling, treatment, and/or rehabilitation are required and only after verification that a trained referral team is in place.
  - b. All requests for assistance shall be confidential. When undergoing treatment and evaluation, an employee shall use accrued vacation and sick leave first, and then may also use unpaid leave. For use of unpaid leave, see the Unpaid Leave policy. The total leave time under this section shall not exceed one (1) year, and all leave shall run concurrently, including any leave taken pursuant to the Family and Medical Leave Act. In the event that FMLA leave is taken, please see the FMLA Leave policy.
  - c. Upon receipt of certification from a qualified professional that the employee has successfully completed drug/alcohol dependency treatment and can safely perform the duties of their position, the employee will be returned to duty on the condition that he/she consents to periodic, random testing for drug/alcohol use. An employee returning to work after treatment

shall comply with all aspects of the District's drug/alcohol policy.

- d. If an employee does not comply with the terms and conditions of treatment, as prescribed by a qualified professional, the employee shall be subject to adverse employment action, up to and including termination.

**HIRING PROCEDURES**

At the time you are hired, you shall be classified as full-time, part-time or temporary. In addition, you shall be classified as either non-exempt or exempt. If you are unsure of which job classification your position fits into, please ask your supervisor.

1. Full-Time Employees:

- a. A full time employee is scheduled to work at least 40 hours a week. A full time employee shall receive all employee benefits provided by the District, so long as they remain a full time employee, or unless the Board determines that fiscal restraints require that the benefits need to be modified, reduced or eliminated. Unless otherwise specified, the benefits described in this Manual apply only to a full time employee. A full time employee who has been laid off will be considered a full time employee upon return to work, provided he was not laid off for longer than one (1) year.

2. Part-Time Employees:

- a. A part time employee is scheduled to work 20 hours per week or less. Part time employees are not eligible to receive employee benefits except as may be otherwise granted by the Board.

3. Volunteers:

- a. A volunteer is a firefighter or civilian volunteer, whom works on an “On Call” basis to perform duties as required in the District. Volunteers shall sign an Agreement with the District regarding their status, and nominal compensation and reimbursement.
- b. The District shall pay volunteers nominal compensation for services not to exceed the appropriated budget amount set forth for this classification of employees as published and approved in the District’s annual budget. Any hours volunteered in excess of the budgeted amounts shall be considered volunteer hours for which there shall be no compensation.
- c. The position of volunteer is not classified as a full time, part time or temporary employee, servant, agent, partner, or joint venturer of the District. The Board or its designee shall oversee and direct the work done by the volunteer and shall review the results to be achieved. A volunteer is not entitled to health and pension benefits with the District, and agrees to pay and be responsible for all taxes due from any compensation received from the District.

4. Temporary Employees:

- a. A temporary employee is hired for a temporary period of time to complete a specific task or project. A temporary position will not exceed six (6) months in duration. A temporary employee is not eligible to receive employee benefits unless otherwise granted by the Board.

5. Non-Exempt and Exempt Employees:

- a. At the time of employment a position is classified as either “exempt” or “non-exempt” because certain types of positions are entitled to overtime pay for hours worked in excess of forty (40) hours per work week.
- b. Non-Exempt employees are the full time employees of the District. The Exempt employees of

the District are the part time employees, temporary employees and volunteers of the District.

- c. Fire Personnel: A non-exempt employee is defined as fire personnel working in a 28 day work period as outlined by FLSA 7(k) guidelines.

Except as otherwise provided in this section, an employee of SLFPD is an at will employee. The Board of Commissioners by a majority vote will hire and dismiss all employees.

**Exceptions - This provision shall not apply to:**

1. Employees who have a written contract with SLFPD governing adverse employment actions, in which case the terms of the contract shall apply;
2. Employees covered by a collective bargaining agreement (CBA) to which SLFPD is a party and which addresses adverse employment actions, in which case the terms of the CBA shall apply.

To satisfy the minimum staffing requirements the District reserves the right to have any eligible volunteer work a shift. Eligibility shall be determined by the Chief and a list of eligible volunteers shall be posted at Station #1. Random coverage of shifts by eligible volunteers shall be utilized only in the event that no full-time employees are available to cover the shift in question. Eligible volunteers shall not receive points for the shift coverage but shall instead be compensated for the shift coverage at the same hourly and hourly overtime rate as a probationary firefighter.



## GENERAL

## Purpose

Successful working conditions and relationships depend upon successful communication. Not only do you need to stay aware of changes in procedures, policies and general information, you also need to communicate your ideas, suggestions, personal goals or problems as they affect your work.

In addition to the exchanges of information and expressions of ideas and attitudes which occur daily, make certain you are aware of and utilize all of the Spirit Lake Fire Protection District's methods of communication, including the Employee Manual, SOGs, SOPs, bulletin boards, discussions with your supervisor, memoranda, staff meetings, training sessions, and district email.

You will receive other information booklets, such as your insurance booklets, from time to time. You may take these booklets home so that your family may know more about your job and your benefits.

In addition, you may receive letters from the Spirit Lake Fire Protection District. There is no regular schedule for distribution of this information. The function of each letter is to provide you and your family with interesting news and helpful information, which will keep you up-to-date on the events here at the Spirit Lake Fire Protection District.

## Policy

1. No one may use department letterhead for private correspondence.
2. While acting within their official capacities, employees shall abide by the following guidelines:
  - a. No correspondence signed by an employee may be sent out of the department without the permission of the Chief. Correspondence involving matters of enforcement of District policies, directives of the Board of Commissioners, and other sensitive matters, must first be approved by the Board of Commissioners.
  - b. Employees may not use any District address as their personal mailing address.

## No Personal Use of District Property

Policy Number 402

August 27, 2014

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No personal use of District time, facilities, equipment, supplies, computers, Internet, or e-mail is allowed, either on or off District premises. Extenuating circumstance requests may be submitted, in writing, through the Chain of Command for approval or denial by the Fire Chief or his designee.

**Definitions**

1. **Computer Network:** Two or more computers that can share information, typically connected by cable, data line, or a satellite link.
2. **Electronic Communication Systems:** System used as a means of sending and receiving messages electronically through connected computer systems or the Internet, such as e-mail or voice mail.
3. **Internet:** An international network of independent computer systems. The World Wide Web is one of the most recognized means of using the Internet.
4. **Users:** All employees of the District who use the District's intranet, Internet and/or electronic communication systems.

All users must follow this policy and any additional policy that may be adopted by the District. District-provided computer systems that allow access to the Internet and electronic communication systems are the property of the District and are provided to facilitate the effective and efficient conduct of District business. Users are permitted access to the Internet and electronic communication systems to assist in the performance of their jobs.

Personal use means use that is not job-related. In general, incidental and occasional personal use of the District's Internet access or electronic communication systems is permitted; however, personal use is prohibited if it:

- interferes with the user's productivity or work performance, or with any other personnel's productivity or work performance;
- adversely affects the efficient operation of the computer system;
- violates any provision of this policy, any supplemental policy adopted by the District supplying the Internet or electronic communication systems, or any other policy, regulation, law or guideline as set forth by local, State or Federal law.
- **NOTE:** Users employing the District's Internet or electronic communication systems for personal use must present their communications in such a way as to be clear that the communication is personal and is not a communication of the District.

No user shall have any expectation of privacy in any message, file, image or data created, sent, retrieved or received by use of the District's equipment and/or access. The District has a right to monitor any and all aspects of their computer systems including, but not limited to, sites, instant messaging systems, chat groups, or news groups visited by District users, material downloaded or uploaded by District users, and e-mail sent or received by District users. Such monitoring may occur at any time, without notice, and without the user's permission.

*In addition electronic records may be subject to the Freedom of Information Act (FOIA) and, therefore, available for public distribution.*

Certain activities are prohibited when using the SLFPD network or electronic communications. These include, but are not limited to:

- accessing, downloading, printing or storing information with sexually explicit content;
- downloading or transmitting fraudulent, threatening, obscene, intimidating, defamatory, harassing, discriminatory, or otherwise unlawful messages or images;
- installing or downloading computer software, programs, or executable files contrary to policy;
- uploading or downloading copyrighted materials or proprietary agency information contrary to policy;
- uploading or downloading access-restricted agency information contrary to policy or in violation of agency policy;
- sending e-mail using another's identity, an assumed name, or anonymously;
- permitting a non-user to use District Internet or electronic communications for purposes of communicating the message of some third party individual or organization; and
- any other activities designated as prohibited by the District.

The distribution of electronic communications is difficult to control and routing mistakes can easily occur. Copies of electronic communications can be forwarded without the sender's knowledge or permission to unintended recipients. Therefore, electronic communications should be drafted and sent with at least the same level of care, professional judgment and discretion as paper memoranda or documents.

The conduct of computer users who access the Internet or send e-mail containing the District's domain address may be perceived as reflecting on the character and professionalism of the District. When engaging in such conduct, whether for personal or official purposes, personnel are expected to do so in a responsible and professional manner.

All users are responsible for exercising appropriate care to protect the District's computer systems against the introduction of viruses. When using the District's Internet access or electronic communications equipment, individuals must:

- use the Internet or electronic communication systems only in accordance with District policy;
- maintain the conditions of security (including safeguarding of passwords) under which they are granted access to such systems;
- check with the appropriate District staff prior to downloading or accessing a file or document if the source of the file or other circumstances raises doubts about its safety.

Violations of this policy shall be addressed under the Employee Discipline Policy. The appropriate level of disciplinary action will be determined on a case-by-case basis by the Fire Chief or designee, with sanctions up to or including termination depending on the severity of the offense.

From time to time, it may be necessary to be absent from work. The District is aware that emergencies, illnesses, or pressing personal business may arise. Sick time and vacation days are provided for this purpose. If you are unable to report to work, or if you will arrive late, you are required to contact your supervisor immediately. If you know in advance that you will need to be absent, you must request this time off directly from your supervisor.

Absence from work for three (3) calendar days without notifying your supervisor or the Fire Chief/designee will be considered a voluntary resignation. If you are absent because of an illness for three (3) or more successive calendar days, your supervisor may request that you submit written documentation from your doctor stating the general reasons for the absence and that you are able to resume normal work duties, before you will be allowed to return to work.

Sick, Vacation and any other earned leave are not to be abused. (Refer to Vacation, Sick and Unpaid Leave Personnel Policies for more details). A consistent pattern of questionable absences can be considered as abuse of earned leave and may be subject to disciplinary action. In addition, excessive lateness or leaving early without authorization will be treated the same as questionable absences.

It is the employee's responsibility to ensure a replacement has reported to the station before they are relieved of the shift.

*Employees covered by a collective bargaining agreement (CBA) to which SLFPD is a party and which addresses attendance, in which case the terms of the CBA shall apply.*

The FCC has defined profanity as “including language so grossly offensive to members of the public who actually hear it as to amount to a nuisance.” Any language that is not allowable on radio communications or public airways is considered foul or profane. The use of foul or profane portrays an unacceptable image to other District employees and the public. Therefore it is the policy of the District that any use of foul or profane language is prohibited on District properties at any time by any employee, and at all times when an employee is performing duties for the District.

Use of foul or profane language shall result in the following actions:

*Any initial offenses will result in verbal counseling. All Spirit Lake Fire Protection team members will work together to help one another with any initial offenses and discourage one another from using foul or profane language.*

If after repeated counseling sessions and help from other team members an employee continues to use foul or profane language:

1. First offense: a written warning
2. Second offense: written warning with counseling
3. Third offense: suspension for one (1) day without pay
4. Fourth offense: permanent suspension without pay, the employee may be reinstated at the Fire Commissioners discretion.

## District and Department Meetings

Policy Number 406

August 27, 2014

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On occasion, we may request that you attend a district-sponsored meeting. If this is scheduled during your regular working hours, your attendance is required. If you are a non-exempt employee, and you are required to attend a meeting or training held during your non-working hours, you will be paid for the time you spend at the meeting.

A non-exempt employee is defined as fire personnel working in a 28 day work period as outlined by FLSA 7(k) guidelines.



## **Bonding Requirement**

**Policy Number 407**

*August 27, 2014*

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If your employment with the Spirit Lake Fire Protection District requires you to handle other people's property or to deal with money in any capacity, the Spirit Lake Fire Protection District may require that you be bonded. It is your responsibility to assure that you are bondable. The Spirit Lake Fire Protection District will pay the cost of bonding. Should you fail to maintain these qualifications, you will be subject to transfer to another position, if available, or dismissal.

Given the nature of Fire/Rescue, it is imperative that the confidentiality of patient and personnel information be maintained at all times by all persons employed, volunteering or participating in District-approved activities, hereinafter referred to as “personnel”.

1. Situations in violation of the policy include, but are not limited to:
  - a. “Loose” talk among personnel regarding medical information about any patient or fellow employee.
  - b. Allowing unauthorized access on District computers to confidential patient information or employee personal information.
  - c. Sharing of information acquired by personnel in the course of their work or District approved activity to others who do not have the need to have the information; accessing information that the individual doesn’t have the authority to access in the course of their work or District-approved activity, or doesn’t have a need to know to carry out their job duties.
  - d. Sharing of information relative to confidential Human Resources matters.
  - e. Discarding confidential documents in non-secured trash.
2. Personnel may not access, release or discuss the medical information of other personnel without proper consent, unless personnel must do so to carry out specific assigned job functions.
3. All personnel shall be familiar and comply with the District’s Health Insurance Portability and Accountability Act (HIPAA) policy regarding access, security and disclosure of Protected Health Information (PHI). See HIPAA Policy for definition and treatment of PHI.
4. Employment records are not considered to be Protected Health Information (PHI) subject to HIPAA safeguards including certain medical records of personnel related to the job. Despite the fact that such records are not considered HIPAA protected, the District will limit the use and disclosure of these records to only those with a need to access them, i.e., certain management staff, District designated physicians, District legal counsel and state agencies pursuant to state law.
5. Employment records not covered under HIPAA include, but are not limited to:
  - a. Information obtained to determine suitability to perform the job duties, i.e., pre-employment physical examination reports, fitness for duty tests;
  - b. Drug and alcohol tests obtained in the course of employment;
  - c. Doctor’s excuses provided in accordance with the attendance policy;
  - d. Medical information needed to carry out the District’s obligations under FMLA, ADA and similar laws;
  - e. Files or records related to disability insurance eligibility;
  - f. Work-related injury and occupational exposure reports; and,
  - g. Medical and laboratory reports related to such injuries or exposures, especially to the extent

necessary to determine Workers' Compensation coverage.

6. All personnel medical records will be kept in separate files apart from the personnel general employment file. These records will be secured with limited access by management and maintained by the Bookkeeper.
7. Personnel will at all times protect the privacy and confidentiality of the information entrusted to their care. Violation of this policy is cause for disciplinary action up to and including dismissal.

Any employee who serves the Spirit Lake Fire District shall not engage in outside employment or activity which is in conflict with the person's duties and responsibilities with the District, as follows:

1. An employee may not participate in other employment or activity that involves the use of the Fire District's time, facilities, equipment, buildings or supplies for non-official purposes.
2. District employees may not take advantage of their position as a representative of the fire district for personal gain. Public duties shall be conducted objectively and without consideration of personal, financial or material gain.
3. Employees shall not make available any form of information that is not otherwise in the public domain that is obtained in the course of official duties and shall not use such information for personal or private advantage.
4. Public Disclosure: Should fire district affairs arise that effect in any way an employee's pre-existing employment, ownership or any other relationship with an outside business or employer, the existence of the conflict of interest must be immediately acknowledged to the fire district. The employee must refrain from taking any official action or performing any official duty that would detrimentally affect or create a benefit for the outside employment or activity.

## CONDUCT RULES AND DISCIPLINE

## Statement of Purpose

Discipline shall be viewed as a means of fostering esprit de corps, while maintaining an atmosphere in which efficient and effective fire service can take place. The primary purpose of discipline shall be to advise and counsel employees on the requirements for a satisfactory performance record and to take punitive action only when necessary.

In maintaining discipline in the District, officers will use disciplinary procedures:

- That recognizes and respects the individual's human dignity and worth;
- That fit the nature of the incident;
- That are impartial in nature, and firm and consistent in application, where applicable; and
- That is implemented quickly to avoid matters of concern from continuing to disrupt the activities of the District without resolution.

## Imposition of Disciplinary Action

Before taking disciplinary action, the supervisory officer shall first investigate the incident. The member shall have an opportunity to give an explanation before the supervisory officer takes disciplinary action. If the supervising officer concludes that the disciplinary action must be taken a written record of the incident shall be produced for the Fire Chief's review. The Fire Chief shall:

- Clearly define in writing the unacceptable behavior or unsatisfactory performance and the corrective measures required.
- Determine and administer the discipline, whenever possible, in private;
- Use one of the progressive discipline actions outlined below;
- Advise the member that he can request a review of the action by the Board.

Progressive Discipline may include but is not limited to the following:

- Verbal warning with supporting documentation.
- Written reprimand.
- Leave without pay.
- Suspension for a variable or fixed period.
- Shift transfer.
- Dismissal.

*Depending on the severity, the District may elect not to use the progressive Disciplinary Process, but may instead elect to evoke any step within the process, at any time. Except as altered in other written agreements approved by the Board, all employees and volunteers are employees at will, and can be terminated at any time, with or without cause, and with or without notice.*

**PAY**

1. An employee's anniversary date is the first day the employee reports to work for the District as a full-time employee. In the event that more than one employee is hired at the same date and time testing scores will be used to determine their anniversary.
2. The District reserves the right to fill any available open positions using the following criteria:
  - a. Volunteers in good standing, and/or
  - b. Test Scores, and/or
  - c. Availability of Candidate, and/or
  - d. Availability of position