

**CLARENCE FIRE DISTRICT NO. 1**

**RULES AND REGULATIONS**

**REVISED: May 9, 2016**

**EFFECTIVE: JAN. 1, 2016 (except as noted otherwise)**

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## ARTICLE I - GENERAL RULES

1. In accordance with Section 176 Sub Division 11 of the Town Law, the Board of Fire Commissioners hereby establish rules and regulations for Fire Service operation in the Clarence Fire District No. 1. These rules and regulations of the Clarence Fire District No. 1 are established as minimum requirements.
2. Fire Companies within the Clarence Fire District No. 1:
  - a) May establish firematic requirements exceeding the minimum set forth herein.
  - b) May not create review or grievance boards, which excuse deficiencies or delinquency on the part of Volunteer Firefighters in complying with these requirements without the expressed approval of the Board of Fire Commissioners of the composition of such review or grievance boards.
  - c) Shall hold an annual meeting for the nominations and elections of the District Chief and Assistants on the Thursday following the second Tuesday of December of each year.
  - d) Shall have a Chief, 1<sup>st</sup> Assistant, 2<sup>nd</sup> Assistant, 3<sup>rd</sup> Assistant, 4<sup>th</sup> Assistant, Fire Captain, EMS Captain and Fire Police Captain.
  - e) Shall submit names of elected Firematic Officers to the Board of Fire Commissioners within 5 days of the election for ratification and appointment to their office.
3. In case of the disability or absence of the Chief, the highest ranking officer or designee shall perform the duties and exercise the powers of the Chief.
4. Clarence Fire District No. 1 apparatus:
  - a) With the exception of Chief vehicles, shall not leave the District without the permission of the Board of Fire Commissioners.
  - b) When leaving the District, it is the responsibility of the Chief to maintain sufficient apparatus and manpower within the District to insure adequate protection at all times.
5. No Volunteer firefighters shall appear on duty in an intoxicated condition or use insulting, indecent or improper language, or be guilty of conduct detrimental to the best interests of the Clarence Fire District No. 1, Volunteer Fire Companies and the Volunteer Firefighters of the District. To do so is sufficient cause for dismissal.
6. Any Volunteer Firefighters leaving the scene of a Fire or any other emergency without permission from the Chief or the Officer in Command shall be subject to the action of the Board of Fire Commissioners.
7. The use of any Fire District equipment, including but not limited to trucks and fire hose, except for official use, is strictly prohibited.
8. No Firefighter will respond with a Blue Light to an emergency alarm until they are within the boundaries of the Clarence Fire District No. 1 or one fire district away in each direction.

9. No Fire Company member, Fire District Commissioner, Fire District employee or contractor shall possess a firearm or weapon while on Fire District property, on Fire District apparatus, or while on Fire District business.
10. The Board of Fire Commissioners shall deem any violation of these rules and regulations as sufficient cause for dismissal.

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## ARTICLE II – MEMBERSHIP

1. Any person desiring membership in any Fire Company within the Clarence Fire District No. 1 must fill out the prescribed application form:
  - a) Complete and furnish all information prescribed thereon.
  - b) Completed application form must be submitted to the Secretary and/or Membership Committee of the Fire Company, and be approved by the membership of the Fire Company.
  - c) New members accepted by the respective Fire Company must be submitted to the Board of Fire Commissioners for final approval.
  - d) Final approval by the Board of Fire Commissioners is contingent on successful completion of the following:
    - (i) Physical exam certifying the applicant is qualified to perform either “Interior” or “Exterior” Firefighting Duties (see District Rules and Regulations Article III).
    - (ii) Arson background check (per NYS Executive Law 837). This law applies to new applicants, transfers from other fire companies and reinstatements to membership. A follow-up arson background check must be completed for minors once they reach the age of 18 years of age. Fire Chiefs must receive parental permission before conducting any background checks on minors.
    - (iii) Sex Offender Registry check.

Note: The Arson and Sex Offender checks are requested by the Fire Chief through use of NYS Division of Criminal Justice Services Form DCJS-VFF and sent to the Erie County Sheriff’s Dept.

2. The Board of Fire Commissioners shall be notified in writing by the Secretary of the respective Fire Companies of the removal of any Volunteer Firefighters from the roster of any Fire Company in the Clarence Fire District No. 1, giving the date and results of an investigation.
3. Any Volunteer Firefighters dismissed, suspended or disciplined by a Fire Company may apply for and receive a review of such action by the Board of Fire Commissioners. Applications for review shall be in writing and must be served upon the Chief of the respective Fire Company and the Secretary of the Board of Fire Commissioners at least five (5) days prior to the next regularly scheduled meeting of the Board of Fire Commissioners.
4. Any persons making application to become a Volunteer Firefighter in any Fire Company within the Clarence Fire District No. 1 must have reached their 18th birthday at the time the application is accepted by the Board of Fire Commissioners.
5.
  - a) Any Fire Company within the Clarence Fire District No. 1 shall limit the active membership to no more than seventy (75) active members at any one time.
  - b) Non-resident active membership shall not exceed forty-five percent of the total active membership of any one fire company.

6. Any Fire Company within the Clarence Fire District No. 1 may activate a Youth Program subject to the approval of the Board of Fire Commissioners.
7. It shall be the responsibility of the individual firefighters to immediately notify (in writing) the Fire District of any change of residence address.

## **ARTICLE III – PHYSICAL EXAMS**

### **1. REQUIREMENTS**

- a) In accordance with OSHA regulations, medical examinations will be required for all active personnel.
- b) Exams will be required for all participants in the Explorer Program.
- c) Exams shall be performed by the Fire District's Medical Services Provider.

### **2. TIME INTERVALS**

- a) Active Firefighters
  - All active firefighters shall be annually certified by the Fire District's Medical Services Provider.
  - New firefighters shall be certified by the Fire District's Medical Services Provider prior to being released for active duty.
  - Annual exams will be completed between January 1 and April 1.
- b) Explorers
  - All existing Explorers shall be annually certified by the Fire District's Medical Services Provider.
  - New Explorers shall be certified by the Fire District's Medical Services Provider prior to being released for participation in the Explorer Program.
  - Annual exams will be completed between January 1 and April 1.
- c) The Board of Fire Commissioners may take actions that it deems appropriate for failure to complete the annual exam within the specified timeframe.

### **3. FINANCIAL RESPONSIBILITY**

- a) Costs for the medical exam shall be the responsibility of the Fire District.
- b) Hepatitis B and Tetanus vaccination costs will be the responsibility of the Fire District when performed by the Fire District's Medical Services Provider.
- c) Any additional testing deemed necessary by the Fire District's Medical Services Provider must receive prior approval from the Board of Fire Commissioners to be eligible for reimbursement by the Fire District.

### **4. PROTOCOL**

The Fire District's Medical Services Provider shall determine the protocol for medical exams, with approval by the Board of Fire Commissioners.

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## ARTICLE IV - CHIEF OFFICERS' DUTIES

1. In case of disability or absence of the Fire Chief, the highest ranking officer or designee shall perform the duties and exercise the powers of the Fire Chief.
2. The Fire Chief:
  - a) Is ultimately accountable for the duties and responsibilities assigned to him/her in these rules and regulations. The Chief may assign duties to other officers as he/she deems appropriate, and hold subordinate officers accountable for their duties.
  - b) Shall have exclusive control of the active duty personnel at all alarms and requests for assistance (such as fires, EMS, HazMat, Fire Police requests, Standbys), inspections, reviews, parades and all other occasions when the fire department is on duty. All orders given by the Chief while on duty at alarms or drills shall be explicitly obeyed. When the fire department is on emergency duty, no Fire Commissioner shall interfere with the duties of the Chief.
  - c) Shall have exclusive supervision of all Clarence Fire District No. 1 apparatus used in the response to all alarms.
  - d) Shall ensure that the rules and regulations of the Board of Fire Commissioners are observed and that the orders of the Board of Fire Commissioners are duly executed.
  - e) Shall report to the Board of Fire Commissioners on the condition of District property and other such information as may be required.
  - f) Shall hold the members and officers of the fire department strictly accountable for neglect of duty, and may suspend them for alleged incompetence or misconduct. The suspension shall not extend beyond the time of the next regular meeting of the Board of Fire Commissioners. At such meeting, the Board of Fire Commissioners must consider the matter and determine whether to press the charge. The Board may take one of the following actions:
    - i) Have formal charges prepared by the attorney, signed by the Chief, and served on the individual with a public hearing date determined by the Board. The Board must give the individual ten to thirty days notice of the hearing date. The hearing must be recorded by a Court Reporter. Upon completion of the hearing, the Board votes whether the charges have been sustained and, if so, to suspend (one Year maximum) or remove the individual from membership.
    - ii) Without a hearing, offer a voluntary suspension or resignation to the individual for an agreed upon time period. The individual will sign a document agreeing to the terms of the suspension or resignation.
    - iii) Refer the matter to the Fire Company for action under its Constitution and Bylaws for conduct detrimental to the Company.
  - g) Shall attend the monthly meetings of the Board of Fire Commissioners, and report on all alarms, training, drills and standbys for the previous month.
  - h) Shall, on prescribed forms, submit signed requests for equipment.
  - i) Shall maintain an inventory of all Fire and EMS equipment, and promptly report deficiencies to the Board of Fire Commissioners.
  - j) Shall arrange for Fire and EMS drills and give notice thereof in accordance with Article V.
  - k) Shall be held responsible for the condition of apparatus and equipment, and their



availability for efficient service.

l) Shall post a list of senior firefighters each year prior to February 1<sup>st</sup>.

3. Assistant Chiefs and Officers:

a) Shall assist the Chief in the discharge of the duties.

b) To perform the duties and responsibilities of the Chief in the case of the Chief's absence and in the proper chain of command of their respective offices.

c) On any alarm, the respective Fire Officers will at once direct the apparatus and individuals by the nearest and best route to the scene. At the scene they will give orders for the apparatus to be put in operation, then report their presence and receive orders from the Chief Officer in Command.

d) It shall be the responsibility of the Chief's staff, or in their absence, a person listed on the Senior Firefighter list, to assign firefighters to the apparatus. If none of those above are available, the most senior firefighter at the fire hall will complete this task. Failure to comply with such orders will be treated as insubordination.

4. It is the responsibility of the Officer in Charge to complete District forms used to maintain records of attendance at Fires and EMS calls, Fire and EMS drills, safety drills, training and seminars.

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## ARTICLE V – FIREMATIC OFFICERS & QUALIFICATIONS

1. This Article establishes the elected and appointed Firematic Officers for Fire Companies within the Clarence Fire District No. 1. This Article also establishes the qualifications required to be eligible for election or appointment to a Firematic Officer position. The Clarence Fire District No. 1 reserves the right a) to waive any portion of these qualifications should it be deemed in the best interest of the Fire District, and/or b) to appointment a firefighter to fill any position.

A. Prospective candidates for elected Firematic Office must submit an application to the Fire District Secretary no later than November 1<sup>st</sup> indicating intent to seek election. Applications will be reviewed by the Fire District and candidates will be notified as to the highest firematic position position for which they are qualified to be nominated for election.

B. Prospective candidates for appointed positions will be submitted by the Fire Chief to the Fire District. Candidates qualifications will be reviewed by the Fire District. Candidates will then will then be submitted to the Board of Fire Commissioners for approval at a Fire District meeting.

### 2. Elected Officer positions and qualifications:

#### A. Chief

- At least 2 years as an Assistant Chief in Clarence Fire District No. 1
- Have successfully completed ICS 300 and 400
- Fully qualified Interior Structural firefighter
- Shall have a current certification in one of the following courses:
  1. American Red Cross “Basic Life Support for Healthcare Providers”
  2. National Safety Council “Basic Life Support for Health Care & Professional Rescuers”
  3. Any other accredited course approved by the Fire District
- On the Drivers List for all apparatus

#### B. First Assistant Chief

- At least 2 years as Fire Captain in Clarence Fire District No. 1
- Have successfully completed ICS 100, 200, & 700
- Fully qualified Interior Structural firefighter
- Have successfully completed NYS Firefighter II or equivalent
- Have successfully completed NYS Hazard Materials Incident Command
- Shall have a current certification in one of the following courses:
  1. American Red Cross “Basic Life Support for Healthcare Providers”
  2. National Safety Council “Basic Life Support for Health Care & Professional Rescuers”
  3. Any other accredited course approved by the Fire District
- On the Drivers List for all apparatus

#### C. Second Assistant Chief

- At least 2 years as Fire Captain in Clarence Fire District No. 1
- Have successfully completed ICS 100, 200, & 700
- Fully qualified Interior Structural firefighter
- Have successfully completed NYS Firefighter II or equivalent
- Have successfully completed NYS Hazard Materials Incident Command
- Shall have a current certification in one of the following courses:
  1. American Red Cross “Basic Life Support for Healthcare Providers”
  2. National Safety Council “Basic Life Support for Health Care & Professional Rescuers”

- 3. Any other accredited course approved by the Fire District
- On the Drivers List for all apparatus

D. Fire Captain (note—the Fire Company shall elect 3 Captains, in the following order, C-1, C-2, C-3)

- At least 1 year as a Fire Lieutenant in Clarence Fire District No. 1
- Fully qualified Interior Structural firefighter
- A working knowledge of the District equipment, boundaries, regulations and procedures
- Have successfully completed NYS Fire Firefighter I or equivalent and NYS Firefighter Survival
- Have successfully completed NYS Fire Officer 1 course
- Shall have a current certification in one of the following courses:
  1. American Red Cross “Basic Life Support for Healthcare Providers”
  2. National Safety Council “Basic Life Support for Health Care & Professional Rescuers”
  3. Any other accredited course approved by the Fire District
- On the Drivers List for all apparatus

E. EMS Captain

- At least 2 years as an active firefighter in Clarence Fire District No. 1
- Be a qualified NYS EMT
- On the Drivers List for #7 and #8
- A working knowledge of the District equipment, boundaries, regulations and procedures.

F. Fire Police Captain

- An active member of the Fire Police Squad
- A working knowledge of the District equipment, boundaries, regulations and procedures
- Have successfully completed the NYS Fire Police training course

3. Appointed Officer positions and qualifications:

A. Fire Lieutenant (the number of shall be left to the discretion of the Fire Chief)

- At least 1 year as an active firefighter in Clarence Fire District No. 1
- A working knowledge of the District equipment, boundaries, regulations and procedures

B. EMS Lieutenant

- At least 1 year as an active firefighter in Clarence Fire District No. 1
- A working knowledge of the District equipment, boundaries, regulations and procedures

C. Fire Police Lieutenant

- An active member of the Fire Police Squad
- A working knowledge of the District equipment, boundaries, regulations and procedures
- Have successfully completed the NYS Fire Police training course

D. Safety Officer (the number of shall be left to the discretion of the Fire Chief)

- At least 10 years as an active firefighter in Clarence Fire District No. 1 or at least 10 years of documented service in another Fire Company
- Have successfully completed NYS Incident Safety Officer course

## **ARTICLE VI – TRAINING & EDUCATION**

The Fire Service involves numerous hazards. Firefighter safety is a prime concern of the Fire Commissioners, and safety is promoted and enhanced through adequate training. This article shall establish minimum requirements to ensure that all firefighters are fully trained for any tasks that may be encountered or assigned.

1. The Fire Chief (or his/her designee) shall plan and conduct a minimum of 25 drills annually. Of those drills, at least 6 will be EMS. The Board of Fire Commissioners and the active duty firefighters will be supplied with the drill schedule by the February Fire District meeting, and the schedule shall be posted in the Equipment Room.
2. New Firefighters:
  - a.) Before actively participating in any alarms, must complete the prescribed new firefighter training to the satisfaction of the Fire Chief.
  - b.) Persons desiring to be Interior Firefighters must successfully complete NYS Firefighter I Course within 2 years of the start of active duty. Persons desiring to be Exterior Firefighters must successfully complete NYS Scene Support Operations within 2 years of the start of active duty.
  - c.) Must complete the 8 hour OSHA training within 12 months of the start of active duty.
  - d.) Must successfully complete a nationally recognized First Aid, CPR and AED certification within 1 year of the start of active duty.
  - e.) A new firefighter who has completed any of the above required courses may submit documentation to the Fire District and request a waiver of that requirement. Final determination will be made by the Board of Fire Commissioners.
3. Active Duty Firefighters:
  - a) In accordance with OSHA regulations, shall attend annual OSHA refresher training.
  - b.) Shall attend a minimum of 6 drills annually.
  - c.) Shall maintain an active CPR card at all times.
  - d.) Shall maintain an active Basic First Aid certificate at all times.
4. Training opportunities outside of Clarence Fire District No. 1 will be offered and coordinated by the Fire Chief if approved by the Board of Fire Commissioners. Refer to the “Fire District Training & Meetings Policy” for details of procedure.
5. Refer to Article XVI-Service Award Plan Point Accumulation System-Attachment-Guidelines and Procedures for clarification of training and drill point credit.
6. The Board of Fire Commissioners may review and administer disciplinary action up to and including dismissal for failure to complete any of the above requirements. Availability of courses will be taken into consideration in determining disciplinary action.

## **ARTICLE VII – OPERATORS & DRIVERS OF FIRE DISTRICT VEHICLES**

### 1. a) Operators:

- Have been an active firefighter in Clarence Fire District No. 1 for at least one year.
- Have been approved by the Fire Chief for designated vehicles (Note—The Chief shall maintain a list of approved operators and the vehicles they are approved to operate. A current copy of the list shall be supplied to the Board of Fire Commissioners.)
- May operate vehicles (they are approved to operate) in non-emergency situations (vehicle checkouts, drills and training).

### b) Drivers:

- Are at least 21 years of age and have been an active firefighter in Clarence Fire District No. 1 for at least one year.
- Have been approved by the Fire Chief for designated vehicles (Note—The Chief shall maintain a “Drivers List” of approved drivers and the vehicles they are approved to drive. A current copy of the list shall be supplied to the Board of Fire Commissioners.)
- May drive (any vehicle that they have approved for) in both non-emergency and emergency situations

c) The Fire Chief may request the Board of Fire Commissioners to consider a variance to the above rules if the firefighter has had prior experience in operating emergency apparatus. This request shall be presented at a regular Fire District meeting. The Fire Chief shall detail the reasons for the request along with documentation of prior experience.

2. The Fire Chief, as stated in 1. a) and b) above, will maintain up-to-date lists of approved operators and drivers. Those lists will be posted in the Equipment Room and copies supplied to the Board of Fire Commissioners. The list will contain each District vehicle and the operators and drivers for each vehicle.
3. Only active firefighters (who are on the Operator or Driver list) and approved contractors of Clarence Fire District No. 1 possessing a valid NYS Drivers License may operate/drive Fire District vehicles.
4. The Fire District will regularly monitor Drivers License records through the NYS License Event Notification Service (LENS).
5. Anyone may be removed from the Operator or Drivers List by the Fire Chief or the Board of Fire Commissioners.
6. The Fire Chief will schedule and conduct annual reviews of all drivers. The reviews will ensure that all drivers have a thorough working knowledge of the vehicle being certified to drive and that they have demonstrated the ability to perform all operations involving that vehicle. The content of the annual review will be jointly determined by the Fire Chief and the Board of Fire Commissioners.
7. Effective January 1, 2017, all drivers must complete an EVOC (Emergency Vehicle Operator Course) every 3 years. The course shall be administered by a certified 3<sup>rd</sup> party instructor. In addition, to be placed on the Drivers List (and approved by vehicle), the firefighter must have completed the course requirements as detailed in the chart below.

	<b>3RD PARTY</b>	<b>NYS OFPC</b>	<b>NYS OFPC</b>
<b><u>VEHICLE</u></b>	<b><u>EVOC</u></b>	<b><u>PUMP OPS</u></b>	<b><u>LADDER OPS</u></b>
CAR 9	<b>X</b>		
CAR 9-1	<b>X</b>		
CAR 9-2	<b>X</b>		
ENG 1	<b>X</b>	<b>X</b>	
ENG 2	<b>X</b>	<b>X</b>	
RES 5	<b>X</b>		
LAD 6	<b>X</b>	<b>X</b>	<b>X</b>
HZM 7-1	<b>X</b>		
RES 7	<b>X</b>		
AMB 8	<b>X</b>		
SR-1	<b>X</b>		
SR-2	<b>X</b>		

8. The vehicle operator and/or driver:
- is responsible for the vehicle from the time it leaves the Fire Station until it returns.
  - will remain with the vehicle at all times unless directed otherwise by a Chief Officer.
  - is responsible for the vehicle's ready use after returning from an alarm unless relieved of such responsibility by the Fire Chief.
  - shall report any vehicle deficiencies to the Fire Chief, and report in writing using the method specified by the Fire District.
9. The operator/driver will report any accident to the Fire Chief and the Board of Fire Commissioners, who will then be certain that all appropriate reports are completed.

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## ARTICLE VIII - SAFETY

All persons riding on Fire District vehicles shall be seated in approved riding positions and shall be secured to the vehicle by seat belts any time the vehicle is in motion. The only exception to the above rule shall be personnel actively involved in providing emergency care to a patient. Riding on tail steps, side steps, running boards or in any other exposed positions shall be specifically prohibited.

1. When weather conditions make progress over roads in anyway dangerous to people and equipment, the speed of such vehicles will be reduced to a speed where progress will be safe.
2. Persons other than Volunteer Firefighters are prohibited from riding on or operating any motorized equipment owned by the Fire District. (Note-This does not include the District Chief vehicles, and 5-1 when used as a Chief vehicle. These vehicles are covered by the "Use of District Chief Vehicles" policy. This also does not apply to technicians hired by the District to perform testing or servicing of equipment.)
3. All Firefighters must wear the proper equipment when engaged in firefighting. Proper equipment shall include all District issued turnout gear as well as any additional safety gear necessary to insure the personal safety of a Firefighter. If in the opinion of the Chief safety conditions warrant, the Chief may order all or part of any safety equipment to be dispensed with.
4. The Board of Fire Commissioners prohibits persons other than Volunteer Firefighters from using or operating Fire or EMS equipment pertaining thereto without specific permission.
5. All vehicular Fire and EMS equipment used on public highways must use oscillating and flashing warning lights at all times when responding to an alarm of fire, EMS or other emergency, unless at the discretion of the Chief in charge or Amherst Fire Control a "cold" response is recommended. Such lights shall be left on when vehicular equipment is parked on or near a public highway during the duration of the emergency, unless determined otherwise by the Chief.
6. Injuries, no matter how slight, received by a Volunteer Firefighter in performance of that Firefighter's duties, must be reported to the Board of Fire Commissioners as soon as the information is available by a copy of the Insurance Report form stating all the facts pertaining to the same, including cause, diagnosis, treatment and prognosis.
8. All injuries sustained on Fire District property shall be reported to the Board of Fire Commissioners within 24 hours of occurrence.
9. Operation of Emergency Vehicles - Shall be in accordance with NYS Vehicle and Traffic Law, Section 1104. The driver of an authorized emergency vehicle, when involved in an emergency operation, may:
  - a) Stop, stand or park as deemed necessary.
  - b) Proceed past a steady red signal, a flashing red signal or a stop sign, but only after slowing down as may be necessary for safe operation.
  - c) Exceed the maximum speed limits so long as he/she does not endanger life or property.
  - d) Disregard regulations governing directions of movement or turning in specified directions.

## **ARTICLE IX – FIRE POLICE**

1. Each Fire Company within the Clarence Fire District No. 1 will have a unit known as Fire Police, consisting of Volunteer Firefighters under the direction of a Captain, elected by the membership of the Clarence Fire Company. There shall be a maximum of 12 Fire Police (including the Captain).

2. The duties of Fire Police, under the direction of the respective Chief or Fire Police Captain, will be to assist in traffic control, protection of property and the handling of spectators. If, at the scene of a Fire, EMS call or emergency, a Fire Police is needed to assist at the fire, the Chief may so order if the person has been medically certified to perform such assigned duties. Fire Police duties may be performed only during a fire, EMS call or emergency. Chief may use Fire Police in their capacity at any firematic function and assign them to any duty the Chief may deem necessary, contingent upon level of medical certification.

3. Medical Certification (referenced in para. 2) shall mean that the firefighter has been certified by the Fire District's Medical Services Provider to perform duties above and beyond that of a "Fire Police Duty Only" Certification (either certified as an Interior or Exterior firefighter).



## **ARTICLE X – PROPERTY**

1. The Fire Company and bonafide members thereof are entitled to use of the buildings and grounds assigned to them except where restrictions are imposed by the Board of Fire Commissioners.
2. A Fire Company member may request use of buildings and/or grounds. Anyone desiring such use shall complete and submit a reservation form to the Fire Company President. Once reviewed and approved by the President and Fire Chief, it shall be submitted to the District for approval. The Board of Fire Commissioners may deny requests that are deemed not in the best interest of the Fire District.
3. Ownership of property or equipment purchased by the Fire Company and transferred to the Clarence Fire District No. 1, must be made in the form of a letter or other documentation to the Board of Fire Commissioners, giving all detailed and pertinent information.

## **ARTICLE XI - FIREFIGHTER EQUIPMENT INSPECTION**

1. All Fire District issued firefighter equipment/property will be inspected at least once a year as recommended by the Equipment Committee of the Board of Fire Commissioners.

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## **ARTICLE XII - FIREMATIC OFFICER VACANCY**

1. Any vacancy occurring in an elected firematic office prior to the expiration of the term of such office will be filled by a special election by the Fire Company and approved by the Board of Fire Commissioners.
2. Any vacancy occurring in an appointed firematic office will be filled by the Fire Chief, subject to approval of the Board of Fire Commissioners at a Fire District meeting.

### **ARTICLE XIII - MEDICAL LEAVE**

1. The definition of Medical Leave is that period of time as defined by a Medical Doctor in which a firefighter is unable to participate in firematic activities.
2. a.) A firefighter who is unable to perform his/her duties will be placed on Medical Leave based upon procedures set forth in the Fire District's Medical Leave Policy.  
b.) Return to duty and additional guidelines will be administered in accordance with the Medical Leave Policy.
3. The Board of Fire Commissioners has full power to exercise control of and administer the policy and procedure for Medical Leave. Failure of a firefighter to comply with these regulations may be sufficient reason for dismissal from the fire service.

## **ARTICLE XIV – AMENDMENTS**

1. These Rules and Regulations for the Clarence Fire District No. 1 shall become effective on January 1, 2016 and supersede all previous versions.
2. The Board of Fire Commissioners at any regular monthly meeting may amend these Rules and Regulations for the Clarence Fire District No. 1 thereof.

## **ARTICLE XV - SERVICE AWARD PLAN PROVISIONS**

Service Award Program for the Volunteer Firefighters in the Clarence Fire District No. 1.

1. TYPE OF PLAN: Defined Benefit Plan.

2. ENTITLEMENT AGE:

a) Effective January 1, 2008: The Entitlement Age for Eligible Firefighters who became Participants prior to January 1, 2008 is the later of age 60 or the Eligible Firefighter's age on January 1, 2008. The Entitlement Age for all Eligible Firefighters that become Participants on or after January 1, 2008 is the later of age 60 or the Eligible Firefighter's age on the date he/she became a Participant (i.e., earns a year of Service Credit).

b) Prior to January 1, 2008: The Entitlement Age for all Participants is the later of age 65 or the age of an Eligible Firefighter on the date he/she became a Participant (i.e. earns a year of Service Credit).

3. MONTHLY BENEFIT: \$20 for each firefighter for each calendar year up to a maximum of 30 years that the firefighter earned 50 points.

4. ELIGIBILITY TO PARTICIPATE IN THE SERVICE AWARD PROGRAM: Must be 18 years old and must earn 50 points during a calendar year.

5. TO EARN CREDIT FOR A YEAR OF SERVICE:

a) To be eligible to earn a year of credited service for one year of benefit accrual under the Program: A firefighter must accumulate 50 points during the calendar year.

b) To earn credit for a year for vesting purposes: A firefighter must earn 50 points during a calendar year and participate in the Service Award Program. The calendar year can be any calendar year before or after the effective date of the program.

c) To earn credit for each year of prior service: 50 points must have been earned in a calendar year prior to 1991. No more than 5 years of prior service credit allowed. (See #6 for additional requirements.)

6. TO BE GRANTED CREDIT FOR SERVICE PRIOR TO 1991: To be eligible to receive credit for service prior to 1991 with the Clarence Fire District No. 1, (or any other volunteer fire department located in New York State) a firefighter must be an active volunteer firefighter on January 1, 1991 in the Clarence Fire District No. 1 and must earn at least 50 points with the Clarence Fire District No. 1 by December 31, 1991 unless the firefighter is granted a medical leave of absence during 1991 by the Board of Fire Commissioners of the Clarence Fire District No. 1 in accordance with the Clarence Fire District regulations in which case the deadline will be extended at the discretion of the Clarence Fire District No. 1 Board of Commissioners.

7. CREDIT FOR PRIOR SERVICE WITH ANOTHER VOLUNTEER FIRE DEPARTMENT OR DISTRICT WITHIN NEW YORK STATE: Any active volunteer firefighter who transfers subsequent to 1990 from a volunteer fire department or district to the Clarence Fire District No. 1 will after earning five (5) years of Service credit in the Clarence Fire District Service Award Program be granted credit for up to

five (5) additional years of service credit for service with the former volunteer fire department or district provided the firefighter did not already have vested service credit for that service in any volunteer fire department's or district's Service Award Program.

8. POINT ACCUMULATION ACTIVITIES: There are seven categories allowed by Article 11-A of the New York State General Municipal Law:

- a) training courses
- b) drills
- c) sleep-ins or stand-byes
- d) hold an elected position and/or attend firefighter conventions as a delegate
- e) attend official fire department meetings
- f) participate in department responses
- g) miscellaneous activities such as inspections

9. EFFECTIVE DATE OF PROGRAM: January 1, 1991.

10. FORM OF BENEFIT PAYMENT: Monthly payment life annuity only until the Board subsequently approves by Board Resolution other actuarially equivalent forms.

11. DEATH BENEFIT: Lump sum payable to the firefighter's designated beneficiary equal to the Actuarial Present Value of the firefighter's Accrued Service Award at time of death. For purpose of calculating the death benefit, a firefighter who dies in 1991 while an active member of the Clarence Fire District No. 1 will automatically be granted the prior service credit that the firefighter would have earned had the firefighter earned the 50 points in 1991.

12. DISABILITY BENEFIT: Lump sum payment equal to the Actuarial Present Value of the firefighter's Accrued Service Award at time of total and permanent disability as defined by #13. For the purpose of calculating the disability benefit, a firefighter who, due to a permanent and total disablement which commenced in 1991 while an active member of the Clarence Fire District No. 1 will automatically be granted the prior service credit that the firefighter would have earned had the firefighter earned 50 points in 1991.

13. DEFINITION OF DISABILITY: Awarded benefits for a total and permanent disability from: Workers' Compensation, Social Security, the Volunteer Firemen's Benefit Law or from any other authority approved by the Board; and, unable to earn 50 points per year as determined by the Board due to a disablement which commenced after December 31, 1991. Disabled firefighters who collect a disability benefit payment from the Clarence Fire District No. 1 Service Award Program who subsequently recover from their disability and again become active members of the department will be considered as new participants and will not again receive credit for the service upon which their disability benefit payment was based.

14. **FUNDING OF PRIOR SERVICE BENEFITS:** Twenty year level payment amortization based on 7.5% interest rate.

15. **COMMENCEMENT OF BENEFIT PAYMENTS:** As soon as possible after a completed application from a firefighter or a firefighter's beneficiary and the required points certification from the Board of Fire Commissioners are received by the program administrator. In the year a firefighter attains entitlement age, commencement of the monthly service award benefit will be postponed to January 1 of the next year to allow firefighters to earn credit for the year in which the firefighter attains the entitlement age. Effective January 1, 2007, active firefighters will be allowed post entitlement age accruals for points and benefits.

16. **WHEN BENEFITS ARE FORFEITED:** As of December 31 of the year a non-vested firefighter ceases to be a member of the fire department or at the end of the fifth consecutive year during which an active non-vested firefighter fails to earn at least 50 points.

17. **VESTING SCHEDULE:** A firefighter's accrued benefit is 100% vested (i.e. he owns it) after he has earned credit for five years of vesting service, attains the entitlement age, is awarded a funding of disability or dies.

18. **ADMINISTRATION COSTS:** are paid by the Board.

19. **MILITARY DUTY:** A participant whose volunteer fire service is interrupted by full-time extended obligatory military service or by a single voluntary enlistment not to exceed four years in the armed forces of the United States shall be considered on military leave. During such period of military leave, the participant shall receive active volunteer service credit of fifty points for each full year, prorated for service of less than a year. If firefighter's enlistment in the United States military is for a service term greater than the four years allowed by law, and the firefighter is in good standing and has been granted a leave of absence by the Clarence Fire Company Board of Directors to complete his military service, and if the firefighter has earned Length of Service Award Program credit but has not yet vested in the Program, now be it therefore resolved, that the firefighter, shall retain any previously earned LOSAP credit when he returns to active service in the Clarence Fire District No. 1 after completion of his military obligation (Board motions of June 1 and 22, 2009).

20. **SECTION 1. SUBDIVISION (C) OF SECTION 217 OF THE GENERAL MUNICIPAL LAW IS AMENDED BY ADDING A NEW PARAGRAPH (VIII) TO READ AS FOLLOWS:** In the event that any active volunteer firefighter is either totally and temporarily disabled, or partially and permanently disabled, as certified by the Workers' Compensation Board or other competent authority approved by the sponsor of the Service Award Program, and the disability occurs during the course of service as a volunteer, while actively engaged in providing line of duty services, as defined in subdivision one of section five of the Volunteer Firefighters' Benefit Law, the firefighter shall receive five points for each full month of such disability.



## **ARTICLE XVI - SERVICE AWARD PLAN POINT ACCUMULATION SYSTEM**

1. POINT ACCUMULATION ACTIVITY: Attendance at Training Sessions
  - a) Maximum Annual Points For This Activity: 25
  - b) How Points are Credited: Based on duration of training course, i.e.:
    - i) under twenty hours: one point per hour; no more than 5 points per course.
    - ii) twenty to forty-five hours: five points plus one point per hour for each hour over twenty hours; no more than 10 points per course.
    - iii) over 45 hours to 100 hours duration: fifteen points per course.
    - iv) courses exceeding 100 hours duration: twenty-five points per course.
  - c) Note: Chief of the Clarence Fire District No. 1 must approve all courses and certify completion to Recording Secretary before points are to be credited.
  
2. POINT ACCUMULATION ACTIVITY: Attendance at Drills.
  - a) Maximum Annual Points For This Activity: 20
  - b) How Points Are Credited: One point per drill (minimum two hours)
  
3. POINT ACCUMULATION ACTIVITY: Participation in Sleep-in or Stand-by Session.
  - a) Maximum Annual Points For This Activity: 20
  - b) How Points Are Credited:
    - i) Sleep-in Session: One point for each full night of 8-hour duration.
    - ii) Stand-by Session: One point for each session (four hour minimum duration); a “stand-by” is defined in the State Law as “a line of duty activity of the volunteer fire company, lasting for four hours, not falling under one of the other categories.”
  
4. POINT ACCUMULATION ACTIVITY: Completing a one-year term as an elected or appointed officer or selection as a convention delegate.
  - a) Maximum Annual Points For This Activity: 25.  
Elected administrative officers must fulfill the duties of the position.
  - b) How Points Are Credited:
    - i) Twenty-five points are earned for the completion of a one-year term (elected position) as a “line officer, a department or company officer, president, vice president, treasurer and secretary of a Fire Company.”
    - ii) Fifteen points are earned for the completion of a one-year term in an appointed firematic or administrative position.
    - iii) One point is earned for each convention meeting attended by a firefighter as a convention delegate appointed by the fire department or district excluding elected or appointed officers.
  
5. POINT ACCUMULATION ACTIVITY: Attendance at Official Fire Company Meetings.
  - a) Maximum Annual Points for This Activity: 20
  - b) How Points Are Credited: One point earned per meeting.
  
6. POINT ACCUMULATION ACTIVITY: Participation in Department Responses.
  - a) Maximum Annual Points For This Activity: 50
  - b) How Points Are Credited:

i) Twenty-five points are earned for responding to at least the required percentage of the total fire department EMS calls for the year, shown in the chart below:

Total Number of Calls for the Year for the Fire Dept.:	0-500	500-1000	1000-1500	1500+
Required Percentage:	10%	7.5%	5%	2.5%

ii) Twenty-five points are also earned for responding to at least the same required percentages of all other calls (fire, rescue, etc.).

#### 7. POINT ACCUMULATION ACTIVITY: Miscellaneous Activities.

a) Maximum Annual Points For This Activity: 15

b) How Points Are Credited: One point per activity for participation in inspections and other activities covered by the volunteer firefighters benefit law for which points cannot be earned otherwise.

c) Activities Include But Are Not Limited To:

i) Funerals

ii) Wakes

iii) Fund Drive

iv) Work Call (2 Hour Minimum)

v) Committee Meeting: For point accumulation purposes, attendance by a firefighter at committee meetings to which the firefighter had been named as a committee member by the Fire Company President will provide each such firefighter with one point per meeting attended.

#### 8. POINT ACCUMULATION ACTIVITY: Teaching Fire Prevention Classes

a) Maximum Annual Points For This Activity: 5

b) How Points Are Credited: One point per class for an Active Firefighter, who at the direction of the Fire Chief of Clarence Fire District No.1, and for no remuneration, presents a public education class on fire prevention to a school, not-for-profit corporation, or civic organization organized and existing under the laws of New York State or authorized to conduct activities in New York State.

#### 9. POINT ACCUMULATION ACTIVITY: Line of Duty Disability

a) Maximum Annual Points For This Activity: 5 per month/60 per year

b) In the event that any Active Member is either totally and temporarily disabled, or partially and permanently disabled, as certified by the Workers' Compensation Board or other competent authority approved by the Board of Fire Commissioners, and the disability occurs during the course of service as a volunteer, while actively engaged in providing line of duty services, as defined in subdivision one of section five of the Volunteer Firefighter' Benefit Law, the firefighter shall receive five points for each full calendar month that such firefighter remains either totally and temporarily or partially and permanently disabled as certified by the Workers' Compensation Board or other competent authority approved by the Board of Fire Commissioners.

Revised: 11/09/15

Attachment to:

Rules and Regulations of Clarence Fire District No.1  
Article XVI-Service Award Plan Point Accumulation System

**GUIDELINES AND PROCEDURES**  
**(Attachment to Article XVI)**

A. Activity Log

- The Fire District will maintain a log of all LOSAP Point Activity categories (training, drills, alarms, meetings, etc.)
- The Log will be updated on a calendar-month basis
- It is the responsibility of each firefighter to review their activities. If an error is found, a written request shall be submitted to the Fire District Secretary for review by the Board of Fire Commissioners. The review request must be submitted within 30 days of the posting of the Log, and must include the category in question and a description of the error.
- The Board of Fire Commissioners will review the request at the next Fire District meeting, and if an error is found, the Log will be corrected. A report of the findings will be sent to the firefighter.

B. Applying LOSAP Point Credit for Training and Drills (paragraph 1 & 2)

1) TRAINING COURSE

- Normally conducted by a Certified Trainer (not Clarence Fire District No. 1 Chief/Asst. Chief) and are recognized courses at the national, state and/or county level. Note-An exception to the this definition (of training course) are those courses completed through the District's "Online Training" vendor (Target Solutions).
- Must be approved by the Fire Chief.
- Normally are multiple sessions, but may be as short as one session.
- A certificate of completion (with number of hours) is issued.
- Annual OSHA refresher training will receive points in accordance with Article XVI-Service Award Plan Accumulation System, Para. 1. sub-para. b)-How Points are Credited.

2) DRILL

- Normally conducted "in-house" by Clarence Fire District personnel.
- Shall be a minimum of 2 hours in duration.
- If a drill is divided into multiple sessions, credit shall be given for each session that is at least 2 hours in duration.

C. Applying LOSAP Point Credit for Attendance at Official Fire Company Meetings (paragraph 5)

- Point credit within this category applies only to those meetings that the entire Company is required/expected to attend, such as monthly Company business meetings. The annual Inspection and dinner shall be considered for credit within this category. Attendance at Line Officer meetings, Board of Director meetings, etc. is not considered for point credit in this category.

D. Applying LOSAP Point Credit for Participation in Department Responses (paragraph 6)

- To be given credit for attendance at a Department Response (Alarm), the person must be within the Fire District and available to respond. Persons attending functions such as drills, training, seminars, meetings, etc. outside of the District will not receive attendance credit for the Department Response.

E. Applying LOSAP Point Credit for Miscellaneous Activities (paragraph 7)

- Committee chairpersons and committee members shall be given point credit within this category.
- To receive credit, the Fire Company President must supply the Fire District with a list of Committee members at the time the committee is appointed.

Any clarifications required beyond the above guidelines will be referred to the Board of Fire Commissioners for determination.

Revised: 11/09/15