

FIRE DISTRICT EXAMPLE POLICY

CHAPTER: 2.01	EFFECTIVE DATE: <u> </u> / <u> </u> / 2010
TITLE: GENERAL ADMINISTRATION	

2.01.010 Purpose and Principles of Personnel System

In accordance with the authority granted to the Board of Directors, the following Personnel Rules, and Regulations, Policies and Procedures are hereby adopted to establish and to maintain a system of personnel management for all members of the My Town Fire Protection District.

The Board of Directors hereby declares it's intent that these Personnel Rules, Regulations, Policies and Procedures be used as a general guide by all affected persons, that they be interpreted broadly on the basis of what is the reasonable approach to specific problems and situations, that they be considered as a total set of working regulations rather than each part, chapter, sentence, or phrase being interpreted in isolation and out of context, and that the following general principles be accepted as setting the tone of personnel management within the My Town Fire Protection District.

It is the purpose of the District to establish and maintain an equitable and uniform system for dealing with personnel matters, and to comply with applicable laws relating to the fair and equitable administration of a comprehensive personnel program. To this extent, the following rules, regulations, policies and procedures reflect the principles and standards of the District's merit system of employment and describe other terms and conditions of employment.

The purpose Part 2 of the District Manual is to facilitate efficient, effective, and economical service to the public, ensure equal treatment for persons who compete for original and promotional employment, and define certain obligations, rights, privileges, and benefits for District employees.

The citizens of the District have the right to expect that the District will employ the best qualified persons reasonably available, with preference to citizens of the county, qualifications being equal; that the tenure of every employee will be based upon demonstrated need for the work performed, availability of funds, faithful effective performance, proper personal conduct, and continuing fitness for his/her position; and that each employee will be encouraged, trained, and developed to assure optimum performance.

District employees have the right to expect they will be fully informed of their duties and responsibilities; provided adequate administrative and supervisory direction; provided feedback on their job performance; promotions will be made on the basis of skills, qualifications, and abilities; incompetence will not be tolerated; and no permanent employee will be subject to suspension, demotion, dismissal, or other disciplinary action without just cause and due process.

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2.01.020 Personnel Administration

The Fire Chief shall administer the District's personnel system and may, in his/her discretion, delegate that responsibility and authority. The Fire Chief shall:

- a) Interpret and administer all provisions of this manual concerning District personnel matters.
- b) Prepare and recommend to the Board personnel rules, regulations, policies and procedures, including revisions and amendments to such.
- c) Prepare a position classification plan, including class specifications, a compensation plan, and recommended revisions to such plans.
- d) Provide for the publishing or posting of notices of tests for positions in the competitive service and the receiving and evaluation of applications thereof, the conducting and grading of tests; and the certification of a list of persons eligible for appointment to the appropriate position in the competitive service.
- e) Negotiate with any recognized bargaining units in the District on terms and conditions to be included in memoranda of understanding between the bargaining units and the District.
- f) The performance of any other duty required to administer the personnel system.

2.01.030 Application of Personnel Rules, Regulations, Policies and Procedures

These Personnel Rules, Regulations, Policies and Procedures shall apply to all persons employed in the classified service of the District. All employees are in the classified service, with the exception of the following:

2.01.031 Unclassified Employees

- a) Fire Chief.
- b) Temporary, seasonal, provisional, and other employees who are not regularly employed in permanent positions.
- c) Probationary employees holding positions in the classified service.
- d) Volunteer and Cadet firefighters.
- e) Emergency employees who are hired to meet the immediate requirements of an emergency condition that threatens life, property, or the delivery of vital services to District residents.
- f) Employees hired by the Fire Chief pursuant to his/her contracting authority. Unclassified employees shall be employed at the discretion and will of the Fire Chief.

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The Board and/or Fire Chief shall determine the terms and conditions of unclassified employment.

2.01.032 Unclassified Non-Employees

The following are not employees of the District nor shall these Personnel Rules, Regulations, Policies and Procedures apply:

- a) Elected officials (Board Members) and appointed members of committees.
- b) Persons engaged under contract to supply expert technical, professional, or any other service authorized by the Board.

2.01.040 **Adoption and Amendment of District Manual**

These Personnel Rules, Regulations, Policies and Procedures shall be adopted by the Board upon the review and recommendation of the Fire Chief. Revisions and updates to this manual shall be consistent with **Section 0.01.030**.

2.01.050 **Violation of Rules, Regulations, Policies and Procedures**

Every District employee is responsible for knowledge of and compliance with these Rules, Regulations, Policies, Procedures and Guidelines. Violation may be grounds for rejection of an application, removal from an employment list, dismissal, or disciplinary action deemed appropriate based on the nature of the violation. Any disciplinary action shall be consistent with Chapter 2.09 and any other related sections of this manual.

2.01.060 **Classification Plan**

The Fire Chief shall ascertain and record the duties, responsibilities, and employment standards of all positions and recommend to the District Board a Classification Plan for such positions.

The Classification Plan shall group positions in District service into classes, as defined by written class specifications. Each class specification shall outline the main characteristics and requirements of positions allocated to the class, and provide examples of duties employees holding such positions may be required to perform. The class specification is descriptive and explanatory, but not restrictive. The listing of particular examples of duties does not preclude the assignment of other related tasks and duties.

The statement of desirable qualifications in a class specification is intended to be used as a guide in selecting candidates for employment, as an aid in the preparation of competitive examinations, and in determining the relative value of positions in one class with positions in other classes.

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Each class shall include those positions sufficiently similar with respect to their duties and responsibilities so similar requirements as to training, experience, knowledge, skills and abilities may apply.

The Fire Chief shall allocate every position to one of the classes established by the plan. However, the Classification Plan may contain classes and positions to which there is no current allocation of funds to provide for future organizational growth or changes in organizational structure. New positions to the Classification Plan may be recommended by the Fire Chief and authorized by the Board. Likewise, obsolete classifications may be deleted from the plan by the Fire Chief and authorization of the Board.

In the event a classifications duties and responsibilities have changed significantly a reclassification study may be performed and a report of the analysis and findings shall be submitted and recommendations made to the Board. Should such a reclassification study involve the creation of a new classification, the Board may approve the study results and approve the new classification.

Upon reclassification of a position to a class that has a higher maximum salary rate than the previous class, the Fire Chief shall determine whether the incumbent meets the requirements of the new class. If so, the incumbent may be assigned to the new class. If the incumbent does not meet requirements of the new class, the Fire Chief shall determine the method and means of filling the position.

2.01.070 Employees Duties and Responsibilities

All permanent employees of the District have the right to expect that they will be fully informed as to their duties and responsibilities; that they will be provided with adequate administrative and supervisory direction; that they will be informed as to how well they are performing their duties and will be encouraged and helped to improve their level of performance; unless otherwise specified that promotions will be made on the basis of demonstrated merit and ability; that progressively improved work performance over an extended period will be recognized and rewarded and that incompetence will not be tolerated; and that they will not be dismissed without justification once they have completed their probationary period successfully.

2.01.080 Conflicts between Memorandum of Understanding and the District Manual

It is the goal of the District to have uniform rules, regulations, policies and procedures applicable to all members of the District. Certain bargaining units and groups of employees, by the nature of their positions, require variations in some terms and conditions of employment and such terms are set forth in applicable Memorandums of Understanding with recognized employee organizations. In the event of a conflict between these Personnel Rules, Regulations,

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Policies and Procedures and any Memorandum of Understanding, the terms of the Memorandum of Understanding shall control.

2.01.090 Personnel Records

The District establishes that there is only one official personnel file for each employee. The employee's official personnel file is private and confidential, subject only to review by the employee, the employee's representative with written authorization, or authorized District representatives.

The District shall allow every employee the opportunity to review their personnel file at any reasonable time upon request, and to obtain a copy of any needed document in the file. The official personnel file shall remain under the control of the District and shall be the only personnel file admissible as evidence in any disciplinary matter. There shall be no documents placed in the official personnel file without the employee's knowledge. If, upon examination of the personnel file, the employee discovers any documents placed there without the employee's knowledge, the District shall, upon written request of the employee, investigate the allegation and remove any such documents placed there in violation of this Section.

The District recognizes the use of "tickler files" for the preceding twelve (12) months, for the purposes of employee performance evaluations, and that the file, or any of its contents, may be included with the District's official personnel file and incorporated into the employee performance review process and/or other related employee matters.

2.01.091 Purging Personnel Files

Counseling memorandums are not disciplinary and shall not be placed in the employee's personnel file. Employees shall be offered the opportunity to sign and be provided a copy of any disciplinary written material before it is placed in the employee's personnel file. The employee shall be given an opportunity during regularly scheduled working hours to prepare a written response to such materials. The written response must be submitted within fifteen (15) days of the notice to place the disciplinary documents in the personnel file.

If the employee was not allowed the opportunity to sign the documents prior to placement within the personnel file, the employee shall have the right at any time to attach a written response to the material. Any person who places any written material in an employee's file shall sign and date the material, signifying when it was placed in the employee's file and by whom.

Disciplinary actions shall be purged (at the request of the employee) from the employee's personnel file following the schedule below:

- a) Written reprimands: Eighteen (18) months.
- b) Other disciplinary actions (i.e., suspensions, reductions in pay, and demotions: Five (5) years.

2.01.092 Maintenance of Files

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Control over the content and custody of personnel files is entrusted to the Fire Chief or designee. He/she has the responsibility for maintaining employee records and for ensuring that the files are complete and do not contain any improper information. This allows the District to regulate access to personnel files and to protect against inappropriate entries, deletions or other improper actions by supervisors and others.

2.01.093 Supervisors Files

A supervisor's file may contain copies of any written records that may be found in an employee's "official" personnel file for his/her own records.

A supervisor may keep an unofficial supervisors file. This would include information when a supervisor needs to make notations or anecdotal observations about the employee(s) he/she supervises. These records may be used by a supervisor when they may be called to testify regarding his/her recollection of events. Except in very limited circumstances, the substance of supervisors anecdotal records should be discussed with the employee within a reasonable time after the event occurs. (For example, if a notation is to be made in desk calendar that an employee was late to work, the employee should be informed.) This puts the employee on notice of a potential problem and allows the employee the opportunity to correct any inaccuracies while the facts are fresh in the employees mind. If the information is not disclosed to the employee, the supervisor runs the risk that the documentation may not be usable in a subsequent employment action (e.g., discipline). Those situations in which a supervisor need not disclose to the employee the substance of what he/she is recording include the first instance of a minor problem and criminal investigations.

A supervisor may send a counseling memorandum to an employee and the supervisor may wish to retain a copy for his/her records. The counseling memo is not sent to personnel files because it is still considered to concern a minor problem. This allows the employee to be put on notice of the problem and if there are future problems the memo can be attached to a formal discipline or an evaluation.

Written material which is in a supervisors separate file should not be retained any longer than necessary. Generally, if the problem has not reoccurred within a few months or at a time of an employee's evaluation, such material should be discarded. The general rule is if the document is important enough to affect an employee's job status, it is important enough to be placed in the employees personnel file.

2.01.094 Contents of Personnel Files

Personnel files may contain any (or all) of the following:

- a) Employment applications and test results

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- b) Form I-9 required by Immigration and Naturalization Service
- c) Performance evaluations/appraisals
- d) Written confirmation of employment actions (e.g., salary information, reclassifications, transfers, promotions)
- e) Documents regarding discipline or proposed discipline
- f) Personal data, including marital status, family members, educational and employment history, or similar information
- g) Employee health records, including medical and psychological information and reports
- h) Applicable tax documents
- i) Notices of commendations
- j) Complaints or investigations of complaints concerning an event or transaction in which the employee participated, or which he/she perceived, and pertaining to the manner in which he/she performed his/her duties
- k) Fringe benefit information, including authorizations for deduction or withholding of pay
- l) Leave records (including attendance records)
- m) Retirement records
- n) Other records relating to the employment history with the employer

Any of these records could be used to affect the employment status or opportunities of present or former employees. California Labor Code Section 1198.5 gives the employee the right to review his or her personnel file for records which are used to determine the employees' qualification for employment, promotion, additional compensation, or termination or other disciplinary action. Personnel wishing to review their files should contact the Fire Chief, or designee, and schedule an appointment. Employees will have access to their personnel file upon written request. All information contained with their files is District property and may not be removed by employees.

2.01.100 Public Information Policy

The California Government Code provides that any person may receive a copy of an identifiable public record (with some exceptions). The general public may only obtain a copy of the incident reports completed by shift personnel. Any other reports, i.e., Patient Care Reports, Fire Investigation Reports, Duty Officer Reports, etc., are not available to the general public without a subpoena.

2.01.110 Public Access to Records

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To request inspection and/or copies of public records, a “Public Records Request” form must be completed and submitted to the Office Manager. All requests for records must be specific so that the records can be easily obtained.

2.01.111 Fees

There is no charge for examining records. There will be a \$3.00 service charge for a copy of a report and a .10 charge for each additional copy. Payment may be made by either cash or check. A receipt must be given for any payment received.

- a) Checks should be made payable to “My Town Fire Protection District”.

2.01.120 Records Retention

District records shall be managed in a systematic and logical manner consistent with California Public Records Act; Government Code, Sections 6250 et seq., and 12236, as well as any other applicable law. The District is committed to effective records management including meeting legal requirements for record retention and privacy protection, optimizing the use of space, minimizing the cost of record retention, and properly destroying outdated records. This policy applies to all records, regardless of whether they are maintained in hard (paper) copy, electronically, or in some other fashion.

Government Code, Section 14740, California’s Records Management Program is designed to “...apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation, and disposal of state records”. Effective Records Management ensures that records are kept **only** as long as they have some administrative, fiscal, or legal value.

When records no longer fulfill the value for which they were created, they should be destroyed unless they also have some historic or research significance. If that is the case the records should be preserved by an appropriate historical agency. Employees should realize that an effective records management program is not only cost effective; it will also make their jobs easier. They should also know that records retained beyond their value “just in case” only extend the agency’s legal liability in the event of adverse litigation.

The District will ensure that all employees:

- a) Be familiar with the records retention policy;
- b) Assist in developing record management procedures and practices, consistent with this policy;
- c) Restrict access to confidential records and information; and
- d) Coordinate the destruction of records.

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2.01.121 Confidentiality Requirement

Many records subject to record retention requirements contain non-public confidential data. Such records are protected by various federal, state and local statutes, such as the Health Insurance Portability and Accountability Act (HIPAA). In addition to statutory requirements, any record that contains confidential data should be treated in accordance with the privacy and security policies.

2.01.122 Electronically Stored Information (ESI)

There has been a tremendous growth in the use of electronically stored information ("ESI"). The ease with which ESI may be created, the number of places where ESI may be stored, and new rules regarding the use of ESI in litigation, all require that the District manage its ESI effectively, efficiently and consistent with its legal obligations.

2.01.123 Preservation of Records Relevant to Legal Matters

Any record that is relevant to any pending or anticipated litigation, claim, audit, agency charge, investigation or enforcement action shall be retained at least until final resolution of the matter. In these circumstances, the Fire Chief, or designee, will notify relevant staff to identify and preserve any records (including electronic records) and other information that could be relevant to the matter. Employees who become aware that an investigation or legal proceeding has commenced or is anticipated against the District promptly must notify the Fire Chief so that all records with potential relevance to the investigation or legal proceeding can be preserved as necessary.

2.01.124 Disposal and Destruction of Records

Once records have fulfilled their administrative, fiscal, or legal function they should be disposed of as soon as possible in accordance with their Records Retention Schedule. A properly completed schedule provides the legal authority to dispose of records entrusted to its care. Disposition may include sending appropriate records to an archival facility, recycling unneeded records, and/or destroying unneeded confidential records. In the event of litigation the court will want to know what is done in the normal course of doing business. The Records Retention Schedule spells out the normal course of business for how the District handles and disposes of its records.

Once it is determined that, consistent with this policy, and with the records management practices and procedures applicable, it is appropriate to dispose of any records, they can be destroyed in one of the following ways:

- a) Recycle non-confidential paper records;
- b) Shred or otherwise render unreadable confidential paper records; or

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c) Erase or destroy electronically stored data.

2.01.125 Records Retention Schedules

Employee Records	Active + 1 year until employee leaves / terminates
Attendance	Active + 1 year until employee leaves / terminates
Travel	Active + 1 year of travel completion
Training	3 years
Applications	2 years
Interview Documents	2 years
Merit Awards / Superior Accomplishments	3 years
Labor Relations	2 years
Production / Assignment Logs	2 years
Overtime Logs	2 years
Action Requests / Grievances	2 years
Toxic Exposure Reports	Active until employee leaves / terminates.
Policies (all)	Active until revised
Procedures (all)	Active until revised
Compliance Requirements	Active until revised
Organization Charts	Active until revised
Mission Statements	Active until revised
Associations, Active	While membership is current
Meetings / Minutes/ Agendas	2 years
Activity Reports	2 years
Studies / Statistics	2 years
Feasibility Studies	5 years
Request for Proposals	3 years

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Delegation Orders	Active until revised / superseded / revoked
Conferences / Committees	3 years
Contracts	Active until contract terminates + 4 years
Emergency Preparedness Active	Active until revised
Public Hearings	5 years
Health and Safety Document	3 years
Plans and Goals Active	Active until revised / rescinded / superseded / complete
Legal Opinions	Active until issues resolved + 1 year
Lawsuits / Small Claims	Active until litigation complete + 1 year

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