

**NEWCASTLE FIRE PROTECTION DISTRICT
POLICY MANUAL**

SECTION I RULES AND REGULATIONS

ADOPTED _____

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MISSION STATEMENT

THE NEWCASTLE FIRE PROTECTION DISTRICT WILL STRIVE TO PROTECT LIFE AND PROPERTY IN OUR COMMUNITY BY PROVIDING THE HIGHEST QUALITY FIRE, MEDICAL AND RESCUE SERVICE POSSIBLE, WITHIN OUR RESOURCES, WITH PROFESSIONALISM AND COMPASSION.

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The following rules and regulations of the Newcastle Fire Protection District were adopted by the District's Officers and adopted by the Board of Directors on _____.

Persons found to be in violation of the principles listed and defined herein may be subject to disciplinary action as specified and in accordance with the District's Disciplinary Policy.

1. DISTRICT
"District" as used in this section, means the Newcastle Fire Protection District reorganized pursuant to the Fire Protection District Law of 1987 (HSC 13801-13999).
2. BOARD
"Board" as used in this section, means the Newcastle Fire Protection District Board of Directors.
3. ASSOCIATION
"Association" as in this section means the Newcastle Firefighters Association, which was organized under Labor Code Section 1962. The District recognizes this association.
4. DISTRICT PERSONNEL
"District Personnel" as used in this section means all duly appointed officers and all full-time, part-time and volunteer members of the district.
5. FIRE CHIEF
The Board shall appoint the "Fire Chief". The Chief serves at the pleasure of the Board.
6. ASSISTANT CHIEF
The Chief may appoint an Assistant Chief(s) from the ranks of the district. The Assistant Chief(s) serves at the pleasure of the Chief.
7. BATTALION CHIEF
The Chief may appoint a Battalion Chief(s). The Battalion Chief(s) serves at the pleasure of the Chief.
8. LINE OFFICERS
The "Line Officers" of the district are Captain(s). They may be full-time or part-time.
9. APPROVAL OF OFFICERS
All officers shall be subject to the approval of the Board.
10. APPLICATION FOR MEMBERSHIP
Each application for membership must be submitted on a completed, authorized application form, which shall contain the minimum requirements of the district and the signature of the applicant. The completed application will be forwarded to the Chief for filing pending approval.
11. PARTICIPATION
Retention of membership in the district is based on each member's participation and compliance with the district's Policy Manual (see Policy Manual).

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12. QUALIFICATION FOR MEMBERSHIP

Membership shall be confined to persons over 18 who are residents or paid members of the district. Membership may be extended to non-resident applicants upon approval of the Chief.

13. VIOLATIONS

Violation of any of the following may lead to discipline as outlined in the Discipline Policy (Section II). These may be disciplined at Level 2, 3, 4 or 5.

1. DISOBEDIENCE OF ORDERS

Failure to obey and fully execute any lawful order, written or oral, given by a superior which still includes, but is not limited to, these Rules and Regulations, all general special orders, policies and procedures of the district (the term "Lawful Order" shall be construed as any order in keeping with the performance of the duty prescribed by law or by these Rules and Regulations, or for the preservation of good order, efficiency and proper discipline, which is not in conflict with these Rules and Regulations).

2. DUTY TO READ, UNDERSTAND and COMPLY WITH ORDERS

Failure to read, understand or comply with all Rules and Regulations, general and special orders, policies and procedures of the district and written or verbal orders of a superior. To this end, it shall be considered to be neglect of duty to fail to inquire of a superior until the matter is resolved any question as to the meaning or application of any law, rule or regulation, general or special order, policy or procedure, written or verbal order.

3. KNOWLEDGE OF LAWS, RULES AND REGULATIONS, POLICIES AND PROCEDURES, GENERAL AND SPECIAL ORDERS

Failure to establish and maintain a working knowledge of laws, policies and procedures, rules and regulations, general and special orders.

4. PHYSICAL AND MENTAL CONDITION

Lack of maintenance of good physical and mental condition, which interferes with the proper handling of district business.

5. RESIDENT ADDRESS AND TELEPHONE NUMBER

The maintenance of a telephone at the member's residence is desired, but not mandatory. If a member changes either residence or telephone number, the district must be notified within 14 calendar days.

6. TRUTHFULLNESS AND COOPERATION

Testifying, making reports or conducting district business in a less than truthful and/or cooperative manner.

7. RECEIPT OF MAIL, PHONE CALLS AND VISITORS AT A FIRE STATION

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Consistently receiving personal mail or visitors at a station, or overuse or inappropriate use of departmental telecommunications equipment for non-duty related purposes.

8. POLITICAL UTILIZATION OF OFFICIAL POSITION

Utilization of one's political position with the district for political purposes. To this end, the use of one's official position for a non-duty related involvement in an election is prohibited. Nothing in this section should be construed to prohibit a member of the district from, as a private citizen:

- i. Exercising the right of suffrage.
- ii. Casting a vote or expressing one's opinions privately.
- iii. Being delegates to, or members of, a political caucus.
- iv. Taking part in political canvass.

9. PRIVATE BENEFIT FROM DISTRICT ASSOCIATION

Use of the prestige or influence of one's official position, or the use of the time, facilities, equipment or supplies of the district for the private gain, or advantage to, one's self or another.

10. GIFT SOLICITATION AND/OR ACCEPTANCE

Soliciting and/or accepting any gift or gratuity from a host or donor if the member knows or has reason to believe the host or donor is seeking to influence the member's performance or non-performance of an official duty, has an interest which may be substantially affected by the performance of an official duty, has a substantial interest in an enterprise which is regulated by the district or has a pending matter before the district. No member of the district shall receive any gift or gratuity without written permission of the Chief or President of the Board in cases involving the Chief.

11. FEES AND REWARDS

Acceptance or receipt of any fee or reward from any source for any services rendered in the line of duty without the knowledge and written consent of the Chief and the Board.

12. REPORTING DAMAGE TO DISTRICT PROPERTY

Failure to immediately report in writing all damage to vehicles and equipment or to file such report which contains all known facts surrounding the cause and nature of the damage. In the event that district property is found bearing evidence of damage which has not been reported, an investigation shall be initiated to determine responsibility. Additionally, members shall return all equipment owned by the district when they retire, resign or otherwise leave membership with the district and shall return any fire equipment when ordered to do so because of suspension or other absence from duty.

13. LOSS OR DAMAGE TO DISTRICT PROPERTY DUE TO NEGLIGENCE OR INATTENTION

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Loss or damage to district property due to negligence or attention to duty.

14. REPORTING LOSS OF DISTRICT PROPERTY OR EQUIPMENT

Failure to promptly report to the Chief or his/her designated agent the loss of any district property or equipment that has been furnished to the member.

15. DISTRICT RECORDS, REPORTS AND CITATIONS

Stealing, altering, forging or tampering with any kind of fire record, report or citation. To this end, the removal of any record, report, card, letter, document or other official file from the district, except by process of the law or as directed by the Chief or superior is prohibited. Additionally, the obtaining, duplication or attempted obtainment or duplication of any information from the district files, sources or reports other than that to which one is assigned to in accordance with one's duties or assignments is prohibited.

16. DIVULGENCE OF DISTRICT BUSINESS

Discussion of the operations and official business of the district which is of a confidential nature with anyone outside the district without the permission of a supervisor (for purposes of this section, all district documents and orders are considered confidential unless otherwise directed by a superior. This section does not apply to orders that are of such a nature that they must be communicated to others).

17. DISTRICT CORRESPONDENCE

Entering into official correspondence with anyone of any agency outside the district except with the approval of the Chief. All official district communications, by telephone, or otherwise, without the permission of a superior is prohibited.

18. POSSESSION OF KEYS

Possession of keys, pertaining to district business, without the approval of the Chief.

19. UNAUTHORIZED PERSONS IN DISTRICT VEHICLES

Allowing unauthorized persons to ride in the district's vehicles. Unauthorized persons are those who are not district personnel, or on official (authorized) business approved by the Chief.

20. MORAL, EFFICIENCY, IMAGE AND CONDUCT WHILE ON OR OFF DUTY

Engaging in conduct on or off duty which adversely affects the morale or efficiency of the district, or in the alternative, engaging in conduct on or off duty which has a tendency to destroy public respect for the member and/or the district and/or destroy confidence in the operation of the district.

21. NEGLECT OF DUTY

To this end, there shall be no failure to give suitable attention to the performance of duty. Examples include, but are not limited to, failure to take

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appropriate action on the occasion of a fire, disorder, or other act or condition deserving attention; absence without leave; failure to report for duty at the time and place designated; unnecessary absence from one's assignment during a tour of duty; failure to perform duties or comply with any rule or regulation, general or special order or failure to conform to district operating policies and/or procedures.

22. PROMPT PERFORMANCE OF DUTY

Failure to promptly perform as directed all lawful duties required by constituted authority, notwithstanding the general assignment of duties and responsibilities.

23. INSUBORDINATION

Insubordination which shall include, but not limited to, any failure or deliberate refusal to obey a lawful order given by a superior or any disrespectful, mutinous, insolent, or abusive language or action toward a superior, whether in or out of the presence of the superior.

24. TERMINATION OF DUTY OR ASSIGNMENT

Termination of duty or assignment unless properly relieved or dismissed by constituted authority.

25. COOPERATION WITH INTERNAL INVESTIGATIONS

Failure to answer questions, respond to lawful orders, to render material and relevant statements, in an internal district investigation when such orders, questions and statements are directly related to job responsibilities. (Nothing in this section shall be in violation of one's Federal or State constitutional rights).

26. COOPERATION WITH PERSONNEL INVESTIGATIONS

Failure to fully cooperate with personnel investigations. (Nothing in this section shall be in violation of one's Federal or State constitutional rights).

27. WITHHOLDING INFORMATION ON CRIMINAL ACTIVITY

Withholding information on criminal activity.

28. PARTICIPATION IN CIVIL MATTERS

Giving a deposition, affidavit or appearing as a witness in a civil matter stemming from one's official duties as a district member without the knowledge of the Chief.

29. RENDERING AID OR FURNISHING IDENTIFICATION

Failure to render aid or furnish information as is consistent with one's duty. To this end, a district member shall furnish one's name in a respectful manner when so requested.

30. RECOVERED PROPERTY AND EVIDENTIARY MATERIAL

Failure to turn over to the designated agent of the district all lost, stolen, recovered, abandoned or evidentiary material, which comes into the possession of a district member as a result of the performance of district duties. To this end,

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all such material shall be turned over prior to the completion of the tour of duty during which the material came into the possession of the member.

31. PUBLIC CRITICISM OF THE DISTRICT

Public criticism of the district, its policies or members by talking, writing or expression in any manner where such talking, writing or expression:

- i. Is defamatory
- ii. Is obscene
- iii. Is unlawful
- iv. Tends to impair the operation of the district by impairing it's efficiency, interfering with the ability of supervisors to maintain discipline, or having been made with reckless disregard for truth or falsity.

To this end, members shall make maximum utilization of the grievance procedure of the district (Section II District Policies).

32. VEXATIOUS AND UNNECESSARY COMPLAINTS

Making a vexatious or unnecessary complaint against a fellow member of the district.

14. DISTRICT AUTHORITY TO DISCIPLINE (SECTION II POLICY MANUAL)

Final district disciplinary authority and responsibility rests with the Chief. Other supervisory personnel may take disciplinary action as needed.

15. CITIZEN COMPLAINTS AGAINST DISTRICT PERSONNEL

Complaints by citizens against members of the district shall be recorded and investigated by the supervisor in charge as soon as possible in accordance with the following directions.

- a) When the investigation cannot be completed on the date it is received, a preliminary report will be prepared by the supervisor in charge outlining the complaint and his/her actions and delivered to the Chief via the administrative chain of command. The President of the Board or his/her designated agent shall conduct all investigations of the Chief.

16. SERIOUS COMPLAINTS OR ALLEGATIONS

If, in the opinion of the supervisor in charge, the incident is of sufficient gravity, the supervisor shall notify the Chief regardless of the hour. In addition, immediate action necessary to preserve the integrity of the district until the arrival of the Chief shall be taken. Should the matter pertain to or involve the Chief, the Board President shall be notified.

17. INVESTIGATION OF ALLEGED MISCONDUCT

The individual assigned the investigation of an alleged act of misconduct on the part of a member of the district shall conduct a thorough and accurate investigation. Such investigation shall include formal statements from all parties concerned and, when necessary and pertinent, the gathering and preservation of physical evidence pertaining to the case, and all other information bearing on the matter.

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18. REPORTS ON INVESTIGATION OF ALLEGED ACTS OF MISCONDUCT

All alleged acts of misconduct must be investigated and results of the investigation must be reduced to a written report, in which the investigator must summarize the pertinent facts including:

- a) A summary of the complaint or alleged act of misconduct
- b) Pertinent portions of the statements of all parties to the incident
- c) A description of the incident, physical evidence and other evidence important to the case.
- d) The observations and conclusions of the investigating officer.

19. CONCLUSION OF INVESTIGATION INVOLVING DISTRICT MEMBERS

All investigations of district members accused of misconduct will conclude with one of the following findings:

- a) UNFOUNDED; the investigation indicates that the act or acts complained of did not occur or failed to involve district personnel.
- b) EXONERATED; acts did occur, but were justified, lawful and proper.
- c) NOT SUSTAINED; investigation fails to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint.
- d) SUSTAINED; the investigation disclosed sufficient evidence to clearly prove the allegations made in the complaint. Appropriate disciplinary action, if required will be recommended by the investigator in accordance with the Discipline Policy. The report will be forwarded via the administrative chain of command to the Chief with each member in the chain indicating his/her approval or disapproval and attaching any remarks or observations bearing on the case.