

# **HICKSVILLE FIRE DISTRICT**

## **POLICY MANUAL**

# HICKSVILLE FIRE DISTRICT

PREAMBLE .....	6
<b>FINANCIAL POLICIES</b> .....	8
ANNUAL INSPECTION DINNER .....	9
CAPITAL ASSETS .....	13
CELL PHONE USE POLICY .....	18
CODE OF ETHICS.....	19
CONFERENCES.....	28
CONTROL OF DISTRICT AND DEPARTMENT EQUIPMENT .....	29
CREDIT /DEBIT CARD POLICY.....	30
DISTRICT ELECTIONS .....	33
DRUG-FREE WORKPLACE .....	35
EQUAL EMPLOYMENT OPPORTUNITY .....	39
FINANCIAL POLICY OF HICKSVILLE FIRE DISTRICT .....	48
FREEDOM OF INFORMATION LAW POLICY .....	51
FUND BALANCE POLICY .....	55
INVESTMENT POLICY .....	57
PURCHASING POLICY .....	66
RECORD RETENTION .....	75
REFERENDUM REQUIREMENTS .....	92
REFRESHMENTS AT EVENTS.....	93
RENTAL OF FIREHOUSE AND PROPERTY .....	94
STANDARDIZED EQUIPMENT .....	95
TRAVEL POLICY .....	96
<b>MEMBER CONDUCT POLICIES</b> .....	106
ALCOHOLIC BEVERAGES (PROVISION OF) .....	107
ANTI-BULLYING .....	109
ANTI-DISCRIMINATION .....	111
APPLICATION FOR MEMBERSHIP.....	112
CHIEF AND LINE OFFICER QUALIFICATIONS .....	113
DEPARTMENT NOMINATION AND ELECTION PROCEDURE .....	116
DISCIPLINARY PROCEDURES.....	117

## HICKSVILLE FIRE DISTRICT

DUTIES OF CHIEF AND ASSISTANT CHIEFS .....	120
EQUIPMENT RETURN.....	122
FIREARMS POLICY .....	123
FUNDRAISING EVENTS.....	124
FUNERAL ARRANGEMENTS.....	125
GUESTS IN THE FIREHOUSE .....	126
GYM USE.....	127
HATE SYMBOLS AND SPEECH.....	128
HONORARY MEMBERSHIP STATUS - DEPARTMENT.....	129
IMPAIRMENT POLICY .....	132
INDEMNIFICATION.....	138
INTERNET & COMPUTER RELATED ISSUES POLICY .....	139
INVESTIGATION.....	146
LENGTH OF SERVICE AWARDS PROGRAM (LOSAP).....	150
LIFE ACTIVE MEMBERS .....	151
MEDIA RELATIONS .....	153
MEDICAL RESTRICTIONS.....	154
MEMBER’S CODE OF CONDUCT.....	157
OFFICER’S CODE OF CONDUCT .....	158
PARKING .....	159
PHYSICAL ABILITY POLICY .....	160
PRIVACY EXPECTATIONS.....	167
PROPERTY TAX DEDUCTION.....	168
RESIDENCY REQUIREMENTS .....	169
SEXUAL HARASSMENT PREVENTION POLICY .....	170
SMOKING POLICY .....	187
UNIFORMS.....	188
WHISTLEBLOWER/DISCLOSURE POLICY .....	190
WORKPLACE VIOLENCE PREVENTION PROGRAM .....	197
ZERO TOLERANCE DRUG AND ALCOHOL POLICY.....	199
<b>OPERATIONAL POLICIES.....</b>	<b>200</b>

## HICKSVILLE FIRE DISTRICT

APPARATUS DRIVER MINIMUM QUALIFICATIONS .....	201
BLUE LIGHTS .....	202
DASH CAMERAS .....	203
EMERGENCY SCENES: RESPONSE COVERAGE .....	205
LICENSE EVENT NOTIFICATION SYSTEM PROGRAM (LENS) .....	207
PERSONAL VEHICLES.....	208
RESPONSE DIRECTLY TO SCENES .....	209
VEHICLE USE POLICY .....	210

# HICKSVILLE FIRE DISTRICT

## RECORD OF CHANGE

Date	Description of Change	Page #	Authorized
01/01/2025	Reviewed/Changed and Updated	All	Board of Fire Commissioners

- The master copy of this policy will be maintained by the district.
- A copy of this policy will be available for review on the Districts website.
- All printed copies of this policy will be considered uncontrolled and for reference only.
- This policy shall be reviewed at least annually.

**Dennis Mulligan**

Chairman of the Board

**Robert Chiz**

Vice-Chairman of the Board

**Robert Dwyer**

Commissioner

**Thomas Ofenloch**

Commissioner

**Gerard Mulholland**

Commissioner

PREAMBLE

**Officers**

**Board of Fire Commissioners**

The Board of Fire Commissioners shall consist of five (5) members as presently constituted. Each Fire Commissioner shall serve for a term of five years and the term of office of the commissioner whose term expires will be filled in each year, as provided for by New York State Law. The Board of Fire Commissioners shall constitute the governing and legislative body and shall hereinafter be referred to in these by-laws and policy as the "Board".

**Secretary**

The Secretary shall be appointed by the Board unless such procedure is changed, as provided for by the terms of the Town Law.

**Treasurer/Deputy Treasurer**

The Treasurer/Deputy Treasurer shall be appointed by the Board unless such procedure is changed, as provided for by the terms of the Town Law and the duly elected representative of the employees.

**Consultants to Board of Fire Commissioners**

**Architect**

The Board shall designate an architect to perform such duties and functions as the Board may direct during the year. His compensation shall be fixed by agreement and may be redesignated by the Board to serve for additional periods of one year or any part thereof. The Board and architect shall assume such contractual obligations as may be agreeable between the parties and such agreement may be oral or in writing.

**Attorney**

The Board may in its discretion engage the services of an attorney upon such terms and conditions as the Board in its judgment deems advisable. The attorney may be engaged for a period of one year or any part thereof and may be redesignated to serve for such additional periods of time as may be oral or in writing.

## **Accountant**

The Board may retain the services of an accountant for the period of one year or any part thereof and may redesignate the accountant to serve for such additional periods of time as may be agreed. The compensation of the accountant shall be fixed between the parties and the agreement may be oral or in writing.

## **All Other Consultants**

The Board may in its discretion engage the services of any consultant the Board in its judgment deems advisable and necessary for the operation and needs of the District. The compensation of such consultants shall be fixed between the parties based on scope and duration of services rendered.

## **Employees**

The Board may retain the services of a dispatcher, firehouse person, custodian and such other employees such as, but not limited; as what may be required to receive alarms, dispatch fire equipment, maintain the buildings and grounds of the firehouses in neat and clean condition and in reasonable repair. Such compensation shall be fixed as may be agreeable to the parties and the salaries together with the taxes imposed by law for such employees shall be a charge against the district funds and shall be disbursed from the general funds of the district.

## **Powers and Duties of the Board of Fire Commissioners, Secretary and Treasurer**

The Board shall convene an organizational meeting on the 2<sup>nd</sup> Tuesday of January. The organizational meeting shall proceed with the election of a Chairperson of the Board as the first order of business and to be elected in accordance with the Town Law.

The Chairperson of the Board shall preside at the organizational meeting and thereafter the Board shall proceed to appoint a secretary, treasurer, deputy treasurer, architect, attorney and accountant. The salaries and terms of employment of the employees shall be subject of negotiation by the Board of Fire Commissioners.

## **Fire Companies**

All Companies now or hereafter to be organized and accepted as such, by the Commissioners of the Hicksville Fire District in conformity with their powers as Commissioners, shall and are hereby organized as the Hicksville Fire Department.

# FINANCIAL POLICIES



# HICKSVILLE FIRE DISTRICT

## ANNUAL INSPECTION DINNER

This policy is established in order to delineate appropriate expenditures for annual inspection dinners and clearly establish the circumstances under which such expenditures will be paid and the types of expenditures that will be paid.

The annual dinner held in order to perform a public inspection of the uniformed members of the volunteer fire department, perform a ceremonial installation of officers and recognize members and officers for their service to the community in the past year is an expense that is authorized by statute. Section 176-d of the Town Law states that, "*Notwithstanding any other provision of law to the contrary, a fire district may include as part of its budget an appropriation to fund an annual fireman's inspection-dinner for each fire company within the fire district.*"

In order to achieve savings for the fire district the Board combines the annual dinner for all fire companies into one dinner for the entire fire department.

The Board of Fire Commissioners will plan an inspection dinner each year and will take input from the Office of the Chief of Department and a fire department committee if one is formed by the Chief.

No contracts or agreements with vendors of goods and/ or services relative to this dinner will be entered into by the Office of the Chief, any chief officer, the fire department committee or any member of the committee. The work of the Office of the Chief of Department and any fire department committee in assisting in the development of a plan and schedule for the dinner shall be advisory only.

The final decision on all plans for the dinner shall be made by the Board of Fire Commissioners.

The final decision on all contracts and agreements with vendors for the dinner shall be made by the Board of Fire Commissioners.

### **Selecting the Catering Facility**

The contract will require a down payment and other payment terms. The Board will endeavor to obtain the lowest down payment requirement possible. It must balance the general policy to avoid paying for goods and services in advance of their receipt with the industry standard of requiring a down payment with forfeiture terms in order to reserve a date at a facility.

To the extent possible the Board will endeavor to obtain payment terms that permit payment of the balance at the conclusion of the event so that the Board is in position to negotiate price concessions for any failure of the facility to meet its obligations under the contract.

The contract should establish the terms of any gratuity payment requirements so that gratuities paid on the evening of the affair reflect the prior agreement of the parties.

## HICKSVILLE FIRE DISTRICT

The contract should establish the maximum number and minimum number of guests for the function and to the extent possible the Board will endeavor to secure a facility that is adequate to handle the size of the crowd anticipated while at the same time obtaining the lowest minimum number of guests it must contractually guarantee.

At least three written quotes should be obtained from catering facilities and reviewed by the Board before an award of contract is made.

In selecting a catering facility, the Board recognizes that such selection is not amenable to competitive bidding since each facility is unique and offers unique services, atmosphere, etc. Even in taking quotes the Board recognizes that the lowest quote may not be the best choice for the dinner because of aspects of the decision that do not relate to price. Nevertheless, obtaining quotes provides the Board with an idea of the marketplace for catering services and may also place the Board in a position to negotiate a lower price from the desired facility.

### **Service of Alcohol at the Dinner**

The Board is aware of the continuing legislative controversy surrounding the provision of alcohol at inspection dinners and the use of public money to pay for the alcohol. The Board is also aware of a bill proposed in 2006 in the Assembly that would make alcohol an impermissible expense for this type of dinner, and notes that this legislative proposal is evidence of the fact that there is no current legal impediment to the inclusion of alcohol in the fare served to attendees at the dinner. Section 176-d of the Town Law contains very limited guidance on this, and other issues related to the dinner. The Board will abide by future legislative action in this regard and would prefer that vendors provide the service of alcohol at no additional charge if it is to be offered by vendors for the dinner.

In the event that alcohol is served the catering facility will be required to enforce all state laws relative to the service of alcohol and fire district and department personnel will be held accountable to rules that relate to service of alcohol at department and district functions including rules that relate to members, officers and employees under the age of twenty-one (21) years.

### **Development of Guest List**

The Board of Fire Commissioners will develop a guest list with input from the Office of the Chief of Department and a fire department committee if one is formed by the Chief.

All Active members in good standing, Department Honorary Members, Medical Honorary Members, Life Active Members, Ladies Auxiliary members who are not married to firefighters, will receive an invitation to the dinner entitling them to bring a spouse or guest. With the exception of the guests permitted for chief officers, no guests will be permitted who are under the age of eighteen (18) years without permission for the Board of Fire Commissioners.

## HICKSVILLE FIRE DISTRICT

The Chief and Assistant Chiefs of the department will be given a special number of additional invitations for the dinner for friends and family that will permit them to have certain other guests present to assist them in enjoying the honors to be bestowed upon them at the dinner.

Members who achieve fifty (50) years of service will be given, for that year they are being recognized, a special number of additional invitations for the dinner for friends and family that will permit them to have certain other guests present to assist them in enjoying the honors to be bestowed upon them at the dinner.

The Board will invite full time district employees and consultants with guests if it determines their presence is required to properly recognize chief officers to be installed and other firefighters to be honored.

The Board will invite commissioners and chiefs from other fire district and fire departments, town, county, and state officials, local police department representatives, representatives from state and county firematic organizations, and other members of the community (with a guest as the Board deems appropriate) in the event that it determines their presence is required in order to properly recognize chief officers to be installed and other firefighters to be honored.

This policy shall not establish a right of any person to attend the dinner and the Board shall have the discretion not to invite or to withdraw an invitation given to any person. Invitations will be sent out and responses will be recorded with a final result in writing placed in the district file for the dinner.

An attempt will be made to take attendance at the dinner in order to record who actually attended and to verify a "head count" for the purpose of verifying the final charge made by the catering facility.

The Board reserves the authority to expand the guest list if it determines prior to the dinner that it will be unable to meet the minimum guarantee of dinners that must be paid for as a result of the invitations sent out and the responses received.

### **Additional Goods and Services for the Dinner**

The Board shall utilize the district purchasing and procurement procedure in order to select vendors to provide additional goods and services for the dinner. To the extent practical three written quotes will be received for each of the following:

1. Entertainment. The Board will endeavor to select a band, DJ or other entertainer to provide entertainment at the catering facility for attendees. The Board is aware that this type of service is artistic in nature and that price may not be the determining factor, but it will nevertheless consider multiple bids for services and seek the input of the Office of the Chief of Department and a fire department committee if one is formed by the Chief.

## HICKSVILLE FIRE DISTRICT

2. Programs and Invitations. The Board will use normal purchasing practices in order to obtain the production and supply of dinner programs and invitations. The Board is aware that this type of service is artistic in nature and that price may not be the determining factor, but it will nevertheless consider multiple bids for services and seek the input of the Office of the Chief of Department and a fire department committee if one is formed by the Chief.
3. Photography. The Board will use normal purchasing practices in order to obtain still photography and videotaping services for the dinner to the extent it deems such services necessary. The Board is aware that this type of service is artistic in nature and that price may not be the determining factor, but it will nevertheless consider multiple bids for services and seek the input of the Office of the Chief of Department and a fire department committee if one is formed by the Chief.
4. Flowers. The Board will use normal purchasing practices in order to obtain the production and supply of flowers for the dinner. The Board is aware that this type of service is artistic in nature and that price may not be the determining factor, but it will nevertheless consider multiple bids for services and seek the input of the Office of the Chief of Department and a fire department committee if one is formed by the Chief.

The Board will consider other goods and services to be added to the dinner based upon recommendation from the Office of the Chief of Department and a fire department committee if one is formed by the Chief. To the extent that new features are added the Board will conduct an annual review of this policy and make necessary amendments.

### **Service Awards for Personnel**

The Board will consider purchasing items to be awarded to volunteer members and officers of the department recognizing their services and achievements during the past year(s) and will consider the recommendation from the Office of the Chief of Department with regards to identifying personnel to be recognized and to selecting the actual awards. To the extent possible the Board will use normal purchasing policies to purchase the service awards.

## CAPITAL ASSETS

### Purpose

The purpose of this policy is to provide for the orderly and consistent acquisition, tracking, financial reporting and disposal of the Hicksville Fire District's assets, including real property owned by the Hicksville Fire District and to insure that such assets are properly acquired, tracked, sold, transferred or disposed of and that the Hicksville Fire District realizes the best value for those assets.

This policy establishes the minimum cost for financial assets to be included in the annual financial statements in order to comply with the requirements of Governmental Accounting Standards Board (GASB) Statement 34. This policy also addresses other considerations for recording and depreciating fixed assets in order to comply with the provisions of Governmental Accounting Standards Board (GASB) Statement 34.

This policy shall be reviewed and approved annually to ensure compliance with all legal requirements.

### Scope

This policy applies to all assets, which are hereby defined as tangible personal property and real property owned by the Hicksville Fire District ("Asset(s)"). Examples include buildings, furniture, fixtures, tools, equipment, trailers, pumps, apparatus or any kind, vehicles, computer equipment, furniture, chairs, office equipment, supplies, any other tangible goods purchased or leased by the District and the disposition of real property.

### Policy Implementation and Compliance

The Board of Fire Commissioners is responsible for compliance with and implementation of this policy. The Fire District Superintendent will track and report all assets owned by the district and make recommendations to the Board. The Fire District Secretary shall cause this policy to be made available to the general public as requested and to be posted on the Fire District's website.

### Acquisition of Assets

The Hicksville Fire District acquires capital assets in compliance with the District Procurement policy.

## **Disposal of Assets**

The Hicksville Fire District may sell or otherwise dispose of real and personal property of the district no longer necessary for any of its uses or purposes. District Law§176 (23). If the property being disposed of is valued under twenty thousand (\$20,000) dollars, only a proposition is required to be voted upon by the Hicksville Board of Fire Commissioners. If such property is to be sold for more than twenty thousand (\$20,000) dollars, but not in excess of one hundred thousand (\$100,000) dollars, the Board of Fire Commissioners can only dispose of the asset only after a resolution subject to a permissive referendum has been successfully approved by the Board. If such property is valued over one hundred thousand (\$100,000) dollars, then it can be sold only if the proposition adopted by the Board of Fire Commissioners is submitted, adopted and approved at a special or annual fire district election. In the event that the property will be used as a trade in for the purpose of buying replacement apparatus the Board will be guided by counsel on the procedure to follow.

## **Capitalization and Depreciation of Assets**

Capital assets are recorded at historical cost as of the date acquired or constructed. If historical cost information is not available, assets are recorded at estimated historical cost by calculating current replacement cost and deflating the cost using the appropriate price level index. All assets with a useful life of greater than one year and costing greater than five hundred (\$500.00) dollars shall be capitalized. The Treasurer will assign an estimated useful life to all assets for the purpose of recording depreciation. Assets shall be depreciated using the straight-line method and the attached recommended useful life table. Asset lives will be adjusted as necessary depending on present condition and the use of the asset, and based on how long the asset is expected to last to meet current service demands. Adjustments should be properly documented. Depreciation is not required to be reported for the required regulatory basis financial statements that fire districts in New York State report on, however, if it were required, it would be recorded based on straight line method using actual month convention and depreciated down to the assets salvage value.

## **Tracking of Assets**

Detailed records shall be maintained for all fixed assets above the threshold of five hundred (\$500.00). dollars The Superintendent shall ensure that each asset is assigned an asset number to each Asset and record a full description of the asset and the location to which the asset has been assigned. The number will allow the District to track each asset's deployment and disposal.

## Periodic Inventory of Assets

The Board of Fire Commissioners or their designee shall ensure that a physical inventory of the assets is performed or updated once every five years. As part of each physical inventory, the Superintendent shall report to the Board of Fire Commissioners those assets that are no longer in use or should be disposed of or retired. The results are forwarded to the Superintendent who will make appropriate adjustments to the fixed asset records.

All machinery and equipment, vehicles and furniture are assigned an asset number and identified with an asset tag. As capital assets are procured information about the asset will be forwarded to the district clerk for entry into the RedNMX inventory data. As fixed assets are disposed, information about the asset and method of disposition will be forwarded to the district clerk for entry into the RedNMX inventory data.

## Identifying Assets for Disposal

Those assets that are no longer required, no longer functional and/or are no longer serving the use and purpose for which they were acquired and no longer useful for Fire District purposes shall be identified for disposal by the Superintendent and this information shall be relayed to the Board of Fire Commissioners.

## Classifying Assets

Once assets have been identified for disposal, the Superintendent shall classify the assets into one of the following three categories:

1. **Waste.** This category includes materials or items that have no functional value or no known intrinsic value. These Assets shall be disposed of as the Superintendent may determine in a safe, appropriate and commercially reasonable manner.
2. **Scrap.** This category includes materials or items that have no functional value but retain intrinsic value due to the material out of which they are made. These Assets may be disposed of as Superintendent may determine in a commercially reasonable manner, obtaining the best value.
3. **Surplus.** This category includes materials or items that retain functional value and/or intrinsic value. These Assets will be disposed of by the Superintendent in accordance with this policy as set forth herein below.
4. **Value.** The approximate value of the asset needs to be determined, so the Superintendent can inform the Board as to the process it must take in the disposal of the asset.



## Disposal of Surplus Assets

The Board may dispose of any such asset for not less than fair market value by sale, exchange, transfer for cash, credit or other property upon such terms as the Superintendent deems proper consistent with the terms of this policy and the law. Any disposal of real property shall require an appraisal by an independent appraiser to determine its fair market value.

## Disposal of Surplus Assets

Surplus Assets may be sold through a public notice and auction process, use of any other public notice procedure, placement of ads in publications and general circulation or electronic classified ads or auction sites, or by negotiation. It is the responsibility of the Board to determine the best method of disposal so as to achieve the greatest value.

If the surplus assets offered for sale are not sold within ninety days (90) or such greater time as may be reasonable under the circumstances, the Board may determine the items to be waste and to dispose of them as set forth in this policy.

The Board may utilize the following methods for disposition of assets:

1. Advertised Bid

All disposal of surplus assets shall be made after public advertising for bids for the purchase of the Assets. The Board shall order the advertising for bids in such a manner and in such publications as the Board deems reasonably necessary to permit full and fair competition for the property consistent with the fair market value and nature of the property. All advertisements and announcements soliciting bids shall state the place and time at which the bids received for the asset advertised shall be publicly disclosed.

2. Award of Property Subject to Bids.

The Board shall evaluate the bids and select the bid most advantageous to the District based upon:

- A. conformance with the invitation for bids,
- B. the terms, including but not limited to the price offered, and
- C. any other factors that warrant consideration. Notwithstanding the foregoing, the District may reject as inadequate all bids received in response to a particular solicitation for bids if the Board deems that it is in the best interest of the District to reject all bids.



### 3. Notification of Successful Bid

The District shall notify the successful bidder in writing of acceptance of the bid. This notice shall contain a description of the asset, the amount of the successful bid and any other material items of the bid. The bidder shall be required to make payment to the District in a form and on terms acceptable to it before taking possession of the asset. The District shall gather the following information regarding any successful bidder: name, address, phone number. The District shall provide to the successful bidder a deed, bill of sale, lease or other appropriate instrument adequate to transfer the asset to the successful bidder. The Board will designate by motion that is authorized to execute all documents on behalf of the District to effectuate transfer of title.

### **Disposal of Property by Negotiation**

The District may dispose of Assets through negotiation or by public auction without regard to the above-described procedures if the Superintendent determines that any of the following conditions exist:

1. introduction into the market of the Asset to be disposed of would adversely affect the local market for that kind of property, and a fair market price and other terms for the sale of the Asset can be obtained through negotiation;
2. prices for the Asset that were obtained by advertised bid were not reasonable or the bid process did not generate open competition;
3. the Asset is being disposed of for less than fair market value, the terms of the disposal have been reached through public auction or negotiation the disposal of the Asset is intended to further the health, safety, welfare or economic development interests of the state or any of its political subdivisions, and the Board has approved the particular transaction by resolution or;
4. The use of advertised bids is an inappropriate method for disposal of the Asset.

### **Yearly Property Report**

Each year the Treasurer shall publish a report listing all real property of the District and all real property and/or assets disposed of by the District during the previous twelve-month period. The report shall contain a full description of each item of property disposed of, the price received by the District, and the name of the individual(s) or entity that purchased the property.

**CELL PHONE USE POLICY**

Commissioners, chiefs, district officers and certain managerial level employees incur significant personal expenses for their volunteer status service to the Fire District. Cellular phones are a tool utilized by them to carry out such duties.

In order to limit the amount of personal funds invested by commissioners, chiefs, district officers and certain managerial level employees and in order to assist the District and its officers with performing their duties, cellular phones may be provided by the Fire District. These cellular phone plans may include data plans and extra iCloud storage.

It is anticipated that a certain number of personal calls are unavoidable and personal calls are acceptable. The District may require that individuals pay a monthly fee, a uniform amount to be determined by the Board, to the District for the use of the device. Payments are due to the District Treasurer on an annual basis. Periodic usage charges over and above the monthly service charge caused by the user will be payable to the District upon notifying the user of the charges. Failure to pay either the monthly fee or the usage fees will result in mobile device privileges being revoked.

## CODE OF ETHICS

### **Section 1. Purpose.**

Officers and employees of the Hicksville Fire District, and the members of the fire district fire department, hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Board of Fire Commissioners recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

### **Section 2. Definitions.**

(a) "Employee" means a paid employee of the fire district including, but not limited to, paid firefighters.

(b) "Fire district" means the Hicksville Fire District.

(c) "Interest" means a direct or indirect pecuniary or material benefit accruing to a fire district officer or employee as the result of a contract with the fire district which such officer or employee serves. For the purpose of this Code of Ethics, a fire district officer or employee shall be deemed to have an interest in the contract of (A) a spouse, minor child or dependent, except a contract of employment with the fire district which such officer or employee serves, (B) a firm partnership or association of which such officer or employee is a member or employee, (C) a corporation of which such officer or employee is an officer, director or employee, and (D) a corporation of which any stock is owned or controlled directly or indirectly by such officer or employee. For an interest to create a conflict for an officer, employee or member of the fire department it must violate the following statutory provision :"*(1) no Fire District officer or employee shall have an interest in any contract with the Fire District of which he is an officer or employee, when such officer or employee, individually or as a member of a board, has the power or duty to (a) negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder (b) audit bills or claims under the contract, or (c) appoint an officer or employee who has any of the powers or duties set forth above and (2) no chief fiscal officer, treasurer, or his deputy or employee, shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the Fire District of which he is an officer or employee. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any Fire District officer or employee in one or more positions of public employment, the holding of which is not prohibited by law. (General Municipal Law Section 801).["Fire District" substituted for "municipality" and "municipal" for the purposes of this Code]."* In accordance with statute the exceptions provided for under Section 802 of the General Municipal Law shall apply to this code.

(d) “Member of the fire district fire department” or “fire department member” means a volunteer member of the fire district fire department. The official powers and duties of a fire department member refers to the individual’s powers and duties under laws, under rules or regulations adopted by the Board of Fire Commissioners, or under policies or procedures of the Board of Fire Commissioners or the chief of the fire district fire department. Members of the fire district fire department may enter into contracts with the fire district individually or as officers, partners, shareholders or employees of a business entity as long as they disclose their involvement with the contracting party in the manner specified in Section 6 below, and are not engaging in a violation of Sections 801 or 802 of the General Municipal Law (see definition of “interest” stated above).

(e) “Officer” means a person serving as a paid or volunteer officer of the fire district including, but not limited to, the members of the Board of Fire Commissioners, treasurer, deputy treasurer, secretary, director of purchasing, and the chief and assistant chiefs of the fire district fire department.

### **Section 3. Applicability.**

This code of ethics applies to the officers and employees of the fire district, and to the members of the fire district fire department. The provisions of this code of ethics shall apply in addition to all laws, including Article 18 of the General Municipal Law, all rules and regulations of the Board of Fire Commissioners, and all policies and procedures of the Board of Fire Commissioners.

### **Section 4. Appearance of impropriety.**

All officers or employees of the fire district, and all members of the fire district fire department shall do their best to avoid even an appearance of impropriety with reference to fire district, fire department and fire company operations and with reference to the performance of their duties. They shall conduct their affairs with the best interests of the fire district, fire department and fire company as a paramount concern.

### **Section 5. Use of position for personal or private gain.**

(a) No officer or employee of the fire district, and no member of the fire district fire department, may use his or her position to secure unwarranted personal or private gain for himself or herself, or for any other person or any organization in violation of this code. Unwarranted personal or private gain does not include any payment, benefit or opportunity that is available to any of the following groups of people or under the following circumstance:

## HICKSVILLE FIRE DISTRICT

- (1) all of the officers, employees or members of the fire district fire department;
- (2) all of the members of a fire district fire company;
- (3) all of the eligible residents of the fire district or a duly established zone of the fire district;
- (4) the general public; or
- (5) any transaction not in violation of this code.

(b) No officer or employee of the fire district, and no member of the fire district fire department, may use or permit the use of fire district resources for personal or private purposes unless such use has been authorized by a district policy or procedure as a benefit given to volunteer and/ or paid personnel. Fire district resources include, but are not limited to, use of fire district personnel, or use of the fire district's money, vehicles, equipment, materials, supplies or other property. The Board of Fire Commissioners reserves the authority to adopt policies and procedures permitting use of equipment and property by personnel, and will consider the best interests of the fire district when adopting such policies. Issues such as recruitment and retention of personnel, morale of the fire department and fire district, and the needs of the fire district, fire department and fire company shall be considered in adopting such policies. Written policies and procedures already in place on this topic at the time of the adoption of this code shall continue in full force and effect unless specifically amended or rescinded.

(c) All officers and employees of the fire district, and all members of the fire district fire department, shall follow the travel expense reimbursement policy adopted by the Board of Fire Commissioners of this fire district when they incur expenses for previously authorized transportation, meals or lodging in connection with official travel.

(d) This section does not prohibit an officer, employee or fire department member from:

- (1) responding to a fire or other emergency;
- (2) voting to approve the fire district's annual budget;
- (3) authorizing or receiving lawful compensation for services as an officer or employee of the fire district;
- (4) authorizing or receiving lawful payment or reimbursement for actual and reasonably necessary expenses incurred by an officer, employee or fire department member in the performance of his or her official duty;
- (5) authorizing or receiving lawful benefits as a fire department member including, but not limited to, service awards, group life insurance, and benefits under the Volunteer Firefighters Benefit Law;
- (6) authorizing or receiving payments under a lawful fire district contract;
- (7) using fire district personnel, vehicles, equipment, materials, supplies or property for any purpose pursuant to law; or
- (8) performing a mandatory function that does not require the exercise of discretion.

## **Section 6. Disclosure of interest in legislation.**

(a) Every officer and employee of the fire district, and every member of the fire district fire department, must disclose the nature of any interest, in any matter coming before the Board of Fire Commissioners for action. Disclosure is warranted when the officer, employee or fire department member (or his or her spouse or dependent child) has an interest in a matter that comes before the Board.

(b) For purposes of this section, a “matter coming before the Board of Fire Commissioners for action” means a motion, resolution or any other issue or question requiring a vote of the board.

(c) The disclosure required by this section must be in writing and must be made publicly to the Board of Fire Commissioners and recorded in its minutes. The Board of Fire Commissioners must cause the disclosure to be included in the minutes of the meeting at which the disclosure is made.

(d) Disclosure is not required with respect to interests in the following actions by the Board of Fire Commissioners:

- (1) adoption of the fire district’s annual budget;
- (2) authorization of lawful compensation for services as an officer or employee of the fire district;
- (3) authorization of lawful payment or reimbursement for actual and necessary expenses incurred by an officer, employee or fire department member in the performance of his or her official duty; or
- (4) authorization of lawful benefits to the members of the fire department including, but not limited to, service awards, group life insurance, and benefits under the Volunteer Firefighters Benefit Law.

## **Section 7. Recusal and abstention.**

(a) Except as otherwise required by law, no officer or employee of the fire district, and no member of the fire district fire department, may vote on any matter, or exercise or perform any other official powers or duties in connection with, any matter, when any of the following people have an interest in the matter:

- (1) the officer, employee or fire department member;
- (2) a spouse or dependent child of the officer, employee or fire department member

(b) In the event that subdivision (a) of this section prohibits an officer, employee or fire department member from exercising or performing his or her official powers or duties:

- (1) if the officer has a deputy who is not prohibited by subdivision (a) from exercising or performing the power or duty, the deputy shall exercise or perform the power or duty; or

## HICKSVILLE FIRE DISTRICT

(2) in all other cases, the officer, employee or fire department member must refer the matter to his or her immediate supervisor or, if the person does not have an immediate supervisor, the officer, employee or fire department member must refer the matter to the Board of Fire Commissioners.

(c) When a matter is referred to a person's immediate supervisor or to the Board of Fire Commissioners pursuant to subdivision (b) of this section, the power or duty shall be exercised or performed by the immediate supervisor or the Board of Fire Commissioners, or the immediate supervisor or Board of Fire Commissioners may delegate the power or duty to one or more persons who are authorized to perform the function and not prohibited from doing so by subdivision (a) of this section.

(d) This section does not prohibit an officer, employee or fire department member from performing a mandatory function that does not require the exercise of discretion.

(e) With regard to disciplinary matters that are not monetary in nature or to which the definition of interest herein would not apply and involve a possible conflict of interest for the officer, employee or fire department member authorized to perform duties within the disciplinary process, the decision on whether or not recuse oneself from participating in such process shall be a personal determination to be made by the officer, employee or fire department member. In such case the officer, employee or fire department member may seek the counsel and advice of district counsel.

### **Section 8. Holding of investments in conflict with official duties.**

(a) No officer or employee of the fire district may hold investments that would violate Article 18 of the General Municipal Law given the office or position held.

(b) This section does not prohibit an officer or employee from owning any of the following assets:

- (1) real property located within the fire district or any other area served by the fire district fire department and used as his or her personal residence;
- (2) less than five percent of the stock of a publicly traded corporation; or
- (3) bonds or notes issued by the fire district and acquired more than one year after the date on which the bonds or notes were originally issued.

### **Section 9. Private employment in conflict with official duties.**

(a) No officer or employee of the fire district may accept employment or engage in any business or professional activity which:

- (1) impairs the person's independence of judgment in the exercise or performance of his or her official powers and duties;

## HICKSVILLE FIRE DISTRICT

- (2) is likely to require disclosure of confidential information gained by reason of serving as an officer, employee or fire department member; or
- (3) requires representation of a person or organization other than the fire district in connection with litigation, negotiations or any other matter to which the fire district is a party.

(b) No officer or employee of the fire district may:

- (1) represent another person or organization before the board of fire commissioners or any other body or officer of the fire district unless provided for under the district, department or company bylaws, rules or regulations;
- (2) render services to another person or organization in relation to any matter which must come before the board of fire commissioners or any other body or officer of the fire district; or
- (3) render services to another person or organization in relation to any matter which is pending before the board of fire commissioners or any other body or officer of the fire district.

(c) This section does not prohibit an officer or employee from:

- (1) representing him or herself, or his or her spouse or minor children before the board of fire commissioners or any other body or officer of the fire district;
- (2) asserting a claim against the fire district on his or her own behalf, or on behalf of his or her spouse or minor children; or
- (3) performing services pursuant to a lawful and duly authorized contract with the fire district, provided, that if the consideration payable under the contract exceeds \$1,000, the contract was awarded in accordance with the procurement and purchasing policy of the fire district adopted in accordance with Section 104-b of the General Municipal Law or in accordance with competitive bidding requirements if specifically required by statute.
- (4) in the case of a member of the fire district fire department nothing contained herein shall restrict the right of a member to hold any interest in a commercial concern or business or to hold a position of employment with any firm regardless of whether or not the firm engages in business with the fire district as long as the member complies with the disclosure requirements of Section 6 herein and meets the parameters stated in Sections 801 and 802 of the General Municipal Law.

### **Section 10. Future employment.**

(a) No officer or employee of the fire district, for the sixty-day period after serving as such officer or employee may:

- (1) represent another person or organization before the board of fire commissioners or any other body or officer of the fire district;



## HICKSVILLE FIRE DISTRICT

- (2) render services to another person or organization in connection with any matter which must come before the board of fire commissioners or any other body or officer of the fire district; or
- (3) render services to another person or organization in connection with any matter which is pending before the board of fire commissioners or any other body or officer of the fire district.

(b) No officer or employee of the fire district at any time after serving as such officer or, employee, may appear, practice or render services to another person or organization in connection with any particular matter in which he or she personally participated while serving as an officer, employee or fire department member.

(c) This section does not prohibit an officer or employee from:

- (1) representing him or herself, or his or her spouse or minor children before the board of fire commissioners or any other body or officer of the fire district;
- (2) asserting a claim against the fire district on his or her own behalf, or on behalf of his or her spouse or minor children; or
- (3) performing services pursuant to a lawful and duly authorized contract with the fire district, provided, that if the consideration payable under the contract exceeds \$1,000, the contract was awarded in accordance with the procurement and purchasing policy of the fire district adopted in accordance with Section 104-b of the General Municipal Law or in accordance with competitive bidding requirements if specifically required by statute.
- (4) performing services as a member of the fire district fire department, any fire company thereof, and/or the exempt benevolent association existing and operating within the fire district.
- (5) accepting future employment that does not specifically violate Article 18 of the General Municipal Law.

### **Section 11. Confidential Information.**

No officer or employee of the fire district, and no member of the fire district fire department, who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose such information unless the disclosure is required in the course of exercising or performing his or her official powers and duties.

## **Section 12. Gifts.**

(a) No Fire District officer or employee shall:

(i) directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five (\$75.00) dollars or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.

(ii) This section does not prohibit:

- (1) gifts made to the fire district;
- (2) fund raising activities authorized by and pursuant to section 204-a of the General Municipal Law;
- (3) gifts from a person with a family or personal relationship with the officer, employee or fire department member when the circumstances make it clear that it is that personal relationship, rather than the recipient's status as an officer, employee or fire department member, that is the primary motivating factor for the gift;
- (4) gifts which are modest, reasonable and customary, given on special occasions, such as marriage, illness, or retirement;
- (5) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
- (6) awards and plaques having a nominal value which are publicly presented in recognition of service as an officer, employee or fire department member, or other service to the community; or
- (7) payments of rewards authorized by law.

## **Section 13. Board of Ethics.**

(a) At this time the Board will not establish a separate Board of Ethics in conjunction with this code. It will consider activity on ethical issues and determine if the volume activity justifies the creation of a separate ethics board.

## **Section 14. Posting and distribution.**

(a) The Board of Fire Commissioners will promptly cause a copy of this code of ethics, and any future amendment to this code of ethics, to be posted publicly and conspicuously in each building under the fire district's control. The code of ethics must be posted within ten days following the date on which the code takes effect. An amendment to the code of ethics must be posted within ten days following the date on which the amendment takes effect.

## HICKSVILLE FIRE DISTRICT

(b) The Chairman of the Board of Fire Commissioners must promptly cause a copy of this code of ethics, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the fire district, or a member of the fire district fire department.

(c) Every officer, employee and fire department member who receives a copy of this code of ethics or an amendment to the code must acknowledge such receipt in writing. Such receipts must be filed with the secretary of the fire district who must maintain such receipts as a public record.

(d) The failure to post this code of ethics or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of an officer, employee or fire department member to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

### **Section 15. Enforcement.**

Any officer, employee or member who violates this code of ethics may be fined, suspended or removed from office, employment or membership in the fire department in the manner provided by law. A violation of this code is deemed "misconduct" within the meaning of section 209-I of the General Municipal Law.

**CONFERENCES**

Each member of the Board of Fire Commissioners, as well as District's employees shall be authorized to attend management and legal conferences related to the management of the District as determined by the Board of Fire Commissioners. The cost of registration, transportation, meals, and housing shall be afforded to the attendees in accordance with the district's travel policy.

Any Chief, Assistant Chief, Officer, or active member of the Department may request permission and coverage of expenses to attend any other event which offers training, whether local, within the state of New York or out of state. The cost of registration, transportation, meals, and housing may be afforded to the attendees in accordance with the district's travel policy.

Personnel electing to travel and attend conferences without prior Board of Fire Commissioners authorization will not be considered to be on official business and will not be reimbursed for expenses.

# HICKSVILLE FIRE DISTRICT

## CONTROL OF DISTRICT AND DEPARTMENT EQUIPMENT

Fire equipment and apparatus shall only be utilized for the following purposes, and where indicated only with approval of the Chief and/or the Board of Fire Commissioners:

1. response to emergencies (no approval necessary);
2. training, drills and education inside and out of the District, after approval by the Chief. The Board must consent to the use outside the District.
3. parade use inside and outside of the District is approved first by the Chief and then by the Board of Fire Commissioners;
4. fundraisers in the District, after approval by the Board;
5. travel by members to conferences, after approval by the Chief and the Board of Fire Commissioners;
6. stand by coverage out of District for non-emergencies, after approval by the Chief and notification to the Board of Fire Commissioners.
7. the Board of Fire Commissioners shall, from time to time, make such inspections of any and all fire apparatus to see that the same is in good working condition.
8. the Chief and the Assistant Chiefs shall report to the Board any request for repair or replacement of fire apparatus or equipment and shall report any and all losses sustained to any district property.
9. a member or district employee taking or removing equipment from the apparatus or property from the fire station, without permission from the Board of Fire Commissioners or Chiefs, shall have a hearing before the Board of Fire Commissioners. The member or district employee can be reprimanded or expelled at the discretion of the Board.
10. a member or district employee for willfully destroying or tampering with district property, may be expelled by the Board of Fire Commissioners

Fire equipment and apparatus shall never be utilized for personal gain or for non-department use as listed above.

No furniture, equipment or other such items may be brought into any Fire Station or building for display or use without prior authorization from the Chiefs and Board of Fire Commissioners.

# HICKSVILLE FIRE DISTRICT

## CREDIT /DEBIT CARD POLICY

### **PURPOSE**

To establish criteria for the use of credit cards and purchase cards issued on behalf of the Fire District in the course of performing Fire District business.

### **BACKGROUND**

The Fire District recognizes that the commissioners, district officers including the treasurer and chiefs are required or may be permitted to make expenditures of funds in the course of performing their functions in District business, including travel. The use of credit cards is beneficial to the District and enables the Fire District to be more effective and more efficient. Statements provide detailed purchase histories and other important record keeping and time saving information.

### **PROCEDURES**

**Business Credit Cards.** The individual to whom the card is issued is responsible for the card and its proper use. The Board of Fire Commissioners will have final approval authority on credit card issuance. The Treasurer will be responsible for verifying reconciliation of all credit card usage and charges pursuant to this policy and the Fire District's travel policy.

The credit card is to be used for approved official Fire District business only. There is hereby established a limit for any expenditure for Fire District business as follows, and as subsequently amended by resolution of the Fire District:

**Meals:** Limited to the amount permitted by Internal Revenue Service (IRS) regulation 1542 or the General Service Administration (GSA), except with specific permission of the Board.

**Travel:** Lodging, parking, tickets purchased are all permitted, but the amounts shall be authorized in advance.

**Equipment and supplies purchases:** Permitted up to an amount established by a resolution established in advance of such purchase.

The credit card will not be used in lieu of the normal purchasing procedures of the Fire District.

Personal use of District credit cards is strictly prohibited. In the event that personal charges which cannot be conveniently separated from appropriate Fire District charges are placed on a Fire District Credit Card, such charges must be reported to the Fire District on the monthly reconciliation report and reimbursed to the Fire District immediately.

Sales taxes shall not be paid when possible. Sales Tax Exempt forms or the municipal exemption letter shall be utilized for every purchase whenever accepted by a vendor.

## HICKSVILLE FIRE DISTRICT

The Board in its organizational meeting shall declare the limits for each credit card. The credit cards shall not permit cash withdrawals.

### **Reconciliation**

Credit card activity must be reconciled as follows:

The Cardholder will submit original receipts and documentation describing each transaction. Any purchase lacking an original receipt shall not be reimbursed unless acceptable proof is submitted. Receipts and documentation should be completed no later than fourteen (14) days after use or return from the trip or visit. In the event of a lost or missing receipt, the Fire District official must complete a statement explaining the absence of the documentation and confirming that the expenses were legitimately incurred in the conduct of municipal business.

The person making the purchase shall certify to the Board that the item purchased has been received or the service purchased has been rendered and that no part of the payment outstanding has been satisfied.

No interest or late payment charges shall be incurred by the District.

### **Store Credit Cards**

The District may authorize store specific cards and shall approve such limits as it deems reasonable and shall follow the above rules and restrictions.

### **Gasoline Credit Cards**

In some circumstances, the issuance of a gasoline credit card (in the name of a Chief or the District) on a long-term basis is appropriate to avoid forcing District officials from utilizing their own funds for reoccurring purchases or special trips. The treasurer is authorized to allow gasoline credit cards to be obtained and issued to District officials as is necessary. Gasoline credit cards shall be treated in all respects as other credit cards for purposes of accounting and reconciliation. The Treasurer will monitor the use of the cards and advise the Board of Commissioners immediately of any irregularities or deviations from this policy.

### **Cancellation of Cards**

The Treasurer may immediately cancel or order the surrender of any card which appears to be misused or abused, and will bring the matter to the attention of the Board of Commissioners. The Board of Commissioners shall take the appropriate disciplinary action for misuse of credit cards as provided in the bylaws.

# HICKSVILLE FIRE DISTRICT

## Certification



### BOARD OF COMMISSIONERS

HICKSVILLE FIRE DISTRICT  
20 EAST MARIE STREET  
HICKSVILLE, N.Y. 11801-4304



Date: \_\_\_\_\_

I, \_\_\_\_\_, hereby accept the privilege of carrying and utilizing a credit card in the name of the Fire District. I agree to comply with the purchasing policy of the Fire District. I shall not make any purchase without a sale tax exempt certificate provided to the vendor. I shall not make any personal purchases, except those made in the performance of my service of the District, such as travel expenses and equipment or supply purchases. I understand that only pre-approved or emergency purchases are acceptable and must be within the limits approved by resolution or policy. I understand that no purchase shall be paid by the Fire District unless I provide the original receipt and payment slip and a signed and certified voucher. I shall provide the receipt, slip and voucher at the first available moment in order to permit the Fire District to pay with the credit card in a timely manner. I hereby accept the responsibility and assume the obligation to pay for any debt incurred by me that violates this policy and that has been rejected by the Fire District. In no event shall I permit any other person to utilize this credit card. I understand that use of the Fire District credit card which intentionally violates this policy may constitute the crime of larceny. I will immediately report the loss of the credit card to the Fire District.

\_\_\_\_\_  
[signature]



## HICKSVILLE FIRE DISTRICT

### DISTRICT ELECTIONS

The Fire District hereby establishes the following rules and regulations dealing with the process of election of commissioners and voting on referenda in any regular or special election of the Fire District. The election shall be held on the second Tuesday in December:

1. all candidates for office must submit a petition with at least twenty-five (25) resident electors (voters) signatures of the Fire District to the Secretary of the Fire District no later than twenty (20) days prior to the date of the election. It must be actually in the Secretary's possession no later than 4:00 PM on the date designated. The Secretary must be available for receipt of same at the District office at scheduled and posted hours preceding and up till 4:00 PM on the date petitions are to be submitted;
2. where there are multiple offices being contested at the Annual Election, the individual petition must designate the office being sought, the length of the term of office they are seeking. Each person must designate which office they are seeking and may run for only one office;
3. the secretary of the Fire District shall review all petitions submitted to ascertain the proper information and will notify the candidate in writing if it's accepted or rejected;
4. the name of the outgoing commissioner or district officer running for reelection will appear first on the ballot and additional candidate names will follow in the order the petitions are received. The name of the candidate shall be exactly as it appears on the candidate's petition;
5. the election itself shall be under the supervision and control of the Chair of the Election appointed by the Board of Fire Commissioners. They shall oversee the setup of the polling place and assure that there are proper facilities available for voters to exercise their ballot in secret;
6. the Chair shall supervise the polling place and its environs to make sure that no electioneering is conducted within the polling place or within one hundred (100) feet of the firehouse or other polling place building. The decision as to whether conduct constitutes electioneering shall be in the sole discretion of the Chair who may exercise their authority to promptly stop and, if necessary, report the conduct to the police for assistance;
7. the polling place shall open at 3:00 PM (prevailing time) and shall close at 9:00 PM (prevailing time) any prospective voters then online shall be permitted to vote until all such persons have concluded their voting. After the last ballot is cast, the Chair shall then reopen the polling place so that the machines may be canvassed publicly.

## HICKSVILLE FIRE DISTRICT

8. the canvass of ballots shall be within the view of those members of the public wishing to be present. However, no interference with the counting process shall be permitted and no ballots (or machine) may be exhibited to any person other than the ballot clerks or election inspectors until the District Chair of Election has concluded and publicly announced its results.
9. Candidates are not permitted at the polling place until one-half (½) hour prior to the closing of the polls., however they are permitted to vote at any time.

### HISPANIC LANGUAGE REQUIREMENTS

The Fire District will provide language assistance to “language minorities” in qualifying regions of the United States. Fire Districts located in Nassau County must provide such accommodations to Hispanic members of the community.

Voting materials including “registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots” will be provided to persons in the language of the language minority.

Oral assistance (interpreters) “should be given to the extent needed”. General or special elections of fire districts are subject to this requirement and would include votes on bond issues.

## DRUG-FREE WORKPLACE

The **Hicksville Fire District**, hereinafter referred to as the “**organization**” is committed to protecting the safety, health and well- being of all employees/ officers and members and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

- This organization encourages our personnel to voluntarily seek help with drug and alcohol problems.

### **Covered Workers**

Any individual who conducts business for the organization, is applying for a position or is conducting business on the organization's property is covered by our drug-free workplace policy. Our policy includes, but is not limited to supervisors, full-time employees, part-time employees, volunteers and applicants.

### **Applicability**

Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the organization. Therefore, this policy applies during all working hours, whenever conducting business or representing the organization, while on organization property and at company-sponsored events.

### **Prohibited Behavior**

It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants. To the extent that alcohol is permitted at a special event on our property, property which we lease or at an activity which we or an affiliated organization sponsors, possession and consumption of alcohol is not a violation of this procedure, but personnel are still prohibited from performing their duties under the influence of alcohol.

Prescription and over-the-counter drugs will not be prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee/ officer or member taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of their job. If the use of a medication could compromise the safety of the employee/ officer or member, fellow employee/ officer or member or the public, it is their responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, notify company doctor) to avoid unsafe workplace practices. The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur.

## HICKSVILLE FIRE DISTRICT

The use of alcohol may be permitted at an event sponsored by the organization, its fire department or fire companies, but only if made available as part of the event. However, personnel will not perform job duties, operate motor vehicles and organization owned vehicles, or other equipment while under the influence of alcohol.

### **Notification of Convictions**

Any employee/ officer or member who is convicted of a criminal drug violation in the workplace must notify the organization in writing within five calendar days of the conviction. The organization will take appropriate action upon notification. Federal and state contracting agencies will be notified when appropriate.

### **Searches**

Entering the organization's property constitutes consent to searches and inspections. If an individual is suspected of violating the drug-free workplace policy, they may be asked to submit to a search or inspection at any time. Searches can be conducted only of lockers, desks and workstations and organization vehicles and equipment. Personnel shall have no expectation of privacy in lockers, desks and workstations and organization vehicles and equipment and should conform their use of such facilities appropriately given this additional warning.

### **Drug Testing**

To ensure the accuracy and fairness of our testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines (or such other guideline as submitted by the District Physician for approval by the Board of Fire Commissioners and thereafter approved) where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for an employee/ officer or member testing positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.

All drug-testing information will be maintained in separate confidential records.

Each employee/ officer or member, as a condition of employment and membership, will be required to participate in pre-employment, periodic, random, post-accident, reasonable suspicion and follow-up testing upon selection or request of management.

The substances that will be tested for are: Amphetamines, Cocaine, Opiates, Phencyclidine (PCP), Alcohol, Barbiturates, Benzodiazepines, Methaqualone, Methadone and Propoxyphene (and such other substances as suggested by the District Physician for approval by the Board of Fire Commissioners and thereafter approved).

Testing for the presence of alcohol will be conducted by analysis of breath and/ or blood.

Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine, blood and/ or hair.

Any employee/ officer or member who tests positive will be immediately removed from duty, required to successfully complete recommended rehabilitation including continuing care, required to pass a Return-to-Duty test and sign a Return-to-Work Agreement, subject to ongoing, unannounced, follow-up testing for a period of five years and terminated immediately if they test positive a second time or violates the Return-to-Work Agreement.

An employee/ officer or member will be subject to the same consequences of a positive test if they refuse the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test. In such circumstances the Board reserves the right to commence proper procedures to the remove the person for cause. Personnel are advised that refusal to take a test and/ or engaging in the above-described activities which frustrate the purpose of this policy and procedure are considered serious violations of our work rules.

### **Consequences**

One of the goals of our drug-free workplace program is to encourage employees/ officers and members to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

In the case of applicants, if they violate the drug-free workplace policy, the offer of employment or membership can be withdrawn. The applicant may reapply after one year and must successfully pass a pre-employment/membership drug test.

If an employee/ officer or member violates the policy, they will be subject to progressive disciplinary action and may be required to enter rehabilitation. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

Rehabilitation programs will be at the expense of the employee. Nothing in this policy prevents an employee from being dismissed for cause if found to have violated the drug-free workplace policy while in the performance of their duties or while on district property.

### **Return-to-Work Agreements**

Following a violation of the drug-free workplace policy, an employee/ officer or member may be offered an opportunity to participate in rehabilitation. In such cases, the employee/ officer or member must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

## Assistance

The **Hicksville Fire District** recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees/ officers and members, our drug-free workplace policy:

- Encourages them seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages them to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.

Treatment for alcoholism and/or other drug use disorders is a **personal expense** of the employee/ officer or member. The paid employees should review the employee benefit plan for more information on this topic. However, the ultimate financial responsibility for recommended treatment belongs to the employee/ officer or member.

## Confidentiality

All information received by the organization through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

## Shared Responsibility

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Employee/ officers and members as well as management have important roles to play.

All employees/ officers and members are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees/ officers and members are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Report dangerous behavior to their supervisor.  
It is the supervisor's responsibility to:
  - Inform personnel of the drug-free workplace policy.
  - Observe their performance.
  - Investigate reports of dangerous practices.
  - Document negative changes and problems in performance.
  - Clearly state consequences of policy violations.

# HICKSVILLE FIRE DISTRICT

## EQUAL EMPLOYMENT OPPORTUNITY

### **Introduction**

It is the policy of the Board of Fire Commissioners and the Hicksville Fire District that the Hicksville Fire District and Hicksville Fire Department shall not discriminate against officers, employees and members, applicants for employment or membership, and persons served in any manner prohibited by federal, state and local law. In addition, the Board will endeavor to make certain that officers, employees, members and applicants are advised of this policy and any amendments thereto.

### **1 . Equal Employment Opportunity**

The Board of Fire Commissioners and the Hicksville Fire District/ Hicksville Fire Department is an equal opportunity employer and prohibits discriminatory employment and membership actions against and treatment of district officers, employees, members, and applicants for employment and membership based on actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender (including "gender identity" -- which refers to a person's actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, pregnancy, age (18 and over), military status, prior record of arrest or conviction, marital status, genetic predisposition or carrier status, sexual orientation, or status as a victim of domestic violence, a sex offense or stalking.

#### **A. Types of Prohibited Conduct:**

Decisions and practices based on an individual's protected status (e.g., race, religion, age and the other categories listed above) that unlawfully affect employment or membership or the compensation, terms, conditions or privileges of an individual's employment, membership or potential employment or membership with the Hicksville Fire District/ Hicksville Fire Department are prohibited by this policy. This includes unlawful decisions, actions and practices that occur in the course of recruitment, testing, hiring, work assignments, salary and benefits, working conditions, performance evaluations, promotions, training opportunities, career development and advancement, transfers, discipline, discharge or any other application or selection process relating to employment.

The Hicksville Fire District/ Hicksville Fire Department Equal Employment Opportunity Policy also prohibits sexual harassment, but that conduct is addressed in the district's sexual harassment prevention program covered under a separate policy adopted in accordance with New York law.

Harassment and/or retaliation against a person who opposes or complains about prohibited conduct or participates in any way in the complaint, investigation or reasonable accommodation processes are strictly prohibited.

## HICKSVILLE FIRE DISTRICT

This policy also prohibits the denial of reasonable accommodations (for disabilities; religious beliefs, observances and practices; or for victims of domestic violence, sex offenses or stalking) that do not create undue hardship to the district and/or department as an employer.

Some offensive acts or remarks may violate this policy, even if they are not so severe that they violate federal, state or local discrimination laws. The Hicksville Fire District/ Hicksville Fire Department may discipline conduct that violates this policy even if the conduct does not violate a law prohibiting discrimination.

More specifically, the Hicksville Fire District/Hicksville Fire Department complies with the following state and federal laws:

- The New York State Human Rights Law, Executive Law Article 15, which prohibits fire departments and the authority with jurisdiction over a fire department from engaging in certain forms of discrimination in the workplace.
- Title VI of the civil Rights Act of 1964, which prohibits discrimination based upon race, color, or national origin (including limited English proficiency)
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based upon disability.
- Title IX of the Education Amendments Act of 1972, which prohibits discrimination based on sex in education programs and activities.
- The Age Discrimination Act of 1975, which prohibits discrimination based upon age.
- U.S. Department of Homeland Security regulations 6 C.F.R. Part 19, which prohibits discrimination based on religion in social service programs.

### **B. Applicability**

Everyone who works or volunteers for the Hicksville Fire District/ Hicksville Fire Department or is present at its workplace, or who seeks employment or membership within the Hicksville Fire District/ Hicksville Fire Department, is covered by federal, state and local employment laws and this policy. This includes all current employees, members, managers, officers (including executives and senior level staff members), supervisors, co-workers, co-members and job/ membership applicants.



## HICKSVILLE FIRE DISTRICT

This policy not only protects individuals from prohibited conduct because of their own protected status (such as their own actual or perceived race, religion, national origin or disability), but also protects individuals from conduct motivated by the actual or perceived race, religion, national origin or disability, etc., of other persons with whom they are associated. For example, this policy applies to individuals who are subjected to adverse actions because of their marriage to, or domestic partnership or association with, persons of a particular racial, religious or national origin group, or persons who have a disability. Moreover, discrimination based on an individual's name(s) or spouse's or domestic partner's name(s) that is associated with a particular racial, religious or national origin group is prohibited.

These protections apply to actions, whether or not intentionally offensive or directed at a particular person or group that violate this policy.

This policy extends to conduct which occurs at any location that could be reasonably regarded as an extension of the workplace, such as any field location, off-site business-related social function, Hicksville Fire District/ Hicksville Fire Department vehicle or facility where Hicksville Fire District/ Hicksville Fire Department business is being conducted and discussed.

Hicksville Fire District/ Hicksville Fire Department employees and members are expected to be respectful of all of their co-workers, co-volunteers and members of the public, and to be sensitive to the effects of their behavior on those around them.

### **2. Specific Protections**

The following sections are provided to enable individuals to understand the unique definitions, issues, rights and responsibilities under this policy pertaining to sexual harassment and discrimination based on disability, religion, retaliation and status as a victim of domestic violence, a sex offense or stalking.

#### **A. Sexual Harassment:**

Sexual harassment is a form of employment discrimination which is prohibited by law. The federal government has created guidelines which define sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- 1) submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- 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 unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

New York State has developed stricter guidelines in favor of victims of this type of conduct.

## HICKSVILLE FIRE DISTRICT

Sexual harassment may involve individuals of the same or different gender(s). A broad range of behavior may be considered sexual harassment, including sexually suggestive remarks, pictures or gestures, verbal abuse or harassment of a sexual nature, subtle or direct propositions for sexual favors, and any unnecessary touching, patting, or pinching. As noted above sexual harassment is covered by a separate policy.

New York State has a sexual harassment complaint hot-line that may be accessed by dialing 1-800-HARASS-3.

### **B. Disabilities:**

Discrimination against a person based on that person's actual or perceived disability, record of disability, or relationship with a person with a disability will not be tolerated by the Hicksville Fire District/ Hicksville Fire Department. For the purpose of this policy, a disability is:

- 1) a physical, medical, mental or psychological impairment;
- 2) a history or record of such impairment; or
- 3) being regarded as having such impairment

The Hicksville Fire District/ Hicksville Fire Department will take appropriate action to provide reasonable accommodations to qualified employees, members and applicants with disabilities, unless providing such accommodations creates an undue hardship. Reasonable accommodations include the provision of equipment, changes in workplace policies and practices, and other forms of assistance that allow people with disabilities to apply for a position, to perform their jobs, or to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.

Whether an accommodation is reasonable will depend upon the circumstances of the particular request. Some examples of accommodations that may be reasonable include: making facilities physically accessible to, and usable by, persons with disabilities; job restructuring; modifying work schedules; providing or modifying equipment or devices; providing qualified readers, interpreters, auxiliary aides and/or other support services; and providing leave and/or arranging for transfer or reassignment to a vacant position, if such transfer or reassignment does not violate the Civil Service Law or other applicable laws, regulations and/or collective bargaining agreements. The requirement that volunteer firefighters meet certain minimum requirements at acceptance into membership to perform the duties of an interior structural firefighter as mandated by Occupational Safety and Health administration (O.S.H.A.) and New York State Public Employee Safety and Health (P.E.S.H.) does not violate this policy.

## HICKSVILLE FIRE DISTRICT

Following the determination by the Workers Compensation Board, the Social Security Administration, the Civil Service Department or Commission or other recognized authority that an employee or member is permanently and totally disabled, temporarily and totally disabled and/or permanently and partially disabled under applicable laws and regulations is not a violation of this policy. Providing benefits under a program such as workers' compensation, the Volunteer Firefighters Benefits Law ["VFBL"] and/or Length of Service Awards Program ["LOSAP"] and/or resultant in a separation from service is not a violation of this policy.

Undue hardship may exist when an accommodation is significantly difficult, unduly costly, extensive, substantial, or disruptive, or would change the nature or operation of an agency's business operation.

The Hicksville Fire District/ Hicksville Fire Department encourages employment of and promotional opportunities for qualified persons with disabilities.

### **C. Religion:**

The Hicksville Fire District/ Hicksville Fire Department Equal Employment Opportunity Policy prohibits adverse employment or membership actions based on a person's religion. This includes discriminatory practices and decisions, harassment, hostility or other adverse actions because of a person's creed, religious affiliation, or religious beliefs, observances or practices.

In addition, depending on the circumstances, the Hicksville Fire District/ Hicksville Fire Department will try to reasonably accommodate the religious observances, beliefs or practices of an employee or applicant, unless the accommodation creates an undue hardship. A reasonable accommodation for religion may be a change in a workplace rule or practice that allows an individual to respect their religious observances, beliefs or practices. The Hicksville Fire District/ Hicksville Fire Department may be required to provide accommodations for religion such as: flexible arrival and departure times; leave; voluntary exchanges of shifts or assignments; time and/or place to pray; accommodations relating to appearance and dress; and modifying workplace practices, policies and/or procedures. The Hicksville Fire District/ Hicksville Fire Department is not required to provide accommodations that are too costly or difficult to provide, that would be disruptive, that would ignore workplace safety issues or that would interfere with job performance.

### **D. Retaliation:**

It is a violation of this policy to retaliate against or harass any person who asserts their rights regarding employment or membership discrimination by:

- 1) opposing discriminatory practices in the workplace;

2) complaining about prohibited conduct; or

3) participating in any way in the complaint, investigation or reasonable accommodation processes.

It is also a violation of this policy to retaliate against or harass someone because of their association with such an individual.

Behaviors which may be considered retaliatory include, but are not limited to: threats, reprimands, negative evaluations, harassment, refusal to hire, denial of promotion or job benefits, demotion, suspension, discharge, negative references to prospective employers, or other actions affecting the terms, conditions or privileges of employment or membership.

Examples of behavior that is protected against retaliation under this policy include, but are not limited to: expressing an intent to file a charge or complaint alleging prohibited conduct; participating as a witness in an EEO investigation, administrative proceeding, hearing or trial; and/or seeking a reasonable accommodation.

### **E. Domestic Violence, Sex Offenses or Stalking:**

The Hicksville Fire District/ Hicksville Fire Department Equal Employment Opportunity policy prohibits employment or membership discrimination against persons who are victims of domestic violence, or victims of sex offenses or stalking, as defined by that law and the New York State Penal Law. The Hicksville Fire District/ Hicksville Fire Department shall endeavor to provide reasonable accommodations that do not create undue hardship and that enable such persons to satisfy the essential requisites of a job, provided that the status as a victim of domestic violence or victim of sex offenses or stalking is known, or should have been known, by it.

### **F. Symbols of Hate**

The Hicksville Fire District/ Hicksville Fire Department Equal Employment Opportunity policy prohibits display of symbols of hate in accordance and in compliance with General Municipal Law § 209-gg. The statute provides that:

- 1. A fire district volunteer fire company, or fire police department shall not sell or display any symbols of hate or any similar image, or tangible personal property, inscribed with such an image unless the image appears in a book, digital medium, museum, or otherwise serves an educational or historical purpose.*
- 2. For the purpose of this section, the term "symbols of hate" shall include, but not limited to symbols of white supremacy, neo-Nazi ideology or the Battle Flag of the Confederacy. N.Y. General Municipal Law § 209-gg (McKinney)*

The Hicksville Fire District/ Hicksville Fire Department will not permit its personnel or others to display symbols of hate on its property or at any function or event of the Hicksville Fire District/ Hicksville Fire Department.

### 3. Procedures

#### A. Reporting Violations:

Anyone who believes that they have been subjected to any action, decision or harassment in violation of this policy, or who witnesses others being subjected to improper conduct, is urged to promptly report the incident(s) to their supervisor, manager or chief officer or directly to the Board of Fire Commissioners. Supervisors, managers, or chief officers who receive Equal Employment Opportunity complaints, or who otherwise become aware of any improper discrimination, must notify the Board of Fire Commissioners. Supervisors, managers and chief officers should also encourage individuals who believe that the Hicksville Fire District/ Hicksville Fire Department Equal Employment Opportunity Policy has been violated to contact the Board of Fire Commissioners.

An individual who believes that this policy has been violated must report the incident in writing. The complaint must be filed within one year of the event which is the subject of the complaint unless the law provides for a longer period to file a complaint.

If any employee or members knowingly makes a false accusation of discrimination or knowingly provides false information in the course of an investigation of a complaint, such conduct may be grounds for discipline. A complaint made in good faith, even if found to be unsubstantiated, will not be considered a false accusation.

#### B. Withdrawing Complaints:

A complaint of discrimination may be withdrawn at any time by the person who filed the complaint. In some instances, the Board of Fire Commissioners will find it appropriate to end the investigation when the complaint is withdrawn. Prior to ending the investigation, the Board of Fire Commissioners must determine whether the agency should take corrective action to address inappropriate conduct. If the Board of Fire Commissioners determines that corrective action is required, it may be necessary for the Board of Fire Commissioners to continue the investigation or recommend action to remedy inappropriate behavior.

### **C. Concluding the Complaint Investigation:**

The Board of Fire Commissioners will advise all parties involved in writing of the outcome of a complaint. If the Board of Fire Commissioners concludes that a violation of this policy has occurred, the Board of Fire Commissioners will recommend appropriate corrective action. The Board of Fire Commissioners reserves the right to appoint an Equal Employment Opportunity Officer to fulfill these duties. The Board may appoint the special counsel, a supervisor of the district or department or a third party to act as the Equal Employment Opportunity Officer on any claim. If it does so the Board of Fire Commissioners will review the Equal Employment Opportunity Officer's report and promptly issue a determination adopting, rejecting or modifying the recommended action. Such determination shall be in writing and may be issued electronically.

Any person found to have engaged in conduct or practices in violation of this policy may be subject to discipline which may include a reprimand, suspension, probation, demotion, transfer, termination, or any other measures permitted by law and/or collective bargaining agreements. In addition to implementing such disciplinary action, the fire district will take such steps as may be necessary to address the impact that any violation of this policy has had on the complainant or within the fire district.

### **D. Other Places Where Complaints May Be Filed:**

The following federal and state agencies enforce laws against discrimination: The New York State Division of Human Rights, the United States Equal Employment Opportunity Commission (the "EEOC") and the Department of Justice. You may make formal complaints with these entities in addition to your right to make a complaint to the Hicksville Fire District/ Hicksville Fire Department.

Where a person exercises their right to file a complaint with a federal, or state administrative agency (known as an "external complaint") based on or related to the same facts and circumstances of an internal complaint, the Board of Fire Commissioners will transfer the matter to the District's General Counsel or a third party to act as the Equal Employment Opportunity Officer, who will be responsible for any further handling of the matter. The Board of Fire Commissioners will notify the complainant and the parties who are the subject of the complaint, in writing, that the investigation by the Board of Fire Commissioners has been transferred because of the filing of the external complaint. The fire district General Counsel or a third party to act as the Equal Employment Opportunity Officer will be responsible for handling external complaints regardless of the timing of such complaints (whether filed before the internal complaint is filed, at the same time that the internal claim was filed, or after the internal complaint was filed but prior to the completion of the fire district's internal Equal Employment Opportunity procedures). The transfer of the complaint to the fire district General Counsel's Office a third party to act as the Equal Employment Opportunity Office should in no way preclude the Equal Employment Opportunity Officer from cooperating with the General Counsel's Office with respect to the ultimate resolution of the complaint.

### **E. Requests for Reasonable Accommodations:**

The Hicksville Fire District/ Hicksville Fire Department may be required to provide reasonable accommodations, when requests are made in connection with disabilities, religion and/or to accommodate individuals who are victims of domestic violence, sex offenses or stalking. The reasonable accommodation process should be flexible and interactive, involving agency representatives who are necessary to the reasonable accommodation process and the individual who is requesting a reasonable accommodation. In all instances, the Board of Fire Commissioners should be notified of the request in order to facilitate discussions, research appropriate accommodations and assist in the resolution of the matter. O.S.H.A. safety issues cannot be ignored in order to provide accommodations.

### **F. Confidentiality:**

All complaints, investigations, requests for accommodations and records will be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. Equal Employment Opportunity matters may be discussed with other persons who may have information about a complaint or who are necessary to implement reasonable accommodations for disability, religion or based on status as a victim of domestic violence, a sex offense or stalking. Therefore, it may be necessary to disclose information to persons with a legitimate need to know about the matter.

### **G. Documentation:**

All inquiries, complaints, requests, mediation efforts, investigations, requests for accommodation and their outcomes will be documented by the Board of Fire Commissioners.

### **H. Training**

All personnel will receive training on this policy on entry to their position and annually thereafter. The district will maintain records of such training.



## HICKSVILLE FIRE DISTRICT

### FINANCIAL POLICY OF HICKSVILLE FIRE DISTRICT

1. No bill shall be paid unless at least three (3) of the commissioners approve the bills, as evidenced by at least three (3) commissioner signatures on each form for each bill or payment and as stated in the minutes. The invoice must be attached to the approval form.
2. Checks may be prepared by the Treasurer in advance of the meeting so that the actual check will be compared against the voucher.
3. Each bill shall be audited and ensure as follows:
  - A. payment is a valid purchase/expense;
  - B. items were actually received, or debt was actually incurred;
  - C. debt was budgeted;
  - D. no sales tax paid unless absolutely required;
4. Signatures: Two persons must sign each check. One commissioner and the Treasurer (or deputy) shall sign each check. The check book shall be maintained in the District's office's in a secure location. No person shall sign a check payable to them self or payable to cash. If a check is made payable to a check signer, then a different commissioner or the deputy treasurer (in place of treasurer) shall sign the check.
5. A commissioner shall review the bank reconciliation statements for all district bank accounts every month to ensure that only those checks which were authorized were paid. This shall be evidenced by the commissioner's signature on a certification form affixed to the bank reconciliations.
6. Proof of payment. Only an itemized statement or invoice shall be acceptable proof of an expense. Second statements that fail to itemize the actual expense are not acceptable.
7. Advance orders. No orders for items shall be made or expenses incurred unless it is verified that there are sufficient funds remaining in the appropriate line item to incur such expense. Transfers may be made upon resolution from other line items and the budget shall be adjusted accordingly.
8. The District Secretary shall keep a log of all cash and check payments received by the District. A Commissioner will review this log during the monthly bank reconciliation review to ensure that all payments received were deposited.



## HICKSVILLE FIRE DISTRICT

9. Audits performed by the commissioners shall be conducted to:
  - A. ensure timely deposit of monies (within 10 days of receipt);
  - B. identify conditions that need improvement;
  - C. ensure actions are recorded properly;
  - D. ensure accountability;
  - E. provide oversight of District's financial operations;
10. Impact is used to maintain financial records of the Fire District. Financial reports including a printout of all checks processed in the last month, and including a reconciliation, shall be provided to the commissioners indicating the following:
  - A. balance of each line item budgeted;
  - B. balance remaining in each line item budgeted;
  - C. starting balances at year end of each bank account;
  - D. ending balances, current, in each bank account.
11. Vouchers shall not be required for the following:
  - A. wages of fixed salaries;
  - B. compensation of officers and employees regularly employed by the District at a pre-agreed wage by hour, day week, month or year;
  - C. principal or interest on obligations issued by the District;
  - D. fixed amounts on lawful contracts for purchase of water for fire protection;
  - E. amounts for state employees' retirement system.
12. The Board authorizes the treasurer to make payment in advance of audit of claims for utility (natural gas, electric, telephone, water) charges, postage, freight and express charges, LOSAP (pension). All such claims shall be presented at the next regular meeting for audit.
13. All deposits shall be made within ten (10) days of the receipt of the funds.
14. All financial records shall be open to the public for public inspection.
15. The District shall account on a modified-accrual basis as the budget is over \$500,000 per year.
16. The "Uniform System of Accounts" as suggested by the Comptroller should be used for budget line items of revenues, expenses and reserve funds.

## HICKSVILLE FIRE DISTRICT

17. Bond funds. All proceeds from bonds, bond anticipation notes and capital notes shall be placed in a separate bank account, entitled a "Capital Project Fund". Funds may be expended only for the purpose for which they are issued. Debt service on capital borrowings shall be paid from appropriations from the General Fund and not from the Capital Projects Fund, except that bond anticipation notes redeemed from the proceeds of bonds may be taken from the Capital Projects Fund. Interest on bond anticipation notes may be charged to the capital project, per the adoption of this policy.
  
18. The District shall comply with General Municipal law Section 10 regarding the proper insurance for any amount invested or deposited in excess of the insurance provided by the Federal Deposit Insurance Act. All amounts in excess shall be properly secured or collateralized by the bank or trust company maintaining the funds or account.

# HICKSVILLE FIRE DISTRICT

## FREEDOM OF INFORMATION LAW POLICY

The District shall abide by the New York State Freedom of Information Law. The District hereby implements policies required by law.

### Access to viewing records

Records that are not protected shall be made viewable to the public at a reasonable time. A reasonable time for this District is not normal business hours for just any business. Reasonable times for the District shall include any period of time when the executive officers of the District are on duty and at the offices of the District. In lieu of any regularly scheduled times, the Secretary shall make diligent attempts to be present during the hours of 2:30pm – 4:30pm during the weekday for the purpose of meeting with any person submitting a sufficient response.

Records may only be obtained from the Fire District Secretary.

The fees for copies of records shall be twenty-five cents per photocopy not in excess of nine inches by fourteen inches, or the actual cost of reproducing any other record.

These policies shall be published on the District website (if any) or may be published in a newspaper once per year, on a public board in the fire house or in the town, or any other manner the Board may decide.

The District shall maintain an index “reasonably detailed by subject matter” of any records which must be produced. Resolutions within the minutes shall be categorized in a manner which permits locating resolutions by topic.

### **PUBLIC DOCUMENTS DEFINED**

Documents which must be made public include:

1. minutes of meetings and hearings;
2. internal and external audits and financial records and statements;
3. itemized records of the names, addresses, titles and salaries of paid officers and employees.

### **DOCUMENTS WHICH ARE NOT PUBLIC**

Not all documents must be made public by the District. The District may deny access to records or portions thereof that:

1. are specifically exempted from disclosure by state or federal statute;

## HICKSVILLE FIRE DISTRICT

2. if disclosed, would constitute an unwarranted invasion of personal privacy, as described below or would impair present or imminent contract awards or collective bargaining negotiations;
3. are trade secrets or are submitted to the District by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise;
4. are compiled for law enforcement purposes and which, if disclosed, would:
  - A. interfere with law enforcement investigations or judicial proceedings;
  - B. deprive a person of a right to a fair trial or impartial adjudication;
  - C. identify a confidential source or disclose confidential information relating to a criminal investigation;
  - D. reveal criminal investigative techniques or procedures, except routine techniques and procedures; or
  - E. if disclosed could endanger the life or safety of any person.
5. are inter-District or intra-District materials. However, inter-District or intra-District materials are not exempt from disclosure if they are:
  - A. statistical or factual tabulations or data;
  - B. instructions to staff that affect the public;
  - C. final District policies or determinations; or
  - D. external audits, including but not limited to audits performed by the comptroller and the federal government.
6. are examination questions or answers which are requested prior to the final administration of such questions;
7. if disclosed, would jeopardize the District's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures; or
8. are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-a of the vehicle and traffic law.

## **RIGHT TO PROTECT PERSONAL PRIVACY**

Documents do not have to be disclosed if they would result in an invasion of the personal privacy of the members or employees of the Fire District. The rules on an invasion of personal privacy are as follows:

An unwarranted invasion of personal privacy includes, but is not limited to:

1. disclosure of employment, medical or credit histories or personal references of applicants for employment;
2. disclosure of items involving the medical or personal records of a client or patient in a medical facility;
3. sale or release of lists of names and addresses if such lists would be used for commercial or fund-raising purposes;
4. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the agency requesting or the Fire District in maintaining it; or
5. disclosure of information of a personal nature reported in confidence to the Fire District and not relevant to the ordinary work of the District; or
6. information of a personal nature contained in a workers' compensation record, except as provided by section one hundred ten-a of the workers' compensation law.

Disclosure does not constitute an unwarranted invasion of personal privacy:

- A. when identifying details are deleted;
- B. when the person to whom a record pertains consents in writing to disclosure;
- C. when upon presenting reasonable proof of identity, a person seeks access to records pertaining to him.

## **NO REQUIREMENT TO CREATE DOCUMENTS**

Nothing requires the District to prepare any record not possessed or maintained by the District, except that if the file is on a computer program, reasonable efforts shall be made to extract the data including minor programming. If the document does not exist, the District will notify the person making the request that the District does not maintain the document.

**PROCEDURES UPON RECEIVING FOIL REQUEST**

The Fire District, within five (5) business days of the receipt of a written request for a record reasonably described shall:

- (a) make such record available to the person requesting it; or
- (b) deny such request in writing; or
- (c) furnish a written acknowledgement of the receipt of such request and a statement of the approximate date, which must be reasonable under the circumstances of the request, when such request will be granted or denied.

The term “reasonably described” means that the request is clear and concise and can be easily understood. Requests that are not clear can be denied.

**ELECTRONIC RECORDS**

There will be no charge to scan and transmit documents which can be put into electronic format, unless the District incurs a charge for such scanning and processing.

**APPEALS OF DENIALS TO RECORDS**

A person denied access to a record has thirty days to appeal the denial in writing. The denial must be presented to the Chair of the Board of Commissioners. The Chair shall have ten business days after the receipt of the appeal to fully explain in writing the reasons for the denial to the person requesting the record. Alternatively, the Chair may grant the access. The Chair must also notify the committee on open government of the appeal and send a copy of the appeal and the determination to the committee.

**RECORDING MEETINGS**

The law does not require that meetings or hearings be recorded on tape or video. However, if the District records a meeting or hearing or any part of it, and the tape/video is requested while it still exists, it must be produced unless one of the above exceptions applies. Recordings may be destroyed only if no request has been made and the recordings are destroyed in the normal course of business. Tapes shall only be retained until the minutes are approved at the next meeting. Tapes shall not be destroyed any sooner than the approval of the prior months meeting. The tape of the prior months meeting shall be present at the next meeting where approval will be voted upon.

# HICKSVILLE FIRE DISTRICT

## FUND BALANCE POLICY

The Hicksville Fire District hereby adopts a fund balance policy with regard to its finances.

### **EXPENDITURES**

Funds shall be spent in accordance with the District's budget. Any changes to the budget shall be approved by resolution of the Fire District.

### **CATEGORIZATIONS**

The fire district recognizes general categories of monies, as follows:

1. Budgeted Funds: Monies planned to be spent on certain types and/or categories of items. Budget funds are not committed funds.
2. Reserved Funds: Monies placed into a fund to be spent for a general or specific purpose, potentially subject to various voter considerations and/or approvals. While New York State law recognizes and permits numerous types of reserve funds, the primary type of reserve fund is a "Capital Reserve Fund". Establishing these funds requires voter approval. There are generally two types of capital reserve funds, being "type specific" and "general".
3. Surplus funds: Monies not allocated to be spent on any anticipated, pending or incurred expense and not designated to be placed into reserve.

### **RESERVE FUNDS**

1. The Hicksville Fire District may save funds and deposit the same in reserve funds established for the stated general or specific purposes. The budget shall itemize the amount to be placed in reserve. The fire district may wait until the end of the year in order to place such amounts into reserve.
2. Establishing reserve funds. All resolutions establishing capital reserve funds are subject to voter approval in accordance with Town Law.
3. Each reserve fund shall be labeled for its purposes, including but not limited to whether the funds are to be used for the purchase, repair, maintenance, and/or replacement of a general or specific item.
4. There shall be two types of capital reserve funds, informally known as "type specific" and "general":

## HICKSVILLE FIRE DISTRICT

- A. a “type specific” fund is a fund that is established for a specific item and not a general class of item. For example, a “Fire Apparatus Purchase Fund” would be established to reserve funds for the future “purchase” of an Engine, a very specific type of vehicle. When establishing this type of fund, the resolution subject to mandatory referendum shall state clearly that the fund is for a specific reason and shall state that reason. The expenditure of monies from a type of specific fund is not subject to permissive referendum because the voters already have approved the specific use of the monies when the fund is established;
  - B. the opposite of a “type specific” fund is a fund that is established for a “general” purpose. An example of a general purpose would be a “vehicle purchase fund” which would be established to reserve funds for the future purchase of a vehicle, but not a specific type of a vehicle. Resolutions approving the expenditure of monies from this type of reserve account are subject to permissive referendum.
5. All reserve funds shall be maintained in separate bank accounts and shall not be comingled. An accounting shall be maintained for each reserve account, separately indicating transfers in and out of the fund, expenditures made, and interest earned. Each fund shall be titled appropriately and consistent with the resolution that created the fund.
6. At the end of the year, the fire district shall perform an analysis of its needs for any surplus funds. Approximately ten percent of the tax levied funds may be carried over to the new year as surplus. All other funds shall be handled in the following matter:
  - A. a reasonable amount of funds may be added to a reserve fund so long as the fund does not become over-funded beyond its needs; or
  - B. the surplus funds may be used to reduce and offset the following year’s tax levy.



# HICKSVILLE FIRE DISTRICT

## INVESTMENT POLICY

### **STATEMENT OF PURPOSE**

The Fire District has authority to invest all funds of the Fire District. The purpose of this Investment Policy is to identify the investment objectives of the District and to establish procedures to achieve those objectives. The objectives of this investment policy are as follows: Safety of Principal; Maintenance of Adequate Liquidity; and Maximizing Earnings on the Investment Portfolio.

### Policy Statement:

It is the policy of the District that, giving due regard to the safety and risk of investment, all available funds shall be invested in conformance with legal and administrative guidelines and, to the maximum extent possible, at the highest rates obtainable at the time of investment. The District may utilize the services of a consultant/registered investment advisor to assist the District with proper cash and investment management procedures and for the purpose of training District personnel.

Effective cash management is recognized as essential to good fiscal management. An aggressive cash management and investment policy will be pursued to take advantage of investment interest as a viable and material revenue source for all operating and capital funds. The District's portfolio shall be designed and managed in a manner responsive to the public trust and consistent with state and local law.

Earnings from investments will be used in a manner that will best serve the interest of the District and that will comply with applicable law.

### Application of the Investment Policy:

This policy shall apply to all funds eligible for investment by the District. The District's Length of Service Awards Program (LOSAP) Fund is expressly excluded from this policy and shall be subject to the investment objectives and policies adopted by the pension fund's Board of Trustees or other managing agent.

## GENERAL OBJECTIVES

The primary objectives of investment activities, in order of priority, shall be safety, liquidity, and yield:

### Safety:

Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of a capital in the overall portfolio. The objective will be to reduce credit risk and interest rate risk.

### Credit Risk:

The District will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:

1. pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisers with which the District will do business; and
2. diversifying the investment portfolio so that potential losses on individual securities will be minimized.

### Interest Rate Risk:

The District will minimize the risk that the market value of securities in the portfolio will decline due to the changes in general interest rates by:

1. structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby minimizing the need to sell securities on the open market prior to maturity;
2. investing cash funds primarily in securities with maturities of one year or less in certificates of deposit or equivalent low risk investments; and
3. limiting investments to a maximum stated maturity of four years, if such length is practical.

## Liquidity:

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This will be accomplished by structuring the portfolio so that securities mature concurrently with cash needs to meet anticipated demands. Furthermore, since all possible cash demands cannot be anticipated, the investment portfolio will contain securities with active secondary resale markets. A portion of the portfolio may be placed in investments which offer one-day liquidity for short-term funds. Repurchase (or repo) arrangements are not permitted.

## Yield:

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, considering investment risk constraints and liquidity needs. Return on investment is a lower priority than the safety and liquidity objectives described above.

## **STANDARDS OF CARE**

### Prudence:

Investment officials acting pursuant to this policy shall be subject to the "prudent investor rule". Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of person responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

### Ethics and Conflicts of Interest:

Officers and employees involved in the investment process shall refrain from personal business activity that could be perceived as a conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. Employees and officers shall not undertake personal investment transactions with the same individual with whom business is conducted on behalf of the District. Employees and public officials shall also be subject to the District's Code of Ethics.

### Delegation of Authority:

Responsibility for the operation of the investment program is delegated to the Treasurer, who shall establish written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to safekeeping, delivery vs. payment, investment accounting, wire transfer agreements, and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Treasurer. The Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

### **SAFEKEEPING AND CUSTODY.**

### Authorized Financial Dealers and Institutions:

The Treasurer shall maintain a list of financial institutions authorized to provide investment services. In addition, a list also will be maintained of approved security broker/dealers who provide services to institutions, not retail dealers, selected by creditworthiness. These will include "primary" dealers and regional dealers that are qualified to execute transactions for the District. The Treasurer shall approve these lists annually. It is the intent of the District to have no more than four (4) qualified institutional oriented dealers/banks located in the area with which it will transact investment business, because of the size of the investment portfolio.

All financial institutions and broker/dealers who desire to become qualified for investment transactions shall provide the following:

1. their most recent audited financial statements;
2. proof of National Association of Securities Dealer (NASD) certification;
3. proof of state registration with the New York State Securities Commission;
4. documentation showing qualifications of individuals who will provide services to the District; and
5. certification that the financial institution and/or broker/dealer has read, understands, and agrees to comply with this policy.

An annual review of the financial condition and registration of qualified financial institutions and broker/dealers will be conducted by the Treasurer.

## HICKSVILLE FIRE DISTRICT

### Internal Controls:

The Treasurer is responsible for establishing and maintaining an internal control structure designed to ensure that the investments of the District are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

The investment program shall be subject to an annual independent review by an external auditor to assure adequate internal controls. The internal controls should address the following points:

1. control of collusion;
2. separation of transaction authority from accounting and record keeping;
3. custodial safekeeping;
4. avoidance of physical delivery securities other than certificates of deposit;
5. clear delegation of authority to subordinate staff members;
6. written confirmation of transactions for investments and wire transfers; and
7. development of a wire transfer agreement with the main operating bank and third-party custodian.

### Delivery vs. Payment:

All trades will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible financial institution simultaneously with the release of funds. Securities will be held by a third-party custodian, as evidenced by safekeeping receipts, held in the District's name.

### Safekeeping of Securities.

1. To protect against potential fraud or embezzlement, the investments of the District shall be secured through third-party custody and safekeeping procedures. Ownership shall be protected through third-party custodial safekeeping. The District's external auditor shall review safekeeping procedures annually.
2. The District shall contract with a single financial institution for custodial and safekeeping services for the District's investment portfolio.
3. All securities owned by the District shall be held by a single safekeeping agent in the name of the Fire District.

## HICKSVILLE FIRE DISTRICT

4. Security for deposits with financial institutions will be held in a third-party entity and registered jointly to the District and to the depository financial institution as required by New York State law.
5. The authorization to release District securities and transfer District funds will be accomplished by authorized District finance staff.
6. Verification of securities and collateral will be part of the District's annual independent audit, if any.

### **SUITABLE AND AUTHORIZED INVESTMENTS.**

The District is empowered to invest in certain types of securities. Among the authorized investments are:

1. investment deposits, savings accounts, money markets and certificates of deposits;
2. obligations of the U.S. Government, its agencies and instrumentalities. However, this authorization shall specifically exclude Collateralized Mortgage Obligations (CMOs), Real Estate Mortgage Investment Conduits (REMICs), and other Principal Only (POs) and Interest Only (IOs) obligations that are secured with mortgages issued by any federal agency, instrumentality or private firm;
3. prime banker's acceptances purchased on the secondary market with rating of A1/P1;
4. mutual funds and money market funds for bond proceeds subject to the arbitrage provisions of Section 148 of the Federal Internal Revenue Code;
5. bonds of the State of New York and any local government in the State of New York or of any other state, which bonds have at the time of investment one of the three highest credit ratings of a nationally recognized rating agency;
6. individual stocks listed on the NYSE, AMEX or NASDAQ, except for any stock deemed "high risk" and except for any stock valued at under \$10.00/share at the time of purchase.

### Corporate Surety Bond:

The financial institution may provide a corporate surety bond of a surety corporation with an AAA investment grade rating authorized to do business in New York State in an amount equal to the amount on deposit including interest accrued.

## HICKSVILLE FIRE DISTRICT

### Federal Home Loan Bank Letters of Credit:

The financial institution may provide a letter of credit from a bank in New York State, in an amount equal to the funds on deposit including interest accrued.

### **INVESTMENT PARAMETERS.**

#### Diversification:

The investments should be diversified by:

1. limiting investments to avoid over-concentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities);
2. limiting investment in securities that have higher credit risks;
3. investing in securities with varying maturities; and
4. continuously investing a portion of the portfolio in readily available funds to ensure that appropriate liquidity is maintained in order to meet ongoing obligations;
5. no single financial institution should hold demand or time deposits which will exceed FDIC insured limits (presently \$300,000).

The following maximum limits, by instrument, are established for the District's total investment portfolio:

#### Investment Type Maximum Percentage of Portfolio

Collateralized Time and Demand Deposits 75%

U. S. Treasury Notes and Bills 100%

U. S. Government Agency Obligations 80%

Bank Trust District Municipal Pools 10%

Temporary Notes or No-Fund Warrants 10%

Additional investments established for Bond Proceeds until spent are as follows: Maximum limits are listed by instrument as a percentage of the District's total portfolio value. Invested amounts are not to exceed 80% for money market mutual funds and 75% for financial institution paper.

#### Portfolios:

The District's funds shall be separated into two portfolios for efficient investment management. The short-term portfolio is defined as maturities less than 1 year, and the long-term portfolio as maturities 1 year or greater. Funds will be allocated based on the cash flow needs of the District.

## Maturities:

The District shall attempt to match its investments with anticipated cash flow requirements. The District will not directly invest in securities with stated maturities of more than four (4) years from the date of purchase, in accordance with the New York State law.

The sale of securities before maturity shall require the prior approval of the Treasurer, who may approve the sale based on the following reasons:

1. a security with declining credit may be sold early to minimize loss of principal;
2. a security swap would improve the quality, yield, or target maturity of the portfolio; or
3. liquidity needs require that the security be sold.

## **REPORTING**

### Methods:

The District finance staff shall prepare a monthly investment report summarizing the month's investment activities. This report shall be provided to the Treasurer.

The Treasurer shall also prepare a detailed monthly report, including a management summary and analysis of the status of the current investment portfolio and transactions made over the last quarter. This summary will be prepared in a manner which will allow the District to ascertain whether investment activities during the reporting period have conformed to this Investment Policy. The report will be provided to the Board of Commissioners. The report will include the following at a minimum:

1. listing of individual securities held at the end of the reporting period;
2. realized and unrealized gains or losses resulting from appreciation or depreciation by listing the cost and market value of securities over one-year maturity that are not intended to be held until maturity (in accordance with Governmental Accounting Standards Board (GASB) requirements);
3. average weighted yield to maturity of portfolio on investments as compared to applicable benchmarks;
4. listing of investments by maturity date;
5. percentage of the total portfolio which each type of investment represents;
6. percentage of the total portfolio which each institution holds.



## HICKSVILLE FIRE DISTRICT

### Performance Standards:

The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. The investment objective is for the short-term portfolio to exceed the 91-day U.S. Treasury Bill rate and for the long-term portfolio to exceed the 1-year U.S. Treasury Note average rate of return, both of which are benchmarks for risk-free investment transactions.

### Marking to Market:

The market value of the portfolio shall be calculated at least monthly, and a statement of the market value of the portfolio shall be issued at least monthly. The market values of all securities in the portfolio will be obtained from a reputable and independent source. The report will include the market value, book value and unrealized gains or losses of securities in the portfolio.

### Safekeeping/Custodian Reports:

The safekeeping agent shall prepare a holdings report and a transaction summary report monthly. In addition, the safekeeping agent shall value collateral securities on a monthly basis and report values for each bank sub-custodial account.

## **POLICY CONSIDERATIONS.**

### Exemption:

Any investment currently held as of the first date of approval of this Investment Policy, that does not meet the guidelines of this policy shall be exempted from the requirements of this policy, but at maturity or liquidation, such monies shall be reinvested only as provided by this policy.

### Amendments:

This policy shall be reviewed on an annual basis, if possible, with an investment consultant or advisor. The Board of Commissioners must approve any changes.

## **RESPONSIBILITY FOR ENFORCEMENT.**

The Treasurer shall have primary responsibility for the Investment Policy.

# HICKSVILLE FIRE DISTRICT

## PURCHASING POLICY

### **Policy Statement**

The Hicksville Fire District has adopted these internal policies and procedures governing all procurements of goods and services. All such purchases using the funds or credit of the Hicksville Fire District shall be pursuant to this policy.

### **Goals of Purchasing Policy**

The goals of the Hicksville Fire District in its purchasing policy are to:

1. assure the prudent and economical use of public moneys in the best interests of the taxpayers of the District;
2. to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and
3. to guard against favoritism, improvidence, extravagance, fraud and corruption.

### **Purchasing Through Office of General Services**

For any such purchase exceeding five hundred (\$500.00) dollars and so long as the District shall accept sole responsibility for any payment due the vendor, the District is permitted to make purchases of materials, equipment, food products, or supplies, or services available, except of printed material, through the office of general services.

All purchases shall be subject to audit and inspection by the District. The District shall not make any purchase through the office of general services when bids have been received for such purchase by the District, unless such purchase may be made upon the same terms, conditions and specifications at a lower price through such office.

### **Report To Be Given Prior To Purchases**

Before any purchase is made, other than those permitted to be made in advance of audit, and before any debt is acquired, a report shall be given before the District on what actions have been taken to determine the best price and product to be purchased.

In those cases where bids have been awarded to other than the lowest bidder (as opposed to lowest responsible bidder), even in those cases where informal bids have been accepted, the District shall document the justification and documentation for such choice, setting forth the reasons such an award furthers the goals of this policy.

## HICKSVILLE FIRE DISTRICT

The District may determine, on a case-by-case basis or for certain types of procurements generally, that the solicitation of alternative proposals or quotations will not be in the best interest of the District.

In certain limited instances, the District may, in its sole discretion, determine that alternative proposals or quotations will not be in the best interest of the District. The commissioners will make such determination in the rare instances that such need arises.

The unintentional failure to fully comply with the provisions of this section shall not be grounds to void action taken or give rise to a cause of action against the Fire District or any commissioner, officer, volunteer or employee thereof.

### **Maintenance and Repair**

The Hicksville Fire District authorizes the amount of up to twenty-five hundred (\$2,500) dollars per month for unanticipated house repairs and purchase of house supplies as well as five thousand (\$5,000) dollars per month for unanticipated repairs to fire vehicles and equipment, so long as such funds remain in a line item of the budget. The approval of only one commissioner shall be required to authorize the emergency purchase/repair. The purchase shall be reviewed for approval and payment at the next meeting.

### **Purchases When Bidding Is Not Required**

When bidding is not required by this statute, and whenever feasible, the District shall obtain alternative proposals or quotations for goods and services by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of this policy.

Should a sufficient number of qualified vendors or suppliers be available, the following shall serve as a minimum number of quotations necessary for any purchase or public works contract.

<u>Estimated amount of Purchase Contract</u>	<u>Pre-Purchase Requirement</u>
\$0.00 - \$2,500.00	1 phone or verbal quote
\$2,500.01 - \$3,500.00	1 phone verbal quotes and verbal approvals of two commissioners
\$3,500.01 - 5,000.00	3 verbal quotes and the verbal approvals of three commissioners
\$5,000.01 - \$19,999.99	3 written/faxed quotations and approval of three commissioners

## HICKSVILLE FIRE DISTRICT

\$20,000+	Bidding Mandatory
<u>Estimated amount of Service Contracts</u>	<u>Pre-Purchase Requirements</u>
\$0.00 - \$2,500.00	1 phone or verbal quote
\$2500.01 - \$3,500.00	phone or verbal quote and approval of one commissioner
\$3,500.01 - \$7,000.00	3 verbal quotes and the verbal approvals of three commissioners
\$7,000.01 - \$34,999.99	3 written/faxed quotations and approval of three commissioners
\$35,000+	Bidding Mandatory

### **Bidding**

General Municipal Law 104-a(2)(a) requires that the District prescribe a procedure for determining whether a procurement of goods and services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law. In accordance with that requirement, the Hicksville Fire District has implemented the following rules as guidance.

### **Instances When Bidding is Required**

Bidding shall be required for all contracts for public work involving an expenditure of more than thirty-five thousand (\$35,000) dollars and all purchase contracts involving an expenditure of more than twenty thousand (\$20,000) dollars. The contract shall be awarded to the lowest responsible bidder. The District shall determine what defines “responsible” for purposes of this requirement.

A contract for public works is defined as including an agreement for the erection, construction, reconstruction or alteration of buildings or lands.

### **Aggregate Purchases/ Items of Similar Nature**

Separate purchases of the same or similar item purchased in a reasonably short time or in a single fiscal year that would exceed twenty thousand (\$20,000) dollars shall be considered a single purchase for determining whether bidding is required.

Items of a similar nature should be grouped together for purposes of determining whether bidding is required.

## Yearly Service Contracts

A service contract that will likely exceed thirty-five thousand (\$35,000) dollars must be bid.

### **Service Contracts vs. Purchase Contracts and Professional Service Agreements**

The District recognizes the importance of determining whether a contract qualifies as one for the purchase of services or goods, as the purchase of services has a higher monetary threshold to mandate bidding. Additionally, certain professional services might not require bidding at all.

A contract involving both a purchase and professional services may qualify under the professional services exception if two criteria are met:

(1) the professional services component of the contract is the primary or predominant part of the acquisition; and

(2) there is an inextricable integration of the professional services and the physical components. This means that a contract will only be deemed to constitute professional services when the biddable component of the contract cannot be separated from the professional services. The "total character" of the agreement must be examined to ascertain its essential character or focus.

In the event that a purchase involves both a service and the purchase of goods, the District will determine whether the contract is one for public works or for the purchase of goods and use the appropriate limit to determine whether bidding is required.

A contract is mainly one for public works when the services provided constitute a predominant portion of the contract as to render the equipment purchase merely incidental to the provision of the technical services.

### **When Bidding is Not Required**

1. If there is only one "sole" source for the item:
  - A. in this instance, the District shall document the unique benefit of the item as compared to others and its advantage to any similar item in the market;
  - B. whether a particular contract involves a true sole source situation is a question of fact and municipal officials should be prepared to factually verify that the goods or services sought may only be obtained from a single source;
  - C. a sole source is where there is no reasonable equivalent and which is available from only one source so that there is no possibility of competition.

2. If the item is a “true lease”.
  - A. a true lease has no nominal fee buyout provision. A true residual value may be permitted for a buyout;
  - B. the title must always be with the leasing company, not the District.
3. Insurance is not subject to bidding under New York State law. However, the District shall make all reasonable attempts to obtain bids for general insurance coverage once every three years.
4. Surplus and second-hand supplies, material or equipment may be purchased without competitive bidding from the federal government, the state of New York or from any other political subdivision, District or public benefit corporation. Note that a fire company is not considered a municipality.
5. Emergency purchases. In the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of the District, require immediate action which cannot await competitive bidding, contracts for public work or the purchase of supplies, material or equipment may be dispensed with for such purchase.

### **Examples of Services Not Required To Be Bid**

Professional services which involve the application of specialized expertise, the use of professional judgment, or a high degree of creativity in the performance of the contract are not required to be bid. Professional service contracts often involve a relationship of personal trust and confidence.

Therefore, the following are professional services:

- A. Attorneys;
- B. accountants for other than an audit;
- C. physicals performed by physicians;
- D. computer programmers;
- E. architects;
- F. printing;

Contracts which only incidentally involve printing, such as the purchase of forms, envelopes or letterheads containing the municipality's name, address and other related matter, are considered purchase contracts for goods. Where the printing is not incidental, however, but represents the major portion of the work and cost, such as in printing of briefs and records on appeal, such services fall into the category of public work.

Alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of this section.

### **Advertising for Bids**

1. Advertisement for bids shall be published in the official newspaper or newspapers of the District chosen for notice of meetings and elections at the organizational meeting in January.
2. The advertisement shall contain a statement of the time when and place where all bids received.
3. All bid solicitations shall state that it will not permit electronic bid submission.
4. The District will designate an officer to open the bids at the time and place specified in the notice. Such officer shall make a record of such bids including the name of the bidder, the date received, and any other information deemed necessary for each bid.
5. All bids received shall be publicly opened and read at the time and place specified in the notice.
6. At least five days shall elapse between the first publication of such advertisement and the date so specified for the opening and reading of bids.

### **Bidding Process**

1. All bidders shall provide an appropriate bid bond.
2. All bids shall be sealed until the time when all bids shall be opened together.
3. In any case where a responsible bidder's gross price is reducible by an allowance for the value of used machinery, equipment, apparatus or tools to be traded in by a political subdivision, the gross price shall be reduced by the amount of such allowance, for the purpose of determining the low bid.

## HICKSVILLE FIRE DISTRICT

4. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, the District may award the bid to any of such bidders.
5. The District may reject all bids and re-advertise for new bids if necessary.

### **Electronic Bid Submission**

Although permitted by law, the District shall not permit electronic bid submission.

### **Developing Specifications**

Whenever possible, practical, and feasible and consistent with open competitive bidding, the District may use the stock item specifications of manufacturers, producers and/or assemblers located in New York state in developing specifications for items to be let for bid in its purchasing contracts and may use the data and information contained in stock item specifications forms to assist in his determination of what constitutes a stock item of a manufacturer, producer and/or assembler located in New York state for the purpose of helping to retain jobs, business and industry presently in the state of New York and attracting expanded and new business and industry to the state of New York so as to best promote the public interest.

### **Best Value**

The District hereby accepts the standard of "Best Value" for purposes of bidding and reviewing/accepting bids.

### **Prohibition on Certain Bidders and Vendors**

No vendor or seller of goods or services, and no person, firm, partnership or corporation of which such vendor is a member, director or officer, who has refused to:

1. testify in front of a grand jury, head of a state department, temporary state commission or other state agency, the organized crime task force in the department of law, head of a city department, or other city agency, which is empowered to compel the attendance of witnesses and examine them under oath, to testify in an investigation concerning any transaction or contract had with the state, any political subdivision thereof, a public authority or with any public department, agency or official of the state or of any political subdivision thereof or of a public authority,
2. to sign a waiver of immunity against subsequent criminal prosecution; or
3. to answer any relevant question concerning such transaction or contract;



4. shall be qualified to sell to or submit bids to or receive an award from or enter into any contract with the District, for goods, work or services, for a period of five years after such refusal or until a disqualification shall be removed.

Any and all contracts made with the District or official thereof, by such person, and by any firm, partnership, or corporation of which he is a member, partner, director or officer may be cancelled or terminated by the District without incurring any penalty or damages on account of such cancellation or termination. Any monies owing by the District for goods delivered or work done prior to the cancellation or termination shall be paid.

### **Statement of Non-Collusion Required**

All contracts for work and services shall contain a statement of non-collusion in bids and proposals to the District.

### **Security Bonds**

Whenever a security bond is posted by a successful bidder for the faithful performance of a District project, for which state aid is approved, the name and address of the bonding company or person issuing the security bond, the number of such bond, and such other information as may be required by the state department or agency responsible for supervising the aid program regarding the project, shall be transmitted to such department or agency, where it shall be reviewed to determine its authenticity prior to award of such contract. The original of such bond shall remain in the office of the District. Upon request of such department or agency, the superintendent of insurance shall render such assistance as is necessary to determine the authenticity of the security bond.

### **Bid Mistakes**

Where a unilateral error or mistake is discovered in a bid, such bid may be withdrawn after a showing of the following:

1. the mistake is known or made known to the District prior to the awarding of the contract or within three (3) days after the opening of the bid, whichever period is shorter; and
2. the price of the bid was based on an error of such magnitude that enforcement would be unconscionable; and
3. the bid was submitted in good faith and the bidder submits credible evidence that the mistake was a clerical error as opposed to a judgment error; and

4. the error in the bid is actually due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, material, goods or services made directly in the compilation of the bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of the original work paper, documents, or materials used in the preparation of the bid sought to be withdrawn; and
5. it is possible to place the District in status quo ante.

The sole remedy for a bid mistake in accordance with this section shall be withdrawal of that bid and the return of the bid bond or other security, if any, to the bidder. Thereafter, the District may, in its discretion, award the contract to the next lowest responsible bidder or re-bid the contract. Any amendment to or reformation of a bid or a contract to rectify such an error or mistake therein is strictly prohibited.

### **Recycled Goods**

When purchasing products, the District may, wherever recycled products meet contract specifications and the price of such products is reasonably competitive, purchase such products.

"Recycled product" shall mean any product which is manufactured from secondary materials, as defined in subdivision one of section two hundred sixty-one of the economic development law, and which meets the requirements of subdivision two of section 27-0717 of the environmental conservation law and regulations promulgated pursuant thereto.

"Reasonably competitive" shall mean that the cost of the recycled product does not exceed a cost premium of ten percent above the cost of a comparable product that is not a recycled product or, if at least fifty percent of the secondary materials utilized in the manufacture of that product are generated from the waste stream in New York state, the cost of the recycled product does not exceed a cost premium of fifteen percent above the cost of a comparable product that is not a recycled product.

Whenever such officer, board or agency shall purchase or cause the purchase of printing on recycled paper pursuant to this section, they shall require the printed material to contain the official state recycling emblem if such paper has been approved by the department of environmental conservation as satisfying the requirements of such statute and regulations, or, if such paper has not been so approved, require the printed material to include a printed statement which indicates the percentages of pre-consumer and post-consumer recycled material content of such paper.

# HICKSVILLE FIRE DISTRICT

## RECORD RETENTION

### **Mission**

The Hicksville Fire District's Record Management Plan is hereby committed to the efficient, organized and cost-effective method of managing the Hicksville Fire District's records.

### **Purpose**

The purpose of the Hicksville Fire District's Record Management Program is to:

1. ensure that records of the Hicksville Fire District are maintained, stored and destroyed in accordance with the records management plan which is understood and implemented by all district personnel;
2. provide an organized method to quickly search and locate records;
3. permit the Hicksville Fire District and community access to appropriate records in a timely manner;
4. assist with the needs of persons who have use for such records;
5. reduce the amount of storage space required to store active and inactive records;
6. preserve records of historical importance for the Hicksville Fire District and the community; and
7. permit for the annual destruction of records no longer required to be maintained.

### **Program Goals**

Goal 1 Systematically dispose of records in accordance with the Local Government Schedule (LGS-1) or as otherwise required by this Records Management Plan.

Objectives:

1. adopt and follow the Hicksville Fire District records retention and disposition schedules for the systematic disposition of records;
2. develop schedules to guide the retention and disposition of Hicksville Fire District records;

## HICKSVILLE FIRE DISTRICT

3. develop and apply policies and procedures for the disposal of obsolete records in a method that obtains approval for such destruction, protects confidential information, and maintains a list of the records which are destroyed; and

Goal 2 Operate and keep current a program for the storage and management of active and inactive records.

Objectives: The Objectives of the Program are to:

1. house active records for easy access by permitted parties;
2. house inactive records either within or outside the district office;
3. develop, implement and annually review policies and procedures for the identification and storage of active and inactive records;
4. update the Records Management Policy as needed;
5. set priorities in order to guide management as to the goals of the program;
6. set common goals for all managers and participants to understand;
7. establish a structure for the program which is followed by all participants;
8. assign responsibility to program participants and permits accountability of all participants.

### **Records Management Officer & Program Structure**

The Board of Fire Commissioners shall appoint and have the sole discretion to remove a Records Management Officer of the Fire District. The Records Management Officer shall be in charge of the Hicksville Fire District Records Management Program.

The Record Management Officer shall:

1. ensure the proper filing and storage of the district's records;
2. retain and have custody of such records for so long as the records are needed for the conduct of the business of the Hicksville Fire District;

## **Responsibility**

Proper records management is a requirement of all Hicksville Fire District. The Hicksville Fire District policies will refer to the Records Management Plan and must never implement procedures which circumvent the program. No person shall deviate from the requirements of the Records Management Program.

Therefore, no individual shall:

1. store records except as in compliance with the Records Management Plan;
2. file records except as dictated by the Records Management Plan;
3. destroy records, except as dictated by the process in the Records Management Plan; or
4. create and store new types of records unless the Records Management Plan is properly amended to account for such records.

## **Retention Rules and Schedules**

The district hereby adopts a schedule which is designed to:

1. identify each record maintained by the district;
2. identify the location of each record and whether such records are in locked or open storage;
3. identify who has access to the records; and
4. cite the retention period and the source of that retention period (such as the Local Government Schedule).

Every year, the Records Management Officer shall review the schedule to determine if it needs to be updated upon the determination that a new type of record should be maintained, the retention period for a record should be adjusted, or other included information should be addressed that is no longer current.

## Records

“Records” consist of any type of document with information, which may include paper, electronic, photographic, or any other format. Records document decisions and actions. Records consist of any book, paper, map, photograph, or other information-recording device, regardless of physical form or characteristic, that is made, produced, executed, or received by any local government or officer thereof pursuant to law or in connection with the transaction of public business. Record as used herein shall not be deemed to include library materials, extra copies of documents created only for convenience of reference, and stocks of publications.

“Historical records are those records that have permanent value for historical and other research. These records have continuing legal or financial value, or document a significant person, event, or decision. Because historical records have permanent value, they require special attention to ensure their preservation and continued use.”

“Active records” are those which are still being utilized for an immediate or short-term purpose. They consist of records that are being referred to for a present issue or project. These records may be maintained in the office while being actively used, but maybe then moved to an on-site storage location if they are required for access during the year.

“Inactive records” are those which are no longer needed for an immediate or short-term use and are not needed for reference in the foreseeable future. These records are moved from the office or on-site location of easy viewing to a file storage area for safe storage.

For purposes of this policy, “Members” and “Personnel” shall include all paid employees and volunteer members. This policy applies to all such personnel.

Only records that are needed for the Hicksville Fire District’s purposes will be created. Hicksville Fire District employees shall not create records that the Hicksville Fire District does not need.

The Hicksville Fire District shall only retain essential records as defined in its Record Retention Schedule.

## Destruction of Records

All records will be identified and categorized and their retention period will be determined and stated in the attached Schedule. Once the retention period has expired, the record will then be disposed of in accordance with such Policy. The records of the destruction of each record will be maintained separately and permanently.

The Hicksville Fire District shall not destroy, sell or otherwise dispose of any public record without compliance with such Schedule.

## **Maintaining Records After the Destruction Date**

Should the Hicksville Fire District desire to maintain a record past its destruction date, the individual making the request shall present it to the Hicksville Fire District Records Management Officer.

## **Copying the Record is Authorized**

Prior to the destruction of a record, the Hicksville Fire District may reproduce any record in any other form that “accurately and completely reproduces all the information in the record”. The original may then be disposed of even if the record is destroyed prior to the time proscribed by Schedule LGS-1.

The electronic copy is intended be deemed to be an original record for all purposes, including introduction as evidence in proceedings before all courts and administrative agencies.

Should a record be destroyed, the destruction record shall also note that the record has been recorded electronically.

Scanned copies of records will not be preserved in an encrypted format and must be easily opened and accessed in any common format.

All electronic records must be backed up in a different location than the original scanned copy.

## *Creating New Types of Records*

No person shall create a new type of record unless the Records Management Program’s schedule is amended to provide for the new type of record. Personnel are not free to create their own records or their own storage locations.

## **Storage of Records in Groups**

Records shall be organized and stored in such a manner as to permit records to be easily located and accessed. Each record shall be grouped by “type”.

A new group type may be created for any type of record which does not fit into an existing group with the consent of the Records Management Officer. The Records Management Program’s Schedule shall be updated to reflect this new group and type.

All locations of storage, including file cabinets and shelves, shall be clearly labeled. The location of the storage shall be consistent with that of the Schedule attached hereto.

When possible, each record should be labeled with a destruction date which is easily viewed.

## **Proper Storage Procedures**

Records will be stored in a central location and will not be spread throughout the office or other locations. Inactive records may be stored off site in a location designated for safe records storage. Records are located in the District's Office and on the third-floor attic area. Cabinets which are locked shall not be left unlocked except temporarily and then only when directly supervised.

Personnel Records shall be stored in alphabetical order, sorted last name first. Numerals in titles shall appear before letters and appear in numeric order. Punctuation in titles is ignored. The most valuable of records should be maintained in a fireproof safe.

Each door to the District office is electronically controlled with key access and only available to authorized persons. A log is maintained electronically and available for inspection.

Should records be requested for viewing by the public, copies should be made to avoid destruction. If the file is too voluminous or if copying is otherwise cumbersome, the person viewing the record shall be monitored and the record shall be viewed in a safe location, outside the records access room.

Should a record be desired to be retrieved from the record room, Form RRF-1 shall be completed and provided to the Record Management Officer by any party requiring retrieval of a record from Inactive Storage. Any person who does not have standing authority to access an Active Record shall obtain the approval of the Records Management Officer.

## **Electronic Storage**

Electronic copies will be made of any records which are not replaceable and the electronic version shall be stored off-site and away from the location of the paper records.

## **Business Continuity & Disaster Plan**

The district has a DATTO Business Continuity & Disaster Plan solution in place.  
The unit is 2T with a seven-year data retention.  
The IT service provider is the system administrator.

Backups are performed hourly to the local device and upload to the cloud four times per day.

In the event of a disaster or total building loss the district can operate using the Cloud server, until the physical server can be rebooted.

The DATTO acts as a file level backup solution as well as a redundant server. Example if a file gets deleted is restored from the DATTO or if the physical server stops functioning the DATTO can act as a redundant server.



The DATTO is impenetrable to ransomware attack. In the event of ransomware attacks maximum data loss exposure is limited to 59 minutes.

### **Computer Databases**

It is a goal of the Records Management Program that a computer database be implemented which assists in locating records by titles, dates, retention schedule numbers, shelf numbers, and the year of dispositions. Records maintained in electronic format should be converted or maintained in searchable text.

#### *Minutes of District Meetings*

Minutes of District meetings shall be maintained and kept permanently. Personal or Confidential items may be redacted from the minutes.

Copies of the minutes also shall be maintained online in one continuing document so that they are searchable.

### **Updating and Monitoring of the Records Management Program**

This Records Management Program constantly should be evolving and be tailored to address new issues and new types of records. Policies will be reviewed at least annually by the Records Management Officer and updated as necessary.

Any person that is involved with the creation, receipt, distribution, or destruction of records should be educated in the Hicksville Fire District record management program. Every person must know their role and responsibilities so that they can facilitate the program and not violate its requirements.

When possible, the Fire District's other policies should cite the records management program's policies.

Any person who takes on a new role involving records creation or management shall be educated as to the Records Management Program's policies. Management and involved personnel must review the Records Management Program annually and should constantly evaluate the program's success.

# HICKSVILLE FIRE DISTRICT

## RECORD RETENTION SCHEDULE

The following records should be maintained at least for the period stated:

<u>Record Type</u>	<u>Retention</u>	<u>LGS-1 #</u>
Alarm records	6 years	#1188
Attendance records of those at alarm	3 years	#1180
Equipment issued to personnel	1 year after equipment disposed of	#1186(c)
Emergency Medical Service Records		
Reports containing billing information	7 years	#1203(a)
Reports <b>not</b> containing billing information:	1 year	#1203(b)
Summary data received from New York State Department of Health	0 after no longer needed	#1203(c)
Fire hydrant records:		
Master record of hydrant location	0 years after superseded	#1213(a)
Fire mutual aid plans:		
Final plan with maps and attachments	Forever	#1210(a)
Background materials and supporting documents in producing final plan completed	3 years after final plan completed	#1210(b)
Fire safety inspection records:		
Master summary record of inspections	Forever	#1211(a)
Report on inspection at school, public building, multifamily dwelling, or commercial or industrial facility and notice of violation.	21 years	#1211(b)
Report on inspection of single family dwelling and notice of violation.	6 years	#1211(c)
Hazardous materials records	3 years after hazard abated	#1193

## HICKSVILLE FIRE DISTRICT

Information reports from county fire Coordinator	0 years	#1206 (d)
List of all calls/summaries	Forever	#1198
Patient care records	6 years, or 3 years after individual treated and/or transported reaches age 18, whichever is longer	#1198(a)
Procedures and policies	Forever, even those that are superseded	#52
Readiness checklists	3 years	#1186(b)
Reports on firefighting activities, but not incident reports, dealing with serious incidents or problems, or major issues with long-term implications, such as covering overall status of fire-fighting apparatus, equipment and facilities, fire-fighting readiness capability and personnel performance evaluation, and fire casualty reports:	Forever	#1207(a)
Reports on routine activities (but not incident reports), including but not limited to daily activity report, daily communications report, false alarm investigation report, and other periodic report, which contain information of legal or fiscal value.	6 years	#1207 (b)
Rescue response reports	3 years, but not until 3 years after any minor involved attains age 18	#1201
Summary record of all patients treated	3 years	#1198(c)
Training records-generally	6 years after individual leaves service	#1187(a)
Application for training	6 months	#1200(a)
Certificate of training	7 years (or longer with personnel files)	#1200(d)

## HICKSVILLE FIRE DISTRICT

Vehicle upkeep records	3 years	#1186(a)
Drivers' License Review Records	5 years	#665

**Financial**

Audits	Forever	#472(a)
--------	---------	---------

Budgets	Forever	#490(a)
---------	---------	---------

Cancelled checks	6 years	#476
------------------	---------	------

Cash records	6 years	#508
--------------	---------	------

Copy of Federal determination of error in wage reports (Form OAR-S30 or equivalent record):	6 years after determination received	#537
---	--------------------------------------	------

Direct deposit records, covering direct Deposit of employee's salary, including but not limited to application to begin or terminate direct deposit, and transaction log or similar reports:	5 years after authorization expires	#544
--	-------------------------------------	------

Employee's declaration of intention to decline membership or participation in retirement system or benefit plan, including copy of written notification of options provided employee by local government:

For retirement system. employment	6 years after termination of	#636(a)
--------------------------------------	------------------------------	---------

For benefit plan: employment	6 years after termination of	#636(b)
---------------------------------	------------------------------	---------

Employee's personal earnings record used to prove end-of-year total earnings, retirement or other deductions and taxes withheld:	6 years	#534
--	---------	------

Employee's declaration of intention to accept or reject Social Security:	10 years after employee dies or reaches age 75, whichever is shorter	#535
--	--	------

## HICKSVILLE FIRE DISTRICT

Financial reports	Forever	unlisted
Invoices	6 years	#550
Purchase orders	6 years	#546
Signature cards authorization	6 years after end of	#33
Vouchers	6 years	#547
<b>Payroll</b>		
Employee request for and/or authorization given to employee to use or donate sick, vacation, personal or other leave, or to work overtime:	6 years	#530
Employee's voluntary deduction payroll form:	5 years after authorization expires	#532
Employer's copy of Annual Federal Tax Return (Form 940), Quarterly Federal Tax Return (Form 941E) and Continuation Sheets (Form 941a), Notice of Tax Return Due (Form TY 14), or equivalent forms:	5 years after tax period	#539
Employer's copy of: U.S. Information Return for Calendar Year (Form 1099), Withholding Tax Statement (Form W-2) or Transmittal of Wages and Tax Statements (Form W-3), or equivalent forms:	5 years	#540
Employee's Withholding Exemption Certificate (Form W-4), or equivalent form:	5 years after a superseding certificate is filed or employment is terminated	#541
Employer's copy of New York State Income tax records relating to employees: Payroll, including information on gross and net pay, base pay, taxes, and other deductions:	5 years after tax was paid	#542

## HICKSVILLE FIRE DISTRICT

Year-end payroll, including detailed information necessary for salary verification for retirement and social security purposes:	55 years	#524(a)
Periodic payroll, including detailed information necessary for salary verification for retirement and social security purposes, when no year-end payroll is maintained or year-end payroll does not contain this required detailed information:	55 years	#524(b)
Periodic payroll, not including detailed information necessary for salary verification for retirement and social security purposes:	6 years	#524(c)
Warrant authorizing payment of salaries based on a specific payroll, if maintained separate from payroll itself:	6 years	#524(d)
Preliminary draft of payroll: payment of salaries is signed	0 after warrant authorizing	#524(e)
Municipality's information copy of school, fire or special district payroll:	0 after no longer needed	#524(f)
Payroll or related report covering all employees or an individual employee, and not covered by specific item in this section:		#525
When needed for audit or other purposes	6 years	#525(a)
Payroll distribution breakdown record used to distribute or classify labor costs:	6 years	#526
Summary record of employee's payroll Changes	6 years	#527
Employee's timecards, sheets or books	6 years	#528

## HICKSVILLE FIRE DISTRICT

Payroll report submitted to New York State Employee's Retirement System, Policemen's and Firemen's Retirement System, or any other official pension system:	6 years	#538
Quarterly or other periodic report of wages paid prepared for Social Security, and report of any adjustments or corrections:	6 years after year in which wages were reported	#536
Record of employee's absences: cumulative time record, 1 year	6 years, but if posted to	#529
Record of assignments, attachments, and garnishments of employee's salary:		
When employment was terminated prior to satisfaction:	6 years after termination of employment	#531(a)
When satisfied:	5 years after satisfaction	#531(b)
Schedule or other notification from issuing bank showing savings bond purchased for employee:	5 years after latest bond issue	#533
Internal investigations complaint	6 years from resolution of	#25
<b>Miscellaneous</b>		
Certificates of Insurance	6 years after expiration	#582
Complaints complaint	6 years after resolution of	#77(b)
Correspondence – routine matters	6 years	#53(b)
Correspondence- significant events/issues	Forever	#53(a)
Correspondence - immediately	If no value – may destroy	#53(c)
Fundraising records	6 years	#1214
Legal Agreements	6 years after expiration	#32
Legal opinions	Forever	#29

## HICKSVILLE FIRE DISTRICT

Workplace Violence Prevention Program <i>Length of Service Awards Program (LOSAP)</i>	5 years	663
Benefit plan	0 years after superseded	#1216(a)
Drafts and supporting documentation used in producing and updating plan	1 year	#1216(b)
Annual report (census) received from plan administrator Summary records of volunteers listing credits earned and providing breakdown of types of services and how credits earned:	1 year	#1217
Annual report:	55 years	#1218(a)
Monthly report	3 years	#1218(b)
Records showing credits earned and providing breakdown of types of services and how individual earned credits:	6 years after individual leaves service	#1219(a)
Copy of initial and vested certificates of membership in award plan	6 years after individual leaves service	#1219(b)
Copy of application to join service awards plan and/or life insurance plan, along with declination statement and related records:	6 years after individual leaves service	#1219(c)
Beneficiary designation records	0 years after obsolete	#1219(d)
Records relating to individual's challenge to plan's, department's or district's assignment or of number of points earned	3 years after appeal concluded or disagreement resolved	#1219(e)
Grant applications and documents	6 years after awarded grants are fulfilled	#55(a)
	6 years for rejected grants	#55(b)
Minutes of meetings	Forever	#48(a)



## HICKSVILLE FIRE DISTRICT

Proof of publications	6 years	#36
Records used in legal actions	1 year after completion of legal p.xxii action	
Special program files	6 years after program ends	#54
Successful bids	4 years	#478(a)
Fuel records	6 years	#490
Maintenance & repair records	6 years after vehicle is no longer in use	#817(e)
<i>Personnel</i>		
Personnel records	Forever	#636(a)
Acceptance letter	Forever	636
Job description	Forever	#390(a)
Letter of resignation	6 years after termination of Employee	#636(b)
Investigative/Disciplinary Records	3 years after final decision rendered	#637
Oaths	Forever	#305
Reference letters	6 years after term of employment	#636(b)
Resume	6 years after term of employment	#636(b)
Postal records	1 year	#66
Telephone logs	1 year	#64
Theft reports/vandalism	6 years	#26
<i>Election Records</i>		
Voter registration records	5 years	#362(a)
Vote recording and tabulating records		
Sample ballot	Permanently	#363(a)
Voted ballot	1 year after election	#363(b)

## HICKSVILLE FIRE DISTRICT

Application of absentee ballot	30 days after election	#363(c)
Final election results	Permanent	#363(d)
<ul style="list-style-type: none"> <li>▪ Including election inspectors' return and statement of canvass</li> <li>▪ Including election result reports from the fire district</li> </ul>		
Records used to compile final election results, including:	1 year after election	#1363(e)
<ul style="list-style-type: none"> <li>• Tally sheets</li> <li>• Voting machine tabulation</li> <li>• Election district breakdown results</li> <li>• Election inspectors' returns</li> <li>• Statements of canvass</li> </ul>		
Election readiness records, including voting machine testing	1 year after election	#364
Election officials' appointment records	1 year after election	#365
Notification & publication of notice of election	1 year after election	#366
Referendum records, including:	Permanent	#367(a)
<ul style="list-style-type: none"> <li>• petitions for election;</li> <li>• public hearing prior to election;</li> <li>• narrative justification for election</li> </ul>		
Referendum records, including:	1 year after election	#367(b)
<ul style="list-style-type: none"> <li>• actual petitions</li> <li>• records of signature verification</li> <li>• routine correspondence</li> </ul>		
Election officials' training and qualifications	3 years	#368
Candidate designation/nominations	1 year after election	#369
Certificate of acceptance of office	1 year after person leaves office	#370
Election challenge or investigation Records	6 years after last entry	#371

## HICKSVILLE FIRE DISTRICT

Informational records received from  
County Board of Elections including:

0 years after superseded #373

- list of election officials
- enrollment/registration lists
- district maps
- instructional materials

**REFERENDUM REQUIREMENTS**

1. All resolutions subject to mandatory referendum shall be approved at a properly noticed public meeting. The resolution shall be added to the minutes of the meeting, and separately signed by the secretary. At least three (3) commissioners must approve the resolution.
  
2. The secretary must post the resolution and notice in the:
  - A. Official newspaper of the fire district
  - B. On the official signboard of the fire district
  - C. On the fire district's website and
  - D. On the website if the town

**REFRESHMENTS AT EVENTS**

The District may spend up to twenty-five (\$25.00) dollars per active member estimated to be present (or anticipated to be present) for refreshments at various events approved by the Board of Fire Commissioners. The purpose of the refreshments shall be to maintain the health and safety of the individual. The District shall not purchase refreshments for the sole purpose of entertainment of the members.

All purchases shall require receipts.

There shall be no limit on the amount of refreshments permitted for food and drinks purchased for rehabilitation of firefighters at fire events and other emergencies and expenditures are not limited only to members of the Department, but also all responders from other fire departments.

# HICKSVILLE FIRE DISTRICT

## RENTAL OF FIREHOUSE AND PROPERTY

The firehouse or pavilion shall not be rented out.

# HICKSVILLE FIRE DISTRICT

## STANDARDIZED EQUIPMENT

The Fire District hereby adopts standardized equipment for certain purchases. The General Municipal Law permits standardization.

# HICKSVILLE FIRE DISTRICT

## TRAVEL POLICY

*Applicable to: Commissioners, Employees, Chief or Assistant Chiefs and members.*

The commissioners, employees of the Fire District, chief, assistant chiefs and members may be reimbursed for travel expenses.

All travel arrangements must be made by the Fire District Secretary or other approved representative of the Board of Fire Commissioners unless otherwise authorized by the Board of Fire Commissioners. Personnel with special needs must advise the district office of those needs. Any person traveling on district business at district expense seeking to change travel arrangements must contact the district office and obtain official approval before making any changes to arrangements made by the district office. In the event that the person fails to do so, they will be personally responsible for any additional cost created by unauthorized changes to travel arrangements.

Travel will begin on the day before and the day after the convention unless the Board determines otherwise. In addition, the Board will consider, on a case by case basis, an application to leave for a convention early or return later if the convention requires air travel, does not require a Saturday stay over, and the inclusion of a Saturday stay over will result in a net savings to the District when airfare cost is compared to the cost of lodging/meal/rental car, etc. for the additional day(s).

### **Reimbursement for Attendance at Conferences**

For purposes of this policy, a conference is defined as a convention, conference, seminar, training or school conducted for the betterment of the Fire District and/or Fire Department.

The Fire District Board of Commissioners may, by a majority vote, authorize any or all of the commissioners, employees, chief, assistant chiefs or members to attend a conference. Members requesting to attend a conference must receive a recommendation from their company/squad and the Chief before authorization from the Board of Fire Commissioners to attend. Such authorization must be by resolution adopted prior to such attendance, entered in the minutes of the Fire District.

Personnel electing to travel and attend events without prior Board of Fire Commissioners authorization will not be considered to be on official business and will not be deemed to be representatives of the Fire District or fire department at such events. District funds can only be expended on the legally reimbursable expenses incurred by the commissioners, employees, chief, assistant chiefs or members. Expenses relate to family members who might be traveling with the commissioner, employee, chief, assistant chief or members will not be reimbursable and should not be included in the travel expensive report.



## HICKSVILLE FIRE DISTRICT

All actual and necessary expenses of travel, lodging, car rental, meals, registration, etc. incurred in connection with attendance at a conference must be paid by the Fire District. However, the charges will be audited, allowed and paid in the same manner as are other claims against the Fire District.

All personnel traveling shall be required to complete and submit a district supplied Travel Expense Report. The report must be accompanied by all necessary receipts including travel, lodging, car rental, meals, tolls, parking, registration, convention badge etc. and a written synopsis of classes, seminar or convention. The Travel Expense Report must be submitted to the District Treasurer within fourteen (14) days of returning from travel. Failure to meet this time frame may result in denial of claim for reimbursement at the discretion of the Board of fire Commissioners.

Any expenditure incurred that is not in compliance with this policy shall be considered the personal financial responsibility of the person involved.

No commissioner, employee, chief, assistant chief or member is entitled to any compensation for the time spent in attending a conference.

### **Special Rules for Volunteer Firefighter Out of State Training**

Section 72-g of the General Municipal Law governs training out of state. The Board must determine with regard to out of state training for volunteer firefighters that the training;

1. Is necessary and in the public interest, and
2. Is not available within a reasonable distance and time period in the state.

The Chief will submit a report to the Board of Fire Commissioners at an official meeting thereof when they request the attendance of such volunteer firefighters at an out of state training event detailing why the training attendance is necessary and in the public interest, and their research has revealed that the training or a suitable substitute for same is not available within a reasonable distance and time period in the state.

Thus, the Board approvals for such training will state in the minutes of the meeting that these requirements have been met.

After completion of the training the District Treasurer will send a report on the training to the New York State Office of Fire Prevention and Control ("OFPC") on the form provided by that office and a copy of the report shall be filed with the Board of Fire Commissioners.

### **Training Schools and Seminars as Opposed to Conferences and Conventions**

The above rules on out of state travel shall pertain to sending volunteer firefighters of the rank of captain and below to training schools and seminars. Chiefs, district officers and employees may attend conferences and conventions in New York State and outside of New York State in accordance with the requirements set forth in Section 77-b of the General Municipal Law which does not require the findings described about for volunteer firefighter training/ travel.

### **Reimbursement for Attending Training**

The chief officer of the fire department may authorize the volunteers to attend training schools. The Board of Commissioners must also approve attendance at that training. The District notes that the law requires commissioner approval of all courses taken outside of the county, and for all courses taken outside of the state. Courses taken outside of the state may only be approved if a similar course is not offered within a reasonable distance and a reasonable time period.

The Board must determine that a significant portion of the course is related to technical training of firefighters. This is a question of fact strictly left to the commissioners.

The Board of Commissioners, in approving the training, may by resolution provide for all actual and necessary registration fees and all actual and necessary expenses of travel, meals and lodging and all necessary tuition fees incurred by the volunteer members in attending the training school or course, whether located in the United States or Canada.

A commissioner, employee, chief, assistant chief or member that travels in his own car may be paid a reasonable mileage allowance for each mile actually and necessarily traveled by him in attending the school or course. Mileage will be paid at the IRS mileage reimbursement rate.

Any claim for the expenses or reimbursement (utilizing a payment voucher) submitted to the Fire District must have attached a statement that attendance had been authorized by the chief.

### **Rental Vehicles**

An original detailed car rental receipt showing pickup and drop off date, rate and miscellaneous charges are required and shall be included with the travel expense report.

Full size vehicles should be selected.

When using a District issued credit card, decline the rental company's collision damage waiver or similar provision if it is offered to you. The company may refer to the collision damage waiver as CDW or LDW in their contract.

When using a personal credit card check with the issuing card agency, prior to rental, if collision damage or similar provision are necessary or use a waiver.

## HICKSVILLE FIRE DISTRICT

Check the vehicle for prior damage before leaving the rental lot. If you notice damage, report it to your rental agent before leaving the lot.

### **Personal Vehicles**

Personally owned vehicles may be used for approved business travel unless the Board determines that travel by automobile is not the *most cost effective and reasonable means* of travel for the particular event. Mileage, round trip from the member's home to the activity and required mileage at the destination are reimbursable items.

Mileage reimbursement shall include all costs with the exception of tolls and parking. A per mile dollar figure will be approved yearly by the Board of Fire Commissioners at the Organizational Meeting. The rate will be based upon the applicable rate set by the Internal Revenue Service and in no event shall be higher than that rate. This policy will be deemed amended each year to incorporate a revised rate each time the Internal Revenue Service revises the rate and traveling personnel will be expected to use the current rate.

### **Overriding the GSA**

The District may override the GSA limits by up to two- and one-half times during times of the year and certain areas in which the GSA is too low to be reasonable or accommodated.

### **Additional Reimbursements and Emergency expense**

The Board of Fire Commissioners reserves the right to authorize other necessary travel expenses that relate to the business needs of the Fire District.

In the event of some unforeseen emergency or natural disaster occurring at the location of the event, the Board of Fire Commissioners reserves the authority to approve extraordinary expenses for traveling personnel unable to complete their business travel based upon normally accepted travel rules. Personnel may make arrangements to return home early if early warnings of a pending emergency or natural disaster permit, and in fact, should make every effort to do so. Personnel confronted by such a situation must make every effort to contact the District office in order to keep the Fire District advised of their status.

Meal allowances in extraordinary circumstances that do not meet these requirements may be reimbursed at the discretion of the commissioners.

## Cost Effective Travel

Section 77-b of General Municipal Law and Section 178-c of the Town Law were amended in 2006 in order to provide that travel expenses incurred by fire district officers, employees and chiefs must be incurred based upon the *most cost effective and reasonable* means of travel, and that any mileage allowances may not to exceed the Internal Revenue Service limits. The Board of Fire Commissioners has determined that all travel expenses incurred by the Hicksville Fire District shall be incurred based upon the use of the most cost effective and reasonable means of travel.

## Meals

Commissioners, employees, chief, assistant chiefs or members traveling on official business shall be reimbursed for meal expenses (including gratuities of a maximum of 20%) at a rate up to the daily maximum set by the Board of Fire Commissioners of \$150.00 per day. Meal receipts are required for all meals and should be an actual itemized receipt.

Alcoholic beverages are not reimbursable.

Breakfast, lunch and dinner are reimbursable meals.

Time limits have been set for meal reimbursements on the first and last day of travel:

1. Meals will be allowed while on authorized travel when the time of departure from home at the beginning of a trip occurs before the following hours:

A. Breakfast	7:00 am
B. Lunch	11:00 am
C. Dinner	6:00 pm

2. Meals will be allowed while on authorized travel when the time of return to home at the conclusion of a trip occurs after the following hours:

A. Breakfast	8:00 am
B. Lunch	12:00 pm
C. Dinner	7:00 pm

## Plane Travel

Travel shall be either Coach, Economy or Business Class unless the trip is of an emergency nature and Coach, Economy Class or Business Class is not available, or unless the effect of First-Class travel is an overall economy to the travel purpose.

Seat upgrades are permitted for flights over 2 hours.

At the discretion of the Board of Fire Commissioners groups travelling to the same destination may be required to travel on the same flight in order to ensure the most cost effective and reasonable means of transport.

## HICKSVILLE FIRE DISTRICT

At the discretion of the Board of Fire Commissioners flight insurance will be considered.

Fairs from taxis or buses, and parking, may be reimbursed to get to and from plane and point of destination.

### **Cash Advances**

No cash travel advances will be given to personnel for Fire District business travel. The District office will make reservations for certain transportation and lodging expenses. Any travel expenses not prepaid by the District will be incurred by the official, employee, officer or member traveling who will then submit a Travel Expense Report for reimbursement for expenses incurred.

### **Reimbursement of Expenses**

The Fire District adopts the Receipted Method of income reimbursement.

Costs of a business nature for such additional items as tips for handling of baggage, bellhops, porters, drivers, housekeeping (\$5.00 per night) etc. are reimbursable. These expenses must be recorded in the Travel Expense Report. Tips related to another expense such as meals, taxi fares etc. shall be included in the total cost of the related expense.

### **Receipted Method**

This method provides reimbursement of actual costs based on travel, lodging, car rental, meals, registration/conference fees etc. All receipts must be submitted with a Travel Expense Report

Receipts are required for:

1. Airline
2. Lodging
3. Car Rental – including fuel.
4. Tolls
5. Parking
6. Meals
  - A. A credit card receipt without meal expenditure detail is not an acceptable receipt.
7. Registration

### **Non-Reimbursable Travel Expenses**

1. Alcoholic beverages
2. Car rental insurance purchased for domestic travel.
3. Childcare
4. Corporate card delinquency fees or finance charges

## HICKSVILLE FIRE DISTRICT

5. Dues in private clubs
6. Entertainment
7. Frequent flier and other similar awards for hotel and car rentals
8. Gym and recreational fees, including massages and saunas.
9. In-room movies
10. Insurance costs such as life insurance, personal automobile insurance and baggage insurance
11. Laundry or valet service for travel of fewer than five days
12. Lost baggage
13. Loss or theft of cash advance money, airline tickets, personal funds or property
14. No-show" charges for hotel and car service
15. Parking tickets or traffic violations
16. Personal automobile repairs
17. Personal credit card annual fees
18. Personal grooming services, such as barbers, hairdressers and shoeshines
19. Personal telephone charges in excess of reasonable calls home, generally one per day
20. Pet care
21. Snacks
22. Upgrades (air, hotel, car, etc.)

### **Income Tax**

Amounts paid to persons to reimburse them for substantiated business expenses are not subject to income tax or employment tax, unless the reimbursements exceed the federal amounts permitted for such reimbursement.

## HICKSVILLE FIRE DISTRICT

### Court Proceedings

The Board of fire Commissioners may authorize reimbursement for the volunteer officers or members of the department who appear before a court or other tribunal:

1. when the judicial or other proceeding relates to activities arising from the duties of the volunteer fire officer or firefighter; and
2. the volunteer fire officer or firefighter is not involved in any criminal activity or is the subject of or is personally charged with a violation of any section of law, rule or regulation being investigated by the court or other tribunal; and
3. the volunteer fire officer or firefighter has not been given immunity by a court or other tribunal in relation to such proceedings; and
4. the volunteer fire officer or firefighter has no financial interest in the outcome of such proceedings; and
5. the volunteer fire officer or firefighter has been issued a subpoena to appear and give testimony in such action or proceeding; and
6. the chief officer has been notified of the volunteer fire officer's or firefighter's receipt of a subpoena.

Such authorization from the chief officer shall not be unreasonably withheld. Failure to obtain such authorization shall not be deemed to excuse a volunteer fire officer or firefighter from complying with a lawfully issued subpoena, but shall not entitle him to the payment of expenses incurred.

The Fire District by resolution may provide for the payment, in the same manner as other claims against the Fire District are audited, allowed and paid, of all actual and necessary expenses of travel, meals and lodging necessarily and reasonably incurred by such volunteer fire officers and firefighters in appearing before a court or other tribunal. Such resolution may also provide for the reimbursement of all actual lost wages necessarily and reasonably incurred by such volunteer fire officers and firefighters, up to a maximum of one hundred (\$100.00) dollars per day. If such travel is by a car owned by the volunteer fire officer or firefighter, they may be paid a reasonable mileage allowance for each mile actually and necessarily traveled by him in appearing before such court or other tribunal. If such claim includes any amount for actual lost wages, a statement by the volunteer fire officer's or firefighter's employer shall be attached. Any claim for such expenses or reimbursement shall have endorsed thereon, or attached thereto, a statement by the chief officer of the fire department or Fire District that they were notified of the volunteer fire officer's or firefighter's receipt of a subpoena requiring him to appear and give testimony before a court or other tribunal, such chief officer's authorization therefore and copy of such subpoena.

### **Travel Cancellation Policy**

The Board of Fire Commissioners must balance the needs of the district and the right of the taxpayers of the district to have district funds preserved with the need to provide basic fairness to personnel when it comes to trip cancellations and who must bear the financial burden of trip cancellations. Commissioners, employees, chief, assistant chiefs or members traveling at district expense have an obligation to protect district finances and not request or accept a travel assignment if they know of personal concerns which may result in a need to cancel a trip. The act of requesting to be permitted to travel to a seminar, convention, conference, apparatus or equipment inspection trip or other district financed travel assignment or accepting such an assignment will be considered by the Board as a statement that the person is available for the travel assignment and knows of no impediment to their ability to travel and attend to district or department business on the dates in question.

If the Board approves travel, the district office or other authorized agent makes arrangements for a commissioner, employee, chief, assistant chief or member to travel at district expense, and the commissioner, employee, chief, assistant chief or member thereafter cancels the travel assignment, the Board reserves the right to require them to reimburse the fire district for any financial loss sustained by the fire district.

The Board reserves the right to exercise its discretion and not hold the commissioner, employee, chief, assistant chief or member accountable if it determines the cancellation was caused by an unavoidable illness, family matter, manmade disaster, natural disaster, weather event, etc. For commissioners, employees, chief, assistant chiefs or members' family matters may include problems associated with personal employment. The Board shall have complete discretion to approve an excuse or to hold the person accountable for losses sustained, and the decision of the Board in that regard shall be final and not subject to review.

A commissioner, employee, chief, assistant chief or member cancelling a district travel assignment has a continuing obligation to cooperate with the Board and district office as it attempts to take steps to mitigate the financial loss associated with the cancellation and acquire any refunds or credits which may be available.

Persons that cancel a trip without a legitimate and unavoidable reason are required to obtain a refund or repay the expenses associated with the trip.

If a commissioner, employee, chief, assistant chief or member is directed to reimburse the fire district and fails or refuses to do so on a timely basis in accordance with the deadline set by the Board, they shall be subject to disciplinary action. Reimbursement may include accepting an airline or other travel credit issued in the name of the commissioner, employee, chief, assistant chief or member and that commissioner, employee, chief, assistant chief or member then paying the amount of the credit to the district in cash (commissioner, employee, chief, assistant chief or member receives the credit voucher when he or she pays the sum in cash to the fire district).



## HICKSVILLE FIRE DISTRICT

The Board reserves the right to purchase refundable travel reservations and/ or travel insurance when it determines that the risk associated with the travel expense is worthy of being a district expense. The Board also reserves the right to accept payment from a commissioner, employee, chief, assistant chief or member in order to fund the purchase of travel insurance to cover the exposure of the person's travel. However, nothing herein shall bind the Board to do so and no policy is set to purchase such insurance. The Board is only agreeing herein to consider the issue.

# MEMBER CONDUCT POLICIES

## HICKSVILLE FIRE DISTRICT

### ALCOHOLIC BEVERAGES (PROVISION OF)

The Department may have alcoholic beverages including beer, wine and hard liquor in certain designated rooms at each recreational room/meeting room in each firehouse subject to the following rules and regulations. Any deviation from or violation of these rules may result in discipline, including and up to termination.

No alcoholic beverages are to be paid for by the District. All alcohol is to be paid for by the Department and/or Companies.

Members are solely responsible for the acts of their guests.

Under no circumstances does the ability to serve or consume alcohol relieve the active members of the Department from compliance with the Zero Tolerance Policy. No person who shows any signs of alcohol impairment may operate any vehicles or participate in any on-duty fire activity.

No alcoholic beverages may be dispensed or consumed outside of the lounge areas or meeting rooms. Other designated areas may be regulated, added or eliminated by the District at any time.

No alcohol may be sold to the public or to any member of the Department.

No person under the legal drinking age may consume or possess alcohol. No person under 21 years of age shall be left alone in a room with any access to alcohol. "Alone" shall mean without the presence of at least one adult who are at least 21 years of age. Alcohol must be locked when not being served. Only designated members of each fire company may possess the keys to open the locked alcohol. Keys must not be given to any non-authorized members.

The Department and/or company may not sell or provide alcohol to the public at any fundraiser except with the express written permission of the District. In such case the Department or a Company must obtain approval from the State Liquor Authority.

Alcohol may also be served at annual Department picnics, holiday parties or other annual events for Department members, families and guest. An admission fee may be charged, but in no event shall such fee be in exchange for alcoholic beverages or permit unlimited alcoholic beverages.

At no event may any person consume or be served alcohol who is intoxicated.

No alcoholic beverages may be dispensed through any vending machine and all alcoholic beverages must be locked and secured in a manner so as to permit any person who is under 21 years of age from consuming alcohol.

## HICKSVILLE FIRE DISTRICT

All service of alcoholic beverages, either within the Department or at any fund-raising event of a Company, must be supervised by an active member of the Department who is at least 21 years of age and who has attended and successfully completed a program dealing with the supervision of alcoholic beverages, such as the TIPS program. Such supervision shall utilize all the recommendations concern observations for intoxication, ages of persons being served and quantity of alcohol being consumed by individuals.

District or Department vehicle operators may never consume alcohol, including after the parade. If alcohol is consumed by any member after a parade the vehicle must be placed out of service.

No standby crew may be served, possess or consume alcohol.

All active and honorary members are responsible for the supervision of their guests.

Any person serving alcohol to a person under 21 years of age or permitting possession shall be immediately terminated from membership.

## ANTI-BULLYING

### **DEFINITION**

“Bullying” is unwanted, aggressive behavior among individuals that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Bullying includes actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose with the only intent to be to harm them emotionally.

“Bullying” or “harassment” is any gesture or written, verbal, graphic, or physical act that is reasonably perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress and may be motivated either by bias or prejudice based upon any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic, or is based upon association with another person who has or is perceived to have any distinguishing characteristic. Bullying and harassment also include forms of retaliation against individuals who report or cooperate in an investigation under this policy.

Cyberbullying is bullying that takes place using electronic technology. Examples of cyberbullying include mean text messages or emails, rumors sent by email or posted on social networking sites, and embarrassing pictures, videos, websites, or fake profiles.

### **POLICY**

The Hicksville Fire District hereby prohibits bullying of any type, as defined above, or as otherwise may be reasonably defined. Bullying shall not be permitted between any employees of the district or members of the Department, whether on or off duty. Cyberbullying is similarly prohibited.

Any person engaging in bullying shall be subject to disciplinary action, suspension, or may be terminated from membership.

Additionally, persons who stand-by and watch bullying, without attempting to cease the conduct, may also be disciplined, as the “ganging up” perception is part of bullying. Participating in or watching bullying is also prohibited.

### **REPORTING**

Any person aware of bullying, whether to themselves or to others, shall immediately report the conduct or perceived conduct to the Superintendent or to the Board. No person may be retaliated against for reporting bullying. Reports may be made confidentially if desired, but these reports are not preferred as they prohibit thorough investigations.

**NOTICE AND TRAINING**

This policy is in addition to and not in place of any other harassment policies.

**ANTI-DISCRIMINATION**

State law provides that no applicant shall be rejected due to gender, race, sexual preference, ethnicity or religion, military status, sexual orientation, gender identity or status as a victim of domestic violence.

The Hicksville Fire District shall not discriminate against any person who is otherwise qualified to perform the duties of an operational position, but all persons must be qualified to fulfill the essential job performance requirements of their positions.

The Hicksville Fire District shall not tolerate the discrimination of any person by the Fire District Fire Department or members and will discipline an individual for engaging in discriminatory conduct, up to and including termination.

## HICKSVILLE FIRE DISTRICT

### APPLICATION FOR MEMBERSHIP

Applications for membership shall only be considered as they are submitted.

Active Membership is not automatic. There is nothing that requires the acceptance of any applicant, but no applicant shall be rejected due to gender, race, sexual preference, ethnicity or religion. All active members must be at least eighteen (18) years of age. They must be of good moral character and be able to meet any other qualifications as stated in these bylaws or policies.

No person resigning or dropped from the rolls of the Department shall be eligible to re-apply for membership for a period of one year and must serve probation at the Chief's discretion and Board approval of same.

No expelled member may re-apply for membership for a period of seven (7) years.

Applicants shall complete an application approved by the District. No application shall be accepted, in whole or in part, until the application is complete, and all required supporting documentation has been submitted by the applicant. The applicant shall be interviewed by the Company and/or the Company's designated committee. The Chief may impose a probationary period for the applicant, though the District shall only view the individual as an Active Member, regardless of probationary status. The fire department may impose requirements in order to be granted full membership status. The member shall be admitted (or rejected) under the rules and bylaws of the Company, Department and District.

Once approved the name and application of the member shall be turned over to the District's Secretary. The District secretary shall bring the name and qualifications to the Board of Fire Commissioners for consideration and approval at the next meeting. See also the "Residency" policy.

Applicants, prior to being approved by the fire department and the District, must have completed a successful arson and sex offense background check and a successful evaluation of their physical and mental abilities. Applicants must be able to meet the physical and mental fitness policies.

No applicant shall perform any task in the fire department until such person is sworn-in by the District as an Active Member. This includes, but is not limited to responding to emergencies, training, drills, meetings, fundraising and any other activity which would otherwise be covered by the Volunteer Firefighters Benefit Law.



## HICKSVILLE FIRE DISTRICT

### CHIEF AND LINE OFFICER QUALIFICATIONS

The following requirements are imposed upon chief officers, which are in addition to any other qualifications in these policies or the Department's rules, regulations or bylaws. All chiefs and line officers must hold and maintain a current and valid, non-suspended, New York State driver's license. No other policy or bylaw may relieve the chief or line officer of these qualifications.

In order for an active member of the Hicksville Fire Department to be eligible for a line office they must meet certain medical classification requirements related to the District physical examination policy adopted in compliance with the Occupational Safety and Health Administration (O.S.H.A.) requirements at the time of nomination and at the time that they take office. For purposes of this rule the term "line office" shall be defined as including the offices of Chief, Assistant Chief of the fire department, Captain and Lieutenant in any fire company of the Hicksville Fire Department. The medical classification for line officers shall be that they must be determined by the district physician to be "Class A" interior structural firefighter able to utilize self-contained breathing apparatus ("S.C.B.A.") in immediately dangerous to life or health ("IDLH") atmospheres. The line officer candidate must have successfully completed their required physical examination, fit test, and such other requirements as may be set by the Board of Fire Commissioners in order to meet this qualification and standard at the time of nomination and at the time of taking office.

A committee, appointed by the Chiefs, will review the qualifications for each candidate seeking to hold the position of Officer in the department.

It is the members' responsibility to submit to the committee all necessary paperwork, certificates etc. for review.

The committee will forward their findings and a report to the respectful Company and Chiefs Office.

The Chiefs will forward the results to the Board of Fire Commissioners

No person who has been tried and found guilty before the Department or Commissioners shall be eligible for any office in any part of the Department or Company until their reinstatement to good standing.

For the purpose of this policy:

"one full term" shall be defined as a twelve-month period. From January 1 to December 31.

"prior to nomination" shall be defined as current year.

All Squad or team leaders, including but not limited to, Emergency Medical Service, Hazardous Material Team, Fire Police are exempt from these requirements for the position officers in their squads.

## HICKSVILLE FIRE DISTRICT

**Lieutenants.** All candidates seeking the position of Lieutenant must meet the following requirements (or equivalent names for courses):

1. A member must have at least three consecutive years as a Class "A" firefighter in the Hicksville Fire Department at time of nomination.
2. A member must have a minimum attendance percentage of twenty percent of calls prior to their nomination and have made their required percentage for the immediate past year preceding the date of nomination.
3. Active chauffeur on Company apparatus and ambulance in their station for a minimum of six months.
4. Attended four (4) Department meetings prior to nomination.
5. Attend minimum of two (2) of four (4) classes at department NCFSA school.
6. Have a current qualification in Hazardous Materials Operations. (Certified Course)
7. Completion of the NCFSA Fire Officer 1
8. Completion of the NCFSA Vehicle Extrication (AVET/VROL)
9. Completion of the NCFSA Vehicle Fires
10. Current certification in Cardiopulmonary Resuscitation (CPR)
11. Current certification in Automated External Defibrillator (AED)
12. ICS 100 - Introduction to the Incident Command System - FEMA accredited.
13. IS 200 - ICS for Single Resources and Initial Action Incidents System - FEMA accredited.
14. Completion of the NCFSA Utilities Emergencies
15. Completion of the NCFSA Long Island Railroad Track Safety

**Captains.** All candidates for the position of Captain must meet the following requirements (or equivalent names for courses):

1. Class "A" Firefighter at time of nomination.
2. Must have a minimum percentage of twenty percent of the calls prior to their nomination and have made their required percentage for the immediate past year preceding the date of nomination.
3. Have met all the requirements of Lieutenant.
4. Has served as a Lieutenant in the Hicksville Fire Department for at least one full term prior to taking office.
5. Attended five (5) Department meetings prior to nomination.
6. Attended six (6) Officers meeting prior to nomination.
7. Attended five (5) Department drills prior to nomination.
8. Attend minimum of three (3) of four (4) classes at department NCFSA school.
9. ICS 300 – Intermediate ICS for Expanding Incidents – FEMA accredited.
10. Completion of the NCFSA Assistant Fire Inspector course.
11. Current certification in Cardiopulmonary Resuscitation (CPR)
12. Current certification in Automated External Defibrillator (AED)

## HICKSVILLE FIRE DISTRICT

**Assistant Chiefs:** All candidates for the position of Assistant Chief must meet the following requirements:

1. Class "A" Firefighter at time of nomination.
2. Must have a minimum percentage of attending twenty percent of calls prior to their nomination and have made their required percentage for the immediate past year preceding the date of nomination.
3. Have met all the requirements of Captain.
4. Has completed eight years of service as an Active Member in this Department.
5. Served as Captain in the Hicksville Fire Department for at least one full term prior to taking office.
6. Attended five (5) Department meetings prior to nomination.
7. Attended six (6) Officers meeting prior to nomination.
8. Attended five (5) Department drills prior to nomination.
9. Completion of NCFSA Leadership Seminar Series.
10. IS 700: An Introduction to the National Incident Management System—FEMA accredited.
11. Completion of NCFSA - Incident Safety Officer course.
12. Completion of NCFSA - Building Construction course.
13. Completion of NCFSA – Firefighter Assist & Search Team (FAST) course.

**Chief:** All candidates seeking the position of Chief of Department must meet the following requirements:

1. Class "A" Firefighter at time of nomination.
2. A member must have a minimum percentage of attending twenty percent of calls prior to their nomination and have made their required percentage for the immediate past year preceding the date of nomination.
3. Have met all the requirements for Assistant Chief.
4. Has served as Assistant Chief in the Hicksville Fire Department for at least one full term prior to taking office.

**DEPARTMENT NOMINATION AND ELECTION PROCEDURE**

1. Each nomination is subject to approval or rejection by the Board of Fire Commissioners, which shall be submitted at the December Board meeting.
2. Should any candidate be rejected, the Chiefs Office shall be notified.
3. Chief and Assistant Chiefs to serve no more than two years in each position consecutively.
4. Any vacancy occurring in the Chief Officers of the Department shall be filled by an election at the next regular meeting following the one at which the vacancy is announced. Chief Officers will automatically be advanced in rank so the vacancy will occur at the Third Assistant Chief's rank.

# HICKSVILLE FIRE DISTRICT

## DISCIPLINARY PROCEDURES

This policy shall govern the removal and suspension of a volunteer member or officer of the Fire District. This procedure shall be in addition to and not in place of any action the department and/or fire company may take pursuant to its own bylaws.

Such officers and members of the department shall not be removed by the Fire District from office, or membership, as the case may be, by such authorities or by any other officer or body, except for incompetence or misconduct.

**Misconduct.** Misconduct shall be defined to include, but not be limited to:

1. insubordination;
2. failing or refusing to obey the rules of the District or Department;
3. failing or refusing to obey the policies of the District or Department;
4. refusing an order of the commissioners directly or as issued by a chief;
5. failing to carry out the duties of office or membership;
6. acting in a manner that brings disgrace upon the District or Department;
7. conduct unbecoming a member of the District or Department which can be attributed to the individual as a member of the District or Department;
8. plea to or conviction to any felony while a member;
9. plea or conviction to any misdemeanor, while a member, involving the following:
  - A. violence;
  - B. sex;
  - C. larceny, theft or fraud;
  - D. child endangerment;
10. Engaging in harassing conduct of any nature of another volunteer or officer.

**Incompetence.** Incompetence shall include:

1. a proven inability to perform the role of an officer or member;
2. the physical or mental inability to perform the role of an officer or member;

## HICKSVILLE FIRE DISTRICT

3. gross negligence in the performance of his duties as a member or officer on one occasion which is not correctable through training;
4. negligence in the performance of his duties as a member or officer on more than one occasion which is not correctable through training;
5. a demonstrated unwillingness to improve competence through training;

### **Absenteeism**

The Chief may remove persons for absenteeism without a hearing or other due process, though the District may reverse such decision if it desires. Absenteeism shall be defined as the failure to meet the attendance, drill and training requirements in the Company, Department or District.

### **Arson or attempted arson**

Any member convicted of or pleas to Arson or Attempted arson in any degree shall immediately be terminated from membership.

**Suspended Member Restrictions.** Members who are suspended may not, for the entire period of the suspension, attend any District, department or company function other than is related to the affiliated hearing or investigation. Suspended members shall not in any way identify themselves as being affiliated with the department or company, such as by wearing insignia or other marked clothing. Such members may not be present on District's property or in its vehicles. No benefits or privileges of members may be exercised. Any violation of this rule shall permit the Board to continue the suspension. Nothing shall prohibit a suspended member from exercising any rights available to him as a member of the public as if he were not a member.

The member or employee shall be permitted to be present on district facilities to attend any hearings related to his or suspension and disciplinary action or to testify in proceedings related to the suspensions or disciplinary actions brought against other members.

Members and employees on suspension may be present to vote in public elections held on district or department property. A fire department internal election is not a public election as those terms are used herein.

**The decision.** The Commissioners shall decide the facts of the matter if no hearing panel was used and shall impose a suitable punishment that bears a rational relation to the offense. If an officer or hearing panel heard the facts of the matter, the record of the hearing shall be referred to the commissioners for review within ninety days from the close of such hearing along recommendations for or against punishment. The commissioners need only consider the recommendations but need not adopt them. The commissioners must adopt the statement of facts, however. No commissioner that was a witness to the material events in question shall vote on this matter or have a voice in the matter. There must be at least three commissioners voting in favor of any punishment to impose a punishment.

## HICKSVILLE FIRE DISTRICT

**Suitable Punishment.** A member or officer may be suspended up to but no longer than one year. An officer may be removed from the officer position for the remainder of the term. A member may be removed from membership.

**Appeal of the hearing.** A member shall have the right to appeal the hearing in the time permitted and under the procedure permitted by Article 78 of the Civil Practice Laws and Rules (CPLR).

### **Suspended or Dismissed members and employees present at facilities or functions**

In order to provide for the safety of all personnel and citizens on district facilities and at official functions and in order to provide for the maintenance of proper morale and discipline within the ranks of the fire department and the paid staff of fire district employees the following rules apply:

1. A member of the fire department who is removed from membership for cause and an employee of the fire district who is removed from employment for cause shall not be permitted to be present on the buildings and grounds of the fire district.
2. A member of the fire department who is removed from membership for cause and an employee of the fire district who is removed from employment for cause shall not be permitted to be present at any function sponsored by the fire district, fire department or its constituent fire companies.
3. No officer or member of the fire department or any of its constituent fire companies, or officer or employee of the fire district may invite such person to be present on district facilities or at such functions as a guest.

The Chief of Department, assistant chiefs or highest-ranking officer shall have the discretion to direct that any member, employee or their guest(s) present at district, department or company facilities or present at any event or function sponsored by the district, department or company immediately leave the facilities or function in order to maintain good order and proper decorum.

Any person violating these rules shall be deemed to be trespassing on the building and grounds of the fire district and/ or at such functions described. If the person refuses to leave the facilities or function when requested by the officer, the officer shall contact the police department and request its assistance in removing the person from the facilities or function. The officer may file a complaint on behalf of the fire district for criminal trespass if the person refuses to obey the direction of the police officer to vacate the premises or function.

Any officer or member of the fire department and/ or any officer or employee of the fire district who shall violate these rules by bringing such barred person as a guest on to district facilities or to a function shall be guilty of violation of these rules.

Any member who has been dropped from the roles, or dismissed from membership due to not meeting their required percentage, or missing three (3) consecutive meetings is exempt from the above restriction's.

## HICKSVILLE FIRE DISTRICT

### DUTIES OF CHIEF AND ASSISTANT CHIEFS

1. The Chief, under the direction of the Board of Fire Commissioners:
  - A. Has exclusive control of the members of the Hicksville Fire Department at all emergencies, drills and other sanctioned activities.
2. The Chief shall see that the rules, regulations and policies of the Board of Fire Commissioners are observed and that the orders of the Board of Fire Commissioners are duly executed.
3. The Chief must understand the by-laws and policies that regulate the Hicksville Fire District and Department.
  - A. The Chief shall ensure proper by-laws and policies are in place and enforced.
4. The Chief shall hold the officers and members strictly to account for neglect of duty and may suspend them for improper conduct, subject to a hearing.
  - A. All complaints shall be investigated.
  - B. Report findings and/or disciplinary matters to the Board of Fire Commissioners at their next regular meeting.
5. The Chief shall to the extent reasonability possible determine or cause to be determined the cause of each fire or explosion which the fire department has been called to suppress. They shall contact or cause to be contacted the appropriate investigatory authority if reason to believe the fire or explosion is of incendiary or suspicious origin.
6. The Chief shall investigate and report all accidents, injuries or incidents to the Board of Fire Commissioners within twenty-four (24) hours after occurrence.
  - A. written report will be submitted by the Chiefs Office to the Board of Fire Commissioners within seven (7) business days.
  - B. For all accidents involving district vehicles or apparatus the report shall include:
    - New York State MV-104 accident report
    - Hicksville Fire Department Emergency Vehicle Accident/ Loss Investigation document.
    - Local Police Department accident report (required for all vehicle accidents)
    - photos
    - Statement of the incident from the chauffeur and officer in charge.



## HICKSVILLE FIRE DISTRICT

- C. The Chief shall ensure all proper documentation is completed and properly filed.
- 7. The Chief shall have a policy with regard to the apparatus responding to and returning from emergencies or any other time a district vehicle is used, this shall include when an apparatus or vehicle is being backed up.
- 8. The Assistant Chief's shall be subjected to the Chief's orders.
  - A. In the absence of the Chief the Assistant Chief will assume the duties and responsibilities.
- 9. If a Chief serves less than a year in office for their term, January 1 to December 31, or an unexpired term, they shall not be entitled to the status of Ex-Chief.

## HICKSVILLE FIRE DISTRICT

### EQUIPMENT RETURN

No member of the fire department or employee shall possess or keep any item provided to them by the Fire District as a result of being a member of the fire department or employee, including but not limited to equipment, turnout gear, pager, keys, license plates. Members or employees may maintain their personal clothing.

Any member or employee that is suspended, relieved of duty, request a leave of absence, resignation, dropped from the rolls or expelled shall be required to return all district, department and company equipment and property issued to them to their direct supervisor or Company Captain/ Officer no later than one (1) week of such notice. Failure to return equipment or property promptly on notice of suspension shall be grounds for further and independent disciplinary action.

It is the responsibility of the employee and/or member and Company Captain/ Officer to ensure all district and/or fire department property and equipment has been returned.

A Company Captain/Officer when returning members district and/or department equipment and property shall submit a letter stating the date when all equipment is returned. An equipment return receipt shall be completed indicating that all district equipment, including but not limited to personal protective equipment, pager and charger, ID card, key FOB, badge and uniform has been received. The equipment, letter and equipment return receipt shall be forwarded to the Chiefs Office for review and verification. The Chiefs office will then forward all paperwork to the Board of Fire Commissioners.

Any member who fails to return department and District property will have their request for leave of absence, resignation or being dropped from the rolls their effective date will be when all property is received.

A member has thirty (30) days from the date of their certified letter from the department to return all equipment. In the event the property is not returned within the thirty (30) days, the leave, resignation, or drop from the rolls will become an expulsion requiring a seven (7) year period to reapply for membership.

## HICKSVILLE FIRE DISTRICT

### FIREARMS POLICY

Peace and Police Officers and persons with concealed carry permits in NYS are permitted to carry “short” firearms (pistols) and are permitted to bring them on the Fire District property but may not wear them while wearing turnout gear.

The District will supply lockable boxes in each member’s locker, but a member must lock all firearms in the lockbox. However, the member is responsible for securing and locking the firearms in the lockbox.

Persons with concealed carry permits are reminded that New York State has by statute established sensitive locations in which firearms may not be carried regardless of such permit unless the person qualifies for the law enforcement officer exception.

## FUNDRAISING EVENTS

General Municipal Law Section 204-a requires that prior to engaging in any fundraising activity, the fire company must provide written notice to the Fire District. The notice must state that the fire department or fire company plans to conduct a fundraising activity.

A notice form must be completed, then forwarded to the chiefs for approval, then submitted to the Fire District for approval.

The form must generally:

1. describe the activity;
2. specify the time or times when, the place where, and the period during which the activity will be conducted;
3. specify who is the person(s) responsible.
4. set forth the names of the firefighters who will serve on each of the committees in connection with the activity.
5. certificate of accord/insurance if required.

## HICKSVILLE FIRE DISTRICT

### FUNERAL ARRANGEMENTS

Upon the death of any firefighter the deceased members name will be placed at all stations on the appropriate plaques and the memorial at headquarters.

All flags will be lowered to half- staff for a period of fifteen (15) days.

Funeral purple bunting shall be displayed at the member's station, at an appropriate location, for a period of thirty (30) days.

In the event of a line of duty death all flags are to be flown at half-staff for a period of thirty (30) days and funeral purple bunting is to be displayed at all fire stations for a period of thirty (30) days.

When the individual is a member of the Exempt Benevolent Association only, the deceased members name will be placed on the headquarters memorial and the headquarters flag shall be lowered to half-staff for a period of three (3) days.

## HICKSVILLE FIRE DISTRICT

### GUESTS IN THE FIREHOUSE

Guests of members are permitted in the firehouse subject to the rules included in this Manual. Members are responsible for the actions of their guests. No guests are permitted on the apparatus floor, except during public events and other limited events.

### GYM USE

The use of gym equipment involves a level of physical exertion that creates the risk to personnel of injury, illness or death. Prior to gym use and during the period of such usage, members should check with their personal physician to make certain that they are able to use the gym equipment and engage in the exercises contemplated in their physical fitness program given their physical condition, any illnesses or medical conditions they may have and/or any medication they are taking. Members should also consult with the District medical authority at the time of their periodic physical examination on these issues.

The physical and medical condition of personnel changes over time and each member should be guided by his or her personal physician on the development and adjustment of exercise programs over time.

Members should not utilize gym equipment until they have been trained on how to properly exercise on or with it. Any member seeking training on how to utilize any piece of gym equipment or seeking assistance with the development of a proper exercise program for them should contact the Chief's Office.

Receipt of physician advice, proper training on equipment, and development of a personalized training program that addresses physical condition, limitations, and objectives should precede commencement of regular gym use, and if it has not, should immediately be undertaken by any person using a gym provided by the Fire District.

By signing the logbook that is placed at each District gym facility, the member agrees to abide by all District and Department policies on gym usage and firefighter training, and acknowledges that he or she has read and agrees to follow the requirements of this warning.

Non-members may not use the gym facilities. Only those active members listed as a Class A, B and C1 may use the gym. Members of the Ladies Auxiliary are not permitted to use the gym.

**HATE SYMBOLS AND SPEECH**

No employee or member of the department shall display any sign or symbol on any district or department owned equipment or on any uniform or gear, or make any statements whether oral or written, which are intended to intimidate another person or to cause emotional harm or fear, including but not limited to symbols of white supremacy, neo-Nazi ideology, a swastika or the Battle Flag of the Confederacy.



## HONORARY MEMBERSHIP STATUS - DEPARTMENT

Any member who has completed twenty (20) years of Active service in the Hicksville Fire Department may request to have their membership changed from Active to Honorary. The request must be reviewed and approved by the Chief of Department and approved by motion of the Board. An Honorary member is exempt from all dues, fines, and assessments and shall not have a vote on any matter in the Company or Department. All Length of Service Award accreditation and accumulation of award points shall cease as of the date of the membership status change, which date shall be defined as the date that the Board approves the change and is removed from the active roster. A person qualifying for honorary membership under this rule may receive an annual physical examination from the district physician during the period when active members are provided with the examinations.

1. Honorary members are not active members and are not permitted to respond to emergency calls or perform any of the duties of active firefighters. Honorary members are not covered by Volunteer Firefighters' Benefits Law insurance coverage and the benefits provided under that law and may not participate in the Length of Service Awards Program. They are not provided with any of the benefits, rights or privileges of active membership.
2. Honorary members are not provided with uniforms and may not participate in parades. Honorary members are not provided with Department or District identification cards. Honorary members are not permitted to utilize District exercise room facilities.
3. An Honorary member is exempt from all dues, obligations, fines, and assessments and shall not have a vote on any matter in the Company or Department.
4. Honorary members may be present as a guest at District and department facilities, but shall not be granted key access privileges. Honorary members may not operate or ride in fire apparatus. Honorary members may be invited to Company and department social activities at the discretion of the Company and/or Department.

### **Line-of-Duty Disability**

Any member who is disabled while in the line-of-duty as a Hicksville Fire Department member, as attested to by the District's Medical authority in writing, and who, due to their disability, cannot continue as an active member, may request to have their membership changed from Active to Honorary Line-of-Duty Disability. The request must be reviewed and approved by the Chief of Department and approved by motion of the Board. An Honorary Line-of-Duty Disability member is exempt from all dues, fines, and assessments but shall have a vote on any matter in the Company or Department. All Length of Service Award accreditation and accumulation of award points shall be governed by applicable laws, rules and regulations. A person qualifying for honorary membership under this rule may receive an annual physical examination from the district physician during the period when active members are provided with the examinations.

## **Non-Line-of-Duty Disability**

Any member who has completed five (5) years of Active service who is unable to fulfill the duties as an Active member due to disability which is NOT the result of line-of-duty service in the Hicksville Fire Department, as attested to by the District's Medical authority in writing, may request to have their membership changed from Active to Honorary Non-Line-of-Duty Disability. The request must be reviewed and approved by the Chief of Department and approved by motion of the Board. An Honorary Non-Line-of-Duty Disability member is exempt from all dues, fines, and assessments and shall not have a vote on any matter in the Company or Department. All Length of Service Award accreditation and accumulation of award points shall be governed by applicable laws, rules and regulations. A person qualifying for honorary membership under this rule may receive an annual physical examination from the district physician during the period when active members are provided with the examinations.

## **Honorary Status for Non-Department Members**

When the Chief's Office and Awards Committee wishes to grant Honorary Status for the recognition of a non-department member, the request must be presented and reviewed by the Board of Fire Commissioners. Honorary Status for a non-department member is subject to approval by a motion of the Board of Fire Commissioners.

Honorary Status is an opportunity for the Department or District to recognize the contributions of an individual to the Department, District and/or community, but does not otherwise create rights, duties, obligations, privileges and immunities.

## **Fifty-Year Membership**

The member shall have completed fifty (50) years of active service to the Hicksville Fire Department. This requirement shall be met when the member has completed fifty (50) individual years of active service. It is not necessary that the service years be consecutive. One (1) year of active service shall be defined as a twelve-month period, January 1 to December 31, during which the member:

1. was clear on the books with the member's company and the department, and
2. fulfilled any company and department requirements required of the member during that year, and
3. met the member's required percentage of alarms for that year.

### **Honorary Chief**

An active member of the Department may, only upon the recommendation of the member's company and approval of both the Chief of Department and Board of Fire Commissioners, be awarded the designation of "Honorary Chief", provided that the below requirements have been met and demonstrated, in writing, by the member's company.

An Honorary Chief shall not be afforded the rights or responsibilities of other ranks of the department and shall not be entitled to give orders or commands unless the member holds some other rank. However, an Honorary Chief shall be placed in line before Captains but after Ex-Chiefs in Department formation.

# HICKSVILLE FIRE DISTRICT

## IMPAIRMENT POLICY

### **Definitions:**

“Active Member” shall mean an active volunteer firefighter performing in any operational capacity with the Fire District or Fire Department who is cleared to perform such duties.

“Employee” is an individual actually employed by the District or Department for pay.

“Person” is a term which encompasses both “Active Members” and “Employees”.

“Controlled Substance” is any substance listed with the United States Department of Justice as a controlled substance: see: <https://www.deadiversion.usdoj.gov/schedules>

“Impaired” means that the individual cannot meet the physical or mental fitness requirements for his job or perform such requirements safely or that performance while impaired would place the individual or another individual or a member of the public at risk of harm. Impaired also means that the individual is lacking or having diminished capacity to perform the required cognitive, analytical, physical, mental or other functions required of the job duties or causes the individual the need for extra time or focus in order to obtain such capacity, when the time to do so is not available and may not be extended.

“Covered Activity” is any activity which is performed as an employee or volunteer of the District, or for which the employee would seek workers’ compensation if injured or the volunteer would seek VFBL if injured, or where the person represents themselves as acting on behalf of the District.

“Off-duty use” shall mean the ingestion, inhalation or other consumption or use of a Tetrahydrocannabinols (THC) containing product which does not continue to have any effect upon the person during work hours or VFBL covered hours.

“On-duty use” shall mean the ingestion, inhalation or other consumption or use of a Tetrahydrocannabinols (THC) containing product which continues to have any effect upon the person during work hours or VFBL covered hours.

THC: Tetrahydrocannabinols

### **Policy**

1. No active member shall perform any activity which is covered by the Volunteer Firefighters Benefit Law while impaired by any legal or illegal drug or substance.
2. Any person required to hold a Commercial Drivers’ License as part of their volunteer or employment duties shall not be permitted to use any federally controlled substance at any time.

## HICKSVILLE FIRE DISTRICT

3. All persons performing their job duties must be able to perform their duties in accordance with all District policies. Active members must be able to perform their duties and job performance requirements as defined in the policies of the District.
4. No person may be present on District property or perform any function as a member or employee while impaired by any legal or illegal drug or substance.
5. No person shall exhibit signs or symptoms of off or on duty use while on duty, or while involved in any activity covered by Volunteer Fire Department Benefit Law (VFBL), including but not limited to the smell of burnt marijuana/cannabis.
6. Should the District be required by a federal or state grant to implement a “Drug Free Workplace” policy, no legally authorized or utilized tetrahydrocannabinols (THC) containing product may be utilized on or off duty by any person.
7. The District does not discriminate against persons who are authorized to utilize a tetrahydrocannabinol (THC) containing product or utilize a tetrahydrocannabinols (THC) containing product while off duty and at least twenty-four hours prior to any covered activity. The District has determined that it is offering reasonable accommodation to employees in certain job titles for any condition requiring use of a THC containing product by permitting them to cease performing their duties without penalty other than use of paid or unpaid sick leave.
8. No person shall be denied employment/volunteer position or be subject to any disciplinary, punitive or other negative action “solely” because of being authorized for medical marijuana. However, a person authorized for marijuana use must be able to perform the job duties safely, in accordance with all policies, without any impairment. The District will determine whether it is possible to accommodate any individual’s authorization and will take various factors into consideration, such as:
  - A. Is the use intermittent such that the individual can be absent from work or avoid performing duties while using;
  - B. Is the use of such a low dose that a physician will certify that the patient cannot potentially be impaired after having used a marijuana product;
  - C. Is the individual’s position a safety sensitive position;
  - D. Is the use continuous or as needed;
  - E. Are there other medications which can be used during work/duty hours that can be reasonably accommodated?

## HICKSVILLE FIRE DISTRICT

9. Employees in non-safety sensitive positions who have no set work hours (e.g.: Secretary/Treasurer and custodian) shall return home and leave work without penalty, but shall make up the hours, should the need to utilize a medically authorized THC containing product during work hours to treat the condition for which the product was authorized.
10. No member or employee shall operate or assist in the operation of a motor vehicle, heavy machinery or equipment, powered equipment, or dangerous equipment while having consumed a tetrahydrocannabinol (THC) containing product within twenty-four hours of being on-duty or while on-duty.
11. The District recognizes that New York State has legalized off duty use of products containing Tetrahydrocannabinols. Regardless, the District imposes the following policies specifically related thereto:
  - A. No person under the age of twenty-one may utilize a cannabis product containing tetrahydrocannabinol (THC) on or off duty.
  - B. Any employee shall leave the property if such individual has used a tetrahydrocannabinol (THC) product. The employee shall make up the hours in the same week or the immediately following work week(s), but in no event shall work incur overtime.
  - C. Any active member who is authorized by a physician to utilize a tetrahydrocannabinol (THC) containing product and who requires use of the product for the reason authorized during an event covered by Volunteer Fire Department Benefit Law (VFBL) shall immediately cease performing any function or participating in any Volunteer Fire Department Benefit Law (VFBL) covered event and must notify any individual in charge of such event that they are unable to continue.
  - D. Any person impaired such that they are unable to perform their job duties safely, efficiently, correctly and effectively shall not remain on District property.
  - E. Off duty use of a tetrahydrocannabinol (THC) containing product is not prohibited so long such use does not constitute or become “on duty” use as defined herein.
  - F. Except as mandated by federal laws, federal or state funding requirements, or other legal requirements, no person shall be discriminated against for “off duty” recreational use of a marijuana product.

## HICKSVILLE FIRE DISTRICT

- G. Unless otherwise permitted by law, the District shall not refuse to hire, employ or license, and shall not discharge from employment or otherwise discriminate against an individual in compensation, promotion or terms, conditions or privileges of employment because of:
- (1) an individual's legal use of consumable products, including cannabis in accordance with state law, prior to the beginning or after the conclusion of the employee's work hours, and off of the employer's premises and without use of the employer's equipment or other property;
  - (2) an individual's legal recreational activities, including cannabis in accordance with state law, outside work hours, off of the employer's premises & without use of the employer's equipment or other property.

### **Reasonable suspicion for marijuana and other substances:**

1. This process shall be in addition to any other drug testing policy or practices of the District.
2. Any person who appears to be impaired by a legal or illegal substance shall immediately be removed from any activity which would be prohibited if impaired.
3. The individual shall be asked if they are impaired. If the individual admits to being impaired, they may be asked for the cause of their impairment (alcohol, medicine, etc.)
4. If the individual does not admit to being impaired but their supervisor continues to believe that they are exhibiting signs of impairment, then the person who is suspected of being impaired shall consent to being recorded on video to capture the reason for the suspicion of impairment. The person who is suspected of being impaired may be asked questions during such recording. The recording shall be maintained by the District as proof of "reasonable suspicion".
5. The District may require any employee who is on duty and suspected of being impaired or any volunteer who is performing a VFBL function who is suspected of being impaired to complete a drug test in accordance with accepted drug screening/testing policies by an accredited laboratory.
6. The refusal by any person listed in this subsection to allow video of the individual or drug testing shall be reason for discipline, up to and including a six-month suspension from work or volunteering, without pay or benefits.

## Non-Discrimination and Prohibitions of Impairment

The Fire District does not discriminate against recovering drug users. However, illegal use of controlled substances, narcotics or illegal drugs while on duty or involved in an emergency operation (together “drugs”) or being under the influence of legal or illegal drugs while on duty or involved in an emergency operation presents a danger to the public, other volunteers and the Fire District and its Department. Use of drugs or being impaired by drugs while on duty shall constitute misconduct. A person who uses illegal drugs while off duty is not considered honest, as use of drugs impinges upon the integrity of the volunteer or applicant. The Fire District will only accept and continue membership of honest persons. Use of illegal drugs or alcohol while representing that you are available for or responding to a call shall constitute misconduct.

Any firefighter impaired by any drug or pharmaceutical (legal or illegal) while on duty must report such impairment to the supervisor prior to beginning a shift or responding to an emergency or as soon as the impairment begins during the shift or emergency, whichever occurs first. Failure to do so shall be seen as a dishonest attempt to avoid adherence to this policy.

Persons undergoing a drug test must disclose all legally prescribed narcotics and any other illegal drugs which they are using. The failure to disclose the above use and/or prescription is reason for discipline including termination.

Fire District has instituted a drug and alcohol testing procedure, as follows:

1. All prospective volunteers are subject to “pre-employment” drug testing for the presence of illegal substances, as a condition of their approval as volunteers for the Fire District fire department. Any prospective volunteer who tests positive for drug use may request an additional test to confirm the results before being denied membership. The second test shall be paid for by the prospective volunteer.
2. All members shall be subjected to drug testing for illegal substances during the annual (or semi-annual) physical exam.
3. Any Volunteer showing signs or symptoms of drug or alcohol usage while on duty may be requested to submit to a drug or alcohol test. Signs or symptoms include but are not limited to the scent on clothes or breath, unsteady gait, slurred speech, glassy or unfocused eye contact or grossly inappropriate behavior under the circumstances, or detectable amounts of any such substance in the blood, hair follicle or urine.
4. Any volunteer who refuses to submit to a drug or alcohol test, required under this policy, will be terminated for cause immediately.

Sample collection and drug testing and shall be performed under the rules of the agency hired to conduct the drug testing, but in all events a split sample method shall be utilized.



## HICKSVILLE FIRE DISTRICT

A volunteer shall be presented with the test results and given the opportunity to present an explanation of the test results. A volunteer may request a confirmatory test for illegal drug use (but not alcohol use) before employment is terminated if a first test indicates positive use. However, the Fire District may suspend any volunteer initially testing positive while awaiting the outcome of the second test or if no second test is requested, may terminate the volunteer or take other appropriate action. A positive test indicates that the volunteer is currently a user of illegal drugs or alcohol abuser, and such a volunteer is not entitled to the protections which the law may provide to recovering drug users and alcohol abusers.

Any volunteer who refuses a lawful order given by a law enforcement official to submit to any test to determine alcohol intoxication or the influence of illegal drugs, while off duty, may be subject to discipline by Fire District, or reassignment of duties by the Chief of the Department or his designee.

**INDEMNIFICATION**

It is the policy of the Hicksville Fire District to indemnify every commissioner, officer, employee and active member of the District for acts and omissions occurring within the scope of their duty in such capacity. This includes but is not limited to indemnification in accordance with Public Officers Law Section 18, Town Law 178-d, General Municipal Law 205-g, and as otherwise permitted or obligated by common law.

Any person, including an active member, who is served with a summons, petition, hearing notice or other action shall immediately deliver the same to the Chair of the Fire District, along with a written request for defense and indemnification. Pursuant to law, such written request and a copy of the pleadings must be delivered to the Chair of the Board of Fire Commissioners within ten (10) days of service upon the individual.

Indemnification shall not extend to expenses for punitive damages, fines, or penalties incurred as a result of intentionally harmful conduct.

## INTERNET & COMPUTER RELATED ISSUES POLICY

### PURPOSE

In order to permit our volunteers to gain access to computer systems for the purpose of communication, recreation, management, teaching and administration, computers are provided with internet connections.

However, all personnel should remember that electronic media and services provided by the District are District property. All computer users have the responsibility to use these resources in a professional, ethical, and lawful manner.

To ensure that all personnel are responsible, the following guidelines have been established for using e-mail, computers and the Internet. This policy is as much a guide as it is a rule as no rule can be comprehensive enough to address all potential violations or non-permissive uses.

### PROHIBITED COMMUNICATIONS

The computers, including e-mail, internet, software, fax programs and any other method of electronic submission, shall not be used to knowingly transmit, retrieve, view or store any communication that is:

1. abusive, discriminatory, harassing or unreasonably offensive to the general public;
2. derogatory to any individual or group;
3. obscene, sexually explicit or pornographic;
4. slanderous, libelous, defamatory or threatening;
5. in violation of any license governing the use of software; or
6. engaged in for any purpose that is illegal.

### CONTROL AND ACCESS TO SOFTWARE PROGRAMS

The individual who controls access to software and computers, such as by keeping and assigning passwords, shall not be the same individual that utilizes such software to input information. Thus, a commissioner or other independent person shall control who accesses all financial software and the treasurer shall not be the person in control. The Fire Chief shall not be the individual who has control over access to the records management programs, but instead shall be another individual which is not responsible for entering the information.

### PERSONAL USE

The computers, electronic media and services provided by the District are to assist personnel in the performance of their duties, to permit persons to remain at the District's facilities while being productive in their personal lives and jobs and to provide an outlet for recreation. Personnel are expected to demonstrate a sense of responsibility and not abuse this privilege.

No person shall utilize the computers for personal gain, such as an independent business which is intended to result in financial gain for the individual.

### ACCESS TO PERSONNEL COMMUNICATIONS

Electronic information created and/or communicated by volunteers using e-mail, word processing, utility programs, spreadsheets, voicemail, telephones, Internet and bulletin board system access, and similar electronic media may be reviewed by the District. However, the following conditions should be noted:

The District may gather logs of electronic activities or monitor communications directly, such as telephone numbers dialed, sites accessed, call length, words that are typed and entered, pictures and text downloaded and time at which calls are made or media is accessed, for the following purposes:

1. cost analysis;
2. resource allocation;
3. optimum technical management of information resources; and
4. detecting patterns of use that indicate personnel are violating District policies or engaging in illegal, unethical, immoral or unpermitted activity.

The District reserves the right, at its discretion, to review any person's electronic files and messages maintained on the District's computers to the extent necessary to ensure electronic media and services are being used in compliance with the law, this policy and other District policies.

Personnel should not assume electronic communications are completely private. Accordingly, if they have sensitive information to transmit, they should use other means.

Access to sensitive information will be limited to the persons required to access it. All other users shall not have access to sensitive information and access shall be protected by passwords or other security devices.

Individuals shall only have access to sensitive information which is within their job function.

### SOFTWARE

To prevent computer viruses from being transmitted through the District's computer system, unauthorized downloading of any unauthorized software is strictly prohibited. No software or applications may be downloaded to a District owned computer without express permission of the Board of Commissioners. Files obtained from sources outside the company, including storage media, files downloaded from the internet, attachments to emails, and other files not originally loaded with approval on the District's computers may contain dangerous computer viruses that may damage the District's network, and must be scanned with approved virus checking software maintained by the District.

### SECURITY/APPROPRIATE USE

Personnel must respect the confidentiality of other individuals' electronic communications. Except in cases in which explicit authorization has been granted by District management, personnel are prohibited from engaging in, or attempting to engage in:

1. monitoring or intercepting the files or electronic communications of other employees or third parties;
2. hacking or obtaining access to systems or accounts they are not authorized to use;
3. using other people's logins or passwords; and
4. breaching, testing, or monitoring computer or network security measures.

No e-mail or other electronic communications may be sent that attempt to hide the identity of the sender or represent the sender as someone else.

Electronic media and services should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system.

Anyone obtaining electronic access to other companies' or individuals' materials must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials except as permitted by the copyright owner.

### ACCESS TO SERVERS

All servers shall be secured so that non-authorized personnel may not come in physical proximity to the servers themselves and disrupt their operation.

## HICKSVILLE FIRE DISTRICT

No person shall be permitted to access the servers directly or remotely except on a case-by-case basis. Any person with rights to access a computer/server who is not an officer, commissioner, employee or member of the fire district shall acknowledge their agreement to adhere to this policy and any other policy governing the proper use and dissemination of the computer system. Access privileges shall be deleted and/or changed when such individual is no longer contracted with the district to perform services. The service accessing the services shall notify the District when any person no longer works for them, so that the District can remove any rights of access to the servers/computers. The District shall require any company accessing the servers/computers to provide a list of persons who could work on the servers/computers. The service shall ensure that rights are limited, and that access is strictly limited only to persons requiring access.

### BACKUPS

All computers shall be backed up onto a non-local server which is separate from the network, and which is maintained off-site or taken off site at least once per week. This backup shall be capable of promptly returning all information in the event that a complete erasure of information occurs.

### WIRELESS HOTSPOTS

Hotspots shall not be labeled with a name which identifies the hotspots as belonging to the fire district. Current methods of encryption shall be utilized. Hotspots accessible by personnel without need to access the server itself, as opposed to the internet, shall be placed "above" or "outside" of the server so that a user may not work backwards to access the server.

### BREACHES OF SECURITY

In the event of a breach of security which resulted or potentially resulted in the dissemination of any personal information, the Board shall promptly notify every potential person who reasonably may be affected by the breach. The notice shall state the information which may be affected and shall provide any potential remedy to limit the damage. Law enforcement shall be notified and shall be consulted if appropriate. All further potential releases of information shall be controlled. All passwords shall immediately be changed, and servers taken off-line if needed. Audits shall be performed of any access logs in an attempt to determine the cause of the breach.

### VIOLATIONS

Personnel who abuse the privilege of computer use or their access to e-mail or the Internet in violation of this policy will be subject to corrective action, including suspension or removal.

### Photography and Privacy

In order to preserve the confidentiality of patients, property and victims and the honor of the fire service, the District has instituted the following policy:

1. No photography of any type shall be permitted while at a scene of an emergency or for which the fire department was requested, except as on approved camera belonging to the District or as specifically authorized by the District such as by the Department photographer. EMS workers may take pictures for the sole purpose of capturing the mechanism of injury and this photograph shall become part of the medical record. All photographic equipment shall be left in a personal vehicle. No photographs taken shall be distributed or made public outside of the District except to a hospital or arson or accident investigator, or upon a proper demand of a court of law or by judicial subpoena. All photographs shall be destroyed as soon as it is determined that the photograph is not necessary for patient care or as a record of an incident, except as restrained by court order or as will be used for training or history of the District.
2. No individual may carry any photographic equipment onto a scene, other than equipment belonging to the District. If a cell phone is on scene, the camera shall not be used except upon approval by the incident commander, and then only in rare circumstances.
3. "Photographic equipment" shall be defined to include any audio or video recording device, including but not limited to a camera, video recorder, or phone with a camera function or video recorder function.
4. Any individual who has photographic equipment, including but not limited to a camera or recording device on a phone, shall leave such equipment in the station prior to boarding a vehicle. Should any individual be in a vehicle out of the station and not responding to an emergency while an emergency call is received, the photographic equipment shall be left in the vehicle at all times.
5. Violation of this policy may result in discipline, up to and including termination.
6. Nothing in this policy shall prevent recording training or prevent the photograph of any scene for which the owner has provided permission.
7. Any picture taken or recording made by an individual shall be the property of the District, and only the District may authorize the release or distribution of such picture or recording. Any money paid for or received by a member for a picture shall belong to and turned over to the District.

### **Social Networking / Social Media**

This policy shall apply to all social networking sites of any kind, whether now existing or created in the future, including but not limited to Facebook, Myspace, LinkedIn and any and all types of forums and public comment areas, blogs, video sharing, podcasts, wikis, message boards and on and offline forums, including letters and writings.

For purposes of this policy, an "Individual" shall include an employee, volunteer, Commissioner, manager, contractor, customer, member of the public or patient.

This policy does not attempt to curb the actual speech of an individual, except in certain limiting circumstances.

No individual shall harass or threaten any individual. Harassment shall be reported, investigated, and disciplined in accordance with the applicable harassment policy.

The Board of Fire Commissioners shall be the sole representative of the District with regard to the making of public statements in any forum, whether on a computer or not. The Board of Fire Commissioners may designate individuals to make public comments on various matters.

Any individual making any comment about the District, the District's business, business partners or any individual shall identify themselves by their proper legal name when making such comment and shall not utilize a fictitious name.

The District strongly urges individuals not to make negative public comments about the District or the District's business or practices, or about any individuals. That being said, any individual who makes any comment about any other individual as defined herein which in any way related to or is related with the District shall state affirmatively: "This statement was not made with the authority of or on behalf of the Fire District and represents only the personal views of the maker of this statement". Failure to attach this statement to any writing, document or posting may result in discipline, up to and including termination. Any individual who posts any comment whatsoever about the District or any individuals shall identify themselves and shall not hide behind any fictitious name.

No individual shall make any comment about any non-public business matters of the District or of any confidential or proprietary matter. No individual may discuss in any detail any medical call or fire response, or in any way identify any patient, victim or emergency, except as authorized by the District. No details about any pending business matters may be disclosed.

No individual shall violate any copyright or trademarked item in any manner, such as by posting such copyrighted or trademarked writing on a social networking site.



## HICKSVILLE FIRE DISTRICT

The District's network and computers shall not be utilized to create or issue comments on any social network about the District, its employees, volunteers, Commissioners, customers, contractors or business, except as specifically permitted by the Board of Fire Commissioners. The District's network and computers shall not be utilized to make any negative comments about the District's business in any manner or to send threatening or harassing or defamatory emails or messages of any sort.

Violation of this policy may result in discipline up to and including termination.

## INVESTIGATION

All complaints will be investigated by an impartial investigator, appointed by the Chief or a designee from the Chief or the Board of Fire Commissioners. All persons who are the subject of a complaint will be presumed innocent.

All investigations will be performed without bias to the accuser or accused, quickly but thoroughly, and fairly. No one will be permitted to investigate any complaint who is a:

1. Witness;
2. accused party;
3. a potential arbiter;
4. a family member of the accused or accuser;
5. an obviously biased individual towards the accused or accuser.

No person participating in an investigation shall be subject to retaliation.

When possible, allegations which could constitute a crime will be referred to and investigated by law enforcement. However, the District is not prohibited from performing its own investigation when appropriate.

Investigations are not confidential, but the investigator shall keep as much of the information as private as possible.

The rules of the investigation, generally, are as follows:

1. all Complaints will be investigated promptly;
2. all Complaints must be documented by the Complainant in writing;
3. all Complaints will be investigated in a similar manner, consistent with this Policy;
4. files, documents and other evidence must be preserved and not destroyed or altered;
5. the personnel files of the accused will be examined for prior conduct;
6. all persons involved will be advised that they cannot retaliate against any participating individual, including the Complainant and the Accused;
7. no accusations will be made prior to a formal, written complaint being issued, if at all;

## HICKSVILLE FIRE DISTRICT

8. guilt will never be presumed;
9. bias will not interfere with the investigation;
10. the investigation and its progress will not be shared with anyone until appropriate.

The order of investigation should be as follows:

1. obtain a written statement from the Complainant;
2. meet with the Complainant to obtain additional information and to clarify any statements;
3. obtain a list of witnesses and exhibits and ensure that persons in possession thereof are instructed to maintain the integrity of such items;
4. request a written statement from the Accused;
5. request written statements from witnesses;
6. meet with the Accused to obtain additional information and to clarify any statements;
7. interview witnesses and review exhibits.

While questioning the parties and witnesses, the Investigator should obtain a list of witnesses, exhibits, exculpatory or accusatory evidence and alibis. The Investigator, to the extent possible, shall maintain complete notes of each person interviewed and document examined, including the time, date and place of an interview, any statements made (not interpretations of statements) and other relevant facts.

### "Weingarten" Rules.

Although volunteers and employees are not entitled to representation during an interview, this Policy shall constitute notice to the volunteer or employee who is being investigated that they may request and appear with another individual to assist them in their interview. The District shall have no further obligation to notify a volunteer of this Policy.

An investigatory interview is one in which a supervisor or other ranking individual questions an individual to obtain information which could be used as a basis for discipline or asks a volunteer or employee to defend their conduct. If a volunteer or employee has a reasonable belief that discipline or discharge may result from what they say, the volunteer / employee may request representation.

## HICKSVILLE FIRE DISTRICT

The individual being investigated may not avoid questioning simply because they have the option to bring representation. Once a request for representation is made, the Investigator should:

1. grant the request and delay the interview for only so much time as is reasonable for the individual to obtain representation. An example of a reasonable time frame is 1-2 days at most;
2. deny the request and terminate the interview;
3. provide the individual being investigated with the choice of going forward without representation or terminating the interview.

The “representative” may:

1. be informed by the Investigator of the subject matter of the interview;
2. take the individual aside for a private conference before questioning begins;
3. speak during the interview;
4. request that the Investigator clarify a question so that what is being asked is understood;
5. give employee advice on how to answer a question;
6. provide additional information to the supervisor at the end of the questioning.

Note that in the following instances, representation need never be made available:

1. the meeting is merely for the purpose of conveying work instructions, training, or communicating needed corrections in the individual's work techniques;
2. the Investigator has reached a final decision to impose certain discipline on the individual prior to the interview, and the purpose of the interview is to inform the individual of the discipline or to impose it;
3. the meeting is merely for the purpose of conveying work instructions, training, or communicating needed corrections in the employee's work techniques;
4. the individual is assured by the Investigator prior to the interview that no discipline or negative consequences can result from the interview; and
5. the District has reached a final decision to impose certain discipline on the individual prior to the interview, and the purpose of the interview is to inform the individual of the discipline or to impose it.

“Garrity Warnings”

No volunteer or employee may be forced to admit to a crime as a precondition to avoiding discipline, even if the questioning asks about the commission of a crime.

## HICKSVILLE FIRE DISTRICT

### LENGTH OF SERVICE AWARDS PROGRAM (LOSAP)

The Hicksville Fire District has established a Length of Service Awards Program for the firefighters under their jurisdiction, using the guidelines set by the State of New York.

The District program allows any active member of the Hicksville Fire Department to become a participant. The members may accumulate annual award credit from age of eighteen (18). A member must be on the membership rolls of the Department beginning January 01 through December 31st in order to receive credit. No break in active service for longer than 30 days allowed under the program with the exception of a member disabled in the line of duty.

The District program allows a member to accumulate twenty (\$20.00) dollars for every year of service, not to exceed thirty (30) years or a six hundred (\$600.00) dollar benefit. This monthly award is payable at the age of fifty-five (55) or upon the death of a member as predetermined by the program. The terms are defined within the scope of the State program and are made available to each member every year.

Each member shall accumulate a minimum of fifty (50) points each year and approval of each member must be noted by the Chief of Department. The Department will nominate two (2 ) Length of Service Awards Program (LOSAP) directors to administer the point system as pre-determined by the State and District program.

A member 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.

Points are awarded for response to alarms, attendance at meetings, drills, trainings etc. A breakdown of points is available from the Length of Service Awards Program (LOSAP) directors or the Fire District Secretary.

Annually a list will be posted from February 01 - March 01, noting any members that have NOT made their required points. The member may appeal the loss of points in writing during this monthly appeal period.

Any member disabled in the line of duty (Workers Compensation) will continue to receive Length of Service Awards Program (LOSAP) credit as determined by the State program and the District Plan.

Entitled members who have not reached the 30 year/\$600 per month threshold may continue to accumulate annual award credit benefits after reaching Entitlement Age not exceeding the 30-year, \$600 maximum monthly benefit allowed under the plan.

## HICKSVILLE FIRE DISTRICT

### LIFE ACTIVE MEMBERS

Any active member clear on the books who has served twenty (20) years active duty shall be a life active member of their respective Company and Department. This member may run for office providing they meet all qualifications and requirements of the respective office.

The member shall be excused from all duties, fines and shall not be subjected to penalties or other disciplinary measures for not attending fire drills, schools, but shall be responsible for firematic duties. If the member chooses to remain as an active firefighter, they are required to meet all qualifications and requirements of their classification.

The member shall not be counted in the quota of membership in the Company.

The member shall have a vote on all questions.

In order for a member to retain their life active status they shall be required to respond to a minimum of five (5%) percent of total calls of the Hicksville Fire Department for which the members of their assigned fire company are responsible in each calendar year following their attainment of life active status. In the event that a life active member fails to achieve attendance at five (5%) percent of total calls in any calendar year following their attainment of life active status, the Chief of the Department shall notify the member by certified mail "return receipt requested" that they did not make their required by-law percentage for the year and that they will not receive a year service credit for that year. The member will have 30 days from the date of the letter to appeal this decision.

The member will be placed on probation for the following calendar year. The requirement for probation will be to make the required by law percentage and any other requirements of a Life Active member. While on probation, they will not be able to make motions, second motions or vote on any matter that comes before the Department or Company. If the member does not make their required by law percentage for two (2) consecutive years they shall be made an Honorary member of the Hicksville Fire Department. The member will have thirty (30) days from the date of the letter to appeal this decision.

The Chief of Department shall notify the member of their change of status upon completion of the second calendar year and after the thirty (30) day appeal timeframe and the conversion of membership shall be effective on notification by the Chief to the member.

## HICKSVILLE FIRE DISTRICT

The Chief shall promptly remove the member's fire response equipment from member equipment racks and notify the member's company captain of the change of status. Honorary members are not active members and are not permitted to respond to emergency calls or perform any of the duties of active firefighters. Honorary members are not covered by Volunteer Firefighters' Benefits Law insurance coverage and the benefits provided under that law and may not participate in the Length of Service Awards Program. They are not provided with any of the benefits, rights or privileges of active membership except for an annual physical examination from the district physician during the period when our medical authority conducts annual physicals.

The Board of Fire Commissioners will recognize all fifty (50) year members with the honor of a reduced alarm response requirement in recognition of their years of service. All members who attain fifty (50) years of active service in the fire department shall be granted a special status with regard to fire department emergency response requirements. They shall be required to attend one percent (1%) of the fire department emergency responses during each calendar year in order to maintain their status as active and in good standing. This attendance requirement with regard to fire department emergency responses shall supersede any other District, Department or Fire Company rule or bylaw with which it may conflict.

The Board of Fire Commissioners will recognize all Ex-Chiefs with the honor of a reduced alarm response requirement in recognition of their years of service. All Chiefs who attain the title of Ex-Chief and completed twenty (20) years of active service shall be granted a special status with regard to fire department emergency response requirements. They shall be required to attend one percent (1%) of the fire department emergency responses during each calendar year in order to maintain their status as active and in good standing. This attendance requirement with regard to fire department emergency responses shall supersede any other District, Department or Fire Company rule or bylaw with which it may conflict.

Each Ex-Chief who has been an active member in good standing with the Department at the expiration of their term of office, shall be a "Life Active" member and be presented with a life membership- card.



**MEDIA RELATIONS**

All members are required to direct any media questions or concerns to a chief officer. No individual, other than a chief officer shall have any authority to comment on any Fire District matter to the media without prior authorization from a chief officer. Should the media require any response at an emergency incident, an individual other than a chief officer shall state that they are not authorized to provide any comment at that time. Under no circumstances shall any individual comment on an on-going investigation or on the suspicions of the commission of any crime. All media releases will be approved by the Board of Fire Commissioners.

## HICKSVILLE FIRE DISTRICT

### MEDICAL RESTRICTIONS

Any active member who is injured to the extent that the member requires on-going medical attention or care shall not participate in any emergency response until such time as he obtains a letter from their physician attesting to the member's ability to meet the District's physical abilities policy. If the member is unable to perform their duties for a prolonged period of time, the member may request a medical leave from their company and department.

When a member has an injury, illness, operation or other medical problem requiring a physician's attention which impairs their ability in any way to meet the physical and/or mental abilities policy, they must advise a chief officer and may not participate in any emergencies, drills, work parties and parades while impaired. Such members may attend seminars and meetings and may observe drills as permitted and will still be considered Active Members, unless on a medical leave. It is required to have a note from the member going on medical leave, giving the date started and estimated duration of the leave. It is preferred but not required that the medical diagnosis is provided to the Chief, confidentially. The Chief will be notified of the member's status as unable to perform such requirements, and if a leave is taken, the date when the medical leave began.

As per Health Insurance Portability and Accountability Act of 1996 (HIPAA), the reason for this leave of absence and return to duty may be submitted directly to the District's Medical Liaison.

When the member is able to meet the physical and mental abilities requirements, the member must obtain a note from their physician clearing them for the duties for which they are assigned, with any temporary limitations noted thereon. At the time there are no such limitations, an additional note from the member's physician must remove all limitations and clear them for all duties for which the member is assigned. The request to return to duty from medical leave must be submitted to the members company, forwarded to the Chief's Office and then presented to the Board of Fire Commissioners for their approval. All notes are placed in the member's personnel folder and kept in perpetuity.

All line of duty injuries must be reported to a Chief promptly.

#### **Emergency Transport of a Member**

In the event that a member of the Hicksville Fire Department receives care from an Emergency Medical Service provider and is transported to the hospital for further evaluation by ambulance, the member may request to be placed on medical leave and shall not return to active duty until the District's Physician clears them to become active. The member should receive follow-up from their personal physician, and they should submit a report to the District's Medical Liaison. The District's Physician will determine if, and when, the member may return to duty. The necessity for an examination shall be determined by the District's Physician. The decision of the District's Physician is final.

HICKSVILLE FIRE DISTRICT

The report from the member’s personal physician should have the date of the injury/illness, the date of the examination, and the date when the member may return to full duty. This note should be on the medical provider’s letterhead and should include the medical issues surrounding the case.

To: DISTRICT PHYSICIAN, HICKSVILLE FIRE DISTRICT  
FROM: \_\_\_\_\_  
[insert name of personal physician]  
RE: EXAMINATION OF \_\_\_\_\_ [member’s name]  
DATE: \_\_\_\_\_

*This communication will confirm that I have treated and examined \_\_\_\_\_ (member name) on \_\_\_\_\_ (date). They have asked me to confirm that they may return to full active duty as an interior structural firefighter. They have disclosed to me that they were treated by the Hicksville Fire Department emergency medical personnel and transported by them to a hospital on \_\_\_\_\_ (date).*

*I have examined them in reference to the condition(s) that caused such need for an ambulance transport and I am satisfied that \_\_\_\_\_ (member name) may return to full active duty. I am familiar with the duties that are assigned to volunteer firefighters and I understand that I am attesting to their fitness to wear full personal protective clothing, utilize self-contained breathing apparatus and perform the other rigorous duties associated with fire suppression and rescue activities.*

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINT NAME PHYSICIAN

\_\_\_\_\_  
DATE

## **Involuntary Leave**

A principle duty of the Chief of the Department is to assure the safety of the members under his command during all department operations. As such, the Chief shall place any member on temporary leave when they believe that the member is unable, for an apparent medical or psychological reason, to safely, and effectively, perform their duties. In this case, the Chief shall inform the Department Medical Authority and Board of Commissioners as soon as possible. The affected member will then be required to undergo a medical evaluation by the physician. The physician may, request additional consultation with any, and all physicians who have been involved in the care of the member. If a specialist evaluation is necessary, this will be communicated to the Chief and the Board of Commissioners.

Whenever the Chief of the department takes the above action, they will prepare a written report of the incident which they will submit to the Board of Commissioners and the Department Medical Authority. Additionally, in such a circumstance, the Department Medical Authority will also prepare a written report to the Board of Commissioners and the Chief of Department following completion of their evaluation of the member. This report will **not** detail the medical issues involved, in order to maintain the confidentiality of the member's health records. This report will simply state if the member may, or may not, return to active duty, and the anticipated date of such return.

In the event that the Chief of Department takes this action, the affected member will be subject to disciplinary action in the event that they fail to refrain from performing their duties immediately upon notification by the Chief of Department.

## **Pregnancy**

Women who are pregnant shall be responsible for their safety and the safety of their unborn child. So long as the pregnant individual can safely perform all the requirements of their operational position, they may continue to do so. The District will leave this decision up to the woman in consultation with her physician. Pregnant women may obtain a physician's determination of the date that they must stop participating in all or certain activities to be relieved of duties and may return with a physician's statement that they are capable of performing the duties of their position to return to duty. However, should any individual, whether as a result of a pregnancy or any disability or condition, not be able to fulfill the requirements of their operational assignment, they shall be removed from such assignment until they are again capable of performing such duties.

# HICKSVILLE FIRE DISTRICT

## MEMBER'S CODE OF CONDUCT

A member of the Fire Department shall adhere to the following code of conduct at all times, whether on duty or not.

A member shall:

1. Set a positive example of the conduct of a member of the Fire Department, whether in the community or within the fire department
2. Serve as a role model to other members in such areas as:
  - A. training
  - B. education
  - C. dedication to the Department
  - D. problem solving
  - E. responding to emergencies
  - F. assisting other members and officers
  - G. ethical behavior
3. NOT speak negatively or non-constructively about an officer or member
4. Publicly support each of the officers and the decisions of the higher-ranking officers or of the company officers
5. Assist other members and officers in need of training, education, or task performance assistance.
6. Serve as an example of proper membership, ethical behavior, and pride in the department.
7. Be open to each other's ideas and accept constructive criticism.
8. Communicate effectively and honestly with each other.
9. Not be insubordinate to officers.

# HICKSVILLE FIRE DISTRICT

## OFFICER'S CODE OF CONDUCT

An officer of the Fire Department shall adhere to the following code of conduct at all times, whether on duty or not.

An officer shall:

1. Set a positive example of the conduct of a member of the Fire Department
2. Serve as a role model to other members in such areas as:
  - A. training
  - B. education
  - C. dedication to the Department
  - D. problem solving
  - E. responding to emergencies
  - F. assisting other members and officers
  - G. ethical behavior
3. NOT speak negatively or non-constructively about another officer or member in the presence of a non-officer
4. Publicly support each of the officers and the decisions of the higher-ranking officers
5. Assist other members and officers in need of training, education, or task performance assistance.
6. Serve as an example of leadership, ethical behavior, and pride in the department.
7. Be open to each other's ideas and accept constructive criticism.
8. Communicate effectively and honestly with each other.

**PARKING**

There shall be no overnight parking of vehicles in any of the Fire House parking lots without permission of the Board of Fire Commissioners.

There shall be no storage of private vehicles in the Fire House parking field.

All vehicles shall park in marked parking slots. There shall be no parking of personal vehicles on the Aprons.

Vehicles parked in the driveways during snowstorms, floods, fires or other emergencies, found unattended in the parking fields or driveways where they constitute an obstruction to traffic, or found abandoned in the parking fields or driveways may be removed by the District and stored at the expense of the owner or operator of such vehicle.

# HICKSVILLE FIRE DISTRICT

## PHYSICAL ABILITY POLICY

1. Participation in the District as a responding member is a privilege. Only those persons who are physically and mentally fit within the meaning of this policy shall be qualified and permitted to perform in such role. No person is entitled to perform any role, regardless of their qualifications.
2. All candidates for active membership shall successfully complete a physical exam provided by or approved by the District prior to the District's final approval of membership. Approval of membership may be contingent upon successful completion of a physical for the position applied. Should a candidate obtain a physical exam prior to acceptance by the District, such candidate's results shall not be provided to the District for consideration until after a decision on membership has been made by the District. All new active members shall be offered the Hepatitis B Vaccine or Hepatitis B Titers and a test for TB. New members also must successfully complete an agility test.
3. Every individual in the Department must successfully complete a physical, for their position, every year. If a member has not had or successfully completed a physical by the end of the calendar year (December 31), under the direction of the Chief of the Department, they shall be suspended from active duty at 00:01 hours on January 1<sup>st</sup> and shall automatically be suspended for thirty (30) days. If the member receives the physical prior to the thirty (30) day suspension, the member shall remain suspended for the full thirty (30) day suspension. If the member fails to complete a physical within the thirty (30) day suspension, under the direction of the Board of Fire Commissioners, they shall be terminated from the Hicksville Fire Department effective at 00:01 hours on February 1.
4. A "suspended from duty" physical shall satisfy the new calendar year physical requirement except in the case where the member is suspended for failure to fulfill the yearly physical requirement. In the latter case, the member will be required to submit to a "suspended from duty" physical in addition to the yearly physical and the member will be required to take a second (additional) duty classification physical before the end of the calendar year (December 31<sup>st</sup>), with the failure to do so penalties as stated above.
5. The Chief will provide all members with the paperwork to schedule an exam appointment with the District's exam group and follow-up with the members to see the testing is completed. The paperwork given to the member will include an acknowledgement of receipt of notice to get a physical. The signed acknowledgement will be given to the District secretary by the Chief. The Chief will ensure the application form clearly states what position the member is being tested for after discussing with the member and reflecting the member's choice of position. The Chief may ask an assistant chief to perform this task. If a member is to assume the duties of a different position they first must meet the physical exam requirements of the new position.



## HICKSVILLE FIRE DISTRICT

6. The District will arrange for the physician and medical assistants to perform the exam and review the results with the active member. Members must use the District's physical service and may not use their own physicians. The Chief will be informed within five (5) days after receipt of the results of each physical, by phone message and email. The Chief will confirm with the member who has restrictions that they understand the limitations placed on them as a result of the exam findings. The Chief will inform all firematic officers that the member has either been placed in inactive status or the member has restrictions. If a member is asked to perform duties that are not allowed per restrictions, the member must inform the person giving the direction and must NOT comply with directions that compromise any restrictions. The Chief will confer with the staff conducting the physical exams if clarification is required, may request information on the member's abilities and limitations, but will not request any information on the individual's physical health. This summary will be kept in the member's secured personnel folder.
7. Members who do not pass the physical for their desired operational category may obtain a physical from their personal physician at their cost (not the District's cost), but the results must be reviewed by the District's medical provider and then the District's medical provider determines the operational category.
8. Members shall only be qualified to perform in the positions for which they are physically and mentally qualified, and if there are no such positions, then they shall be removed from active duty until they are so qualified.
9. A member shall be subject to discipline for performing in any role if they have been removed from such position.
10. Any member which is aware that it cannot meet the physical and mental fitness requirements for a prolonged period shall report the same to the Chief and shall not respond to emergencies or participate in any active event.
11. When a member is given medical restrictions, or returns to active membership status, it is the Chief's responsibility to communicate to the Board and firematic officers the changes in the person's membership status.
12. Any member returning to active duty from an absence of thirty (30) days or more or from an injury occurring in the Line of Duty, or returning or moving to a more strenuous and physically demanding position must receive the District's physician's certification that they can meet the requirements of their position. The Chief will direct the member to schedule an appointment. The member is to inform the Chief of their understanding of their request. If the Chief needs additional information, they will contact the vendor.
13. Any active member who has an obvious physical injury or disability which prohibits them from performing any active role shall be removed them from performing in such position, and moved to a less demanding position if possible by the Chief.

## HICKSVILLE FIRE DISTRICT

14. A Fire District Commissioner or an appointee of the District will be a contact point for the vendor service organization to assure assistance is provided when required. The vendor service organization will provide a contact person for the Fire District.
15. The vendor organization will provide monthly billing for services provided.
16. All physical exams shall be performed by a physician, medical provider or company chosen by the District, or may be performed by a personal physician subject to clearance review by the District's physician. The District shall pay for all initial physical exams performed by the district. The treatment or further examination of any discovered condition, illness or medical problem shall be the responsibility of the member and not the District, unless such is covered by VFBL.
17. If a physician is unable to determine whether or not a member meets the physical fitness standards without the assistance of a specialist, the District will not pay for the necessary exams of the specialist and the applicant or member shall provide the specialist's report to the District's physician for review.
18. No second opinions will be paid for by the District. Challenging opinions from specialists will be considered, but at the cost of the individual.
19. Only those persons who are deemed physically capable of performing those duties which may be assigned to them during emergencies shall be qualified to do such duties.
20. Persons with known heart disease or heart conditions, epilepsy, or emphysema, may not participate in interior emergency activities unless a physician's certificate of the individual's fitness to participate in such activities is provided.
21. A full medical examination shall consist of the following:
  - A. Personal history questionnaire
  - B. Full drug screen (*new members, periodic medical examinations, members returning from a leave of absence 30 days or greater*)
  - C. Vital signs, pulse, respiration and blood pressure
  - D. Blood and blood-forming organs (Complete laboratory blood work)
  - E. Gastrointestinal systems
  - F. Audiometry
  - G. Endocrine and metabolic disorders
  - H. Genitourinary system
  - I. Head and neck
  - J. Heart and vascular system (E.K.G.)
  - K. Respiratory System, pulmonary function test (If indicated chest X-Ray)
  - L. Mouth, nose, ears, eyes and throat
  - M. Neurological system
  - N. Dermatological system

## HICKSVILLE FIRE DISTRICT

- O. Musculoskeletal system
- P. Systemic diseases and miscellaneous condition
- Q. General and miscellaneous condition
- R. Vision and Color Blindness

The Board of Fire Commissioners may also include the following tests:

- A. Flu vaccine
  - B. Hepatitis vaccine (See Hicksville Fire Department Hepatitis Policy)
  - C. Hepatitis titer
  - D. Tetanus Vaccine (every ten years)
  - E. PSA test (Prostate cancer test. Recommended for all males over the age of forty)
22. Persons may only perform those operational assignments for which they are physically and mentally qualified.
23. A physician or other qualified health individual shall assure that an individual can satisfy the job performance requirements.
24. If an active member fails the class "A" physical and is classified class "B" "C1" or "C", said member must immediately cease activities as an interior structural firefighter and assume duties commensurate with their physical capabilities, as assigned by the chief of the department. If at a subsequent time the firefighter is able to successfully pass the class "A" physical examination, they will be authorized to resume the duties of an interior structural firefighter without restrictions. *(All firefighters will be notified in writing of a change in status, with a copy to the Board of Fire Commissioner, Chiefs Office, Company Officers and a copy placed in the members' file. The letter will state the classification and the duties that commensurate with the new classification)*
25. The medical evaluation process will determine and place a member in one of four (4) separate and distinct duty classifications.

Class "A" will be for all interior structural firefighters and all members who are required to use self-contained breathing apparatus (SCBA).

Class "B" will be for all members who perform exterior firefighting e.g., drivers of fire department apparatus, and rescue personal.

Class "C1" may function as traffic control/Fire Police duties. May drive Fire Police vehicles and ambulances. May drive other department vehicles during non-emergencies.

Class "C" may perform committee work and administrative duties only.

26. In order to serve in any of the capacities, a person must be physically and mentally competent to perform the following tasks without jeopardizing his health or safety, or another's health or safety, due to health-related conditions or physical or mental disabilities:

*Interior Structural Firefighters (Class A)*

*All Interior Structural Firefighters must have the ability to use SCBA in environments requiring their use*

- A. Operate both as a member of a team and independently at incidents of uncertain duration.
- B. Spend extensive time outside exposed to the elements.
- C. Tolerate extreme fluctuations in temperature while performing duties. Must perform physically demanding work in hot (up to 400 Degrees. F) humid (up to 100 percent) atmosphere while wearing equipment that significantly impairs body-cooling mechanisms.
- D. Experience frequent transition from hot to cold and from humid to dry atmospheres.
- E. Work in wet, icy, or muddy areas.
- F. Perform a variety of tasks on slippery, hazardous surfaces such as on rooftops or from ladders.
- G. Work in areas where sustaining traumatic or thermal injuries is possible.
- H. Face exposure to carcinogenic dusts such as asbestos, toxic substances such as hydrogen cyanide, acids, carbon monoxide, or organic solvents either through inhalation or skin contact.
- I. Face exposure to infectious agents such as hepatitis B or HIV.
- J. Wear personal protective equipment that weighs approximately 50 lb. while performing fire-fighting tasks.
- K. Perform physically demanding work while wearing positive pressure breathing equipment with 1.5 in. water column resistance to exhalation at a flow of 40 l/min.
- L. Perform complex tasks during life-threatening emergencies.
- M. Work for long periods of time, requiring sustained physical activity and intense concentration.
- N. Face life-or-death decisions during emergency conditions.
- O. Be exposed to grotesque sights and smells associated with major trauma and burn victims.
- P. Make rapid transitions from rest to near-maximal exertion without warm-up periods.
- Q. Operate in environments of high noise, poor visibility, limited mobility, at heights, and in enclosed or confined spaces.
- R. Use manual and power tools in the performance of duties.
- S. Rely on senses of sight, hearing, smell, and touch to help determine the nature of the emergency, maintain personal safety, and make critical decisions in a confused, chaotic, and potential life-threatening environment throughout the duration of the operation.

### *Exterior Firefighter / Scene Support / Operator (Class B)*

Exterior Firefighter/ Emergency Medical Service (EMS) Personnel Class “B”:  
is trained to perform the duties of fire assistance/support and other emergency response and the following tasks Driving Emergency Vehicles, hose handling, exterior ventilation, and heavy lifting.

All Class “B” firefighters and Emergency Medical Service (EMS) personnel are required to be SCBA certified and receive a pulmonary function test with their physical.

### ***Fire Police Class “C-1”***

Fire Police give the department protection and safety while operating at an emergency scene. Fire Police not only render protection to their emergency personnel, but to vehicles and department equipment from acts of harm, theft and malicious mischief. Fire police are there to protect the public from dangerous situations that might occur at the scene of an incident. Fire police may control crowds in and around a fire scene, keeping them at a safe distance to allow firefighters to perform their necessary tasks. Fire police may control the flow of traffic at a scene to assure emergency vehicles quick, safe entrance and egress to a scene. Fire Police may halt traffic, block off roads and reroute traffic around a scene.

### ***Administrative Firefighter Class “C”***

Non-Fire Fighting duties include administrative staff, parades, fund drive, classroom training.

Administrative duties include: meetings, cooking detail, classroom trainings, observing the drills,

They may not respond to emergencies; however, they are permitted to register for alarm attendance.

### **Tuberculosis testing:**

All members are entitled to annual testing for Tuberculosis at the District’s expense.

### **Return-to-Duty Medical Evaluation:**

The fire district’s medical authority shall evaluate a current firefighter who has been absent from duty for a medical condition (*to include all VFBL Leave and/or compensation*) or any leave from the department. A firefighter may not return to active duty without prior clearance from the district’s medical authority.

All members who have been absent from duty due to a Leave of Absence, Line of Duty Injury Volunteer Fire Department Benefit Law (VFBL), or non-line of duty injury as well as a suspension for thirty (30) days or more must complete a drug test with our Medical Authority.

## HICKSVILLE FIRE DISTRICT

Any member who has been on a medical leave for thirty (30) days or more and has not had a physical within 3 to 6 months will be required to have an evaluation with our Medical Authority as well as a drug test. Any member who has been on a medical leave for thirty (30) days or more and has not had a physical in more than 6 months will be required to have a complete physical with our Medical Authority as well as a drug test.

Once the medical evaluation and/or physical results are received by the district and the member is cleared to return to duty, the medical liaison will notify, the Board of Fire Commissioners, Chiefs Office and the Officers of the member's Fire Company in writing that they are eligible to return to duty. The Officers of the members company will notify the member that he may return to duty. Upon notification by the Company Officers the member may pick up his radio and gear.

Any member on medical leave may not return until a written medical clearance from the member's treating physician is submitted to the District's Medical Liaison, who will then obtain clearance from the District's Medical Authority. The Medical Liaison will notify the Board of Fire Commissioners, Chiefs Office and Company Officers in writing when member is cleared to return to duty.

### **Medical Evaluation Records, Results, Reporting, and Confidentiality:**

All medical information collected as part of a medical evaluation shall be considered confidential medical information and shall be released by the fire district medical authority only with the specific written consent of the candidate or current fire fighter.

The district shall inform the fire department only as to whether or not the candidate or current firefighter is medically certified to perform as a fire fighter. The specific written consent of the candidate or current fire fighter shall be required in order to release confidential medical information regarding this condition to the department.

All correspondence to or from a firefighter regarding their medical status, immunizations or other pertinent information including correspondence from the medical liaison to the firefighter shall be maintained in the members confidential file.

### **Mask Fit Testing:**

All firefighters and Emergency Medical Service (EMS) personnel will be required to be fit tested annually.

*Failure to comply with the mask fit test by July 1<sup>st</sup> of every calendar year may result in a suspension and/or member being dropped from the rolls.*

**PRIVACY EXPECTATIONS**

This policy is issued to place all members on notice that they should have no expectation of privacy in the following areas. The lack of specifying an area for which privacy should not be expected does not entitle the employee to determine that the area is considered private.

Areas that are not considered to be “private” or free from inspection from the Fire District include:

1. lockers;
2. locker rooms;
3. storage areas;
4. offices;
5. files and file cabinets, even if locked;
6. gear storage areas;
7. desks, desk drawers;
8. envelopes (except those marked confidential to a specific person or title);
9. safes;
10. cabinets, closets, bins;
11. electronic storage devices issued by the Fire District, including electronic folders and files,

## HICKSVILLE FIRE DISTRICT

### PROPERTY TAX DEDUCTION

All active members of the Fire District who have been enrolled for at least two (2) years as an active member shall be entitled to the exemption provided by Real Property Tax Law Article 4. The District shall also certify to the Town, those members who have at least twenty (20) years of active service in the Department.



# HICKSVILLE FIRE DISTRICT

## RESIDENCY REQUIREMENTS

Applicants for active membership in the Hicksville Fire District's fire companies must meet one of the following requirements to be eligible for membership:

1. a resident of the Fire District; or
2. by reason of the location of the applicant's usual occupation, the applicant is available to render active service in the area.

Members who move outside the vicinity of the Hicksville Fire District may continue to remain a member with the approval of the members company, chiefs and authorization of the Board of Fire Commissioners. The moving member must notify, in writing, the District Secretary within thirty (30) days of the actual cessation of residency.

The continued membership shall automatically terminate if no request has been received or when the member can no longer meet the requirements of the residency exception.

The term "resident" is defined as where the person is domiciled, or keeps his belongings.

The term "vicinity" shall be defined as within a quarter ( $\frac{1}{4}$ ) mile of the exterior boundaries of the Fire District.

# HICKSVILLE FIRE DISTRICT

## SEXUAL HARASSMENT PREVENTION POLICY

### **Purpose and Goals**

The Hicksville Fire District is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but the Hicksville Fire District recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual's intersecting identities, and provide the tools to take action when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of the Hicksville Fire District's commitment to a discrimination-free work environment.

### Goals of this Policy:

Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with their supervisor. Fire department personnel should file their complaint with the Chief of Department. District personnel should file their complaint with the Fire District Manager/ Fire District Superintendent. In the alternative all personnel can file their complaint with the Chairman of the Board of Fire Commissioners. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

### Sexual Harassment and Discrimination Prevention

1. The Hicksville Fire District's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, and volunteer firefighters. In this policy the term "employees" shall be deemed to include employees, applicants for employment, interns, whether paid or unpaid, and volunteer firefighters. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. Those individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with the Hicksville Fire District. For the remainder of this policy, we will use the term "covered individual" to refer to these individuals who are not direct employees of the company.
2. Sexual harassment is unacceptable. Any employee or covered individual who engages in sexual harassment, discrimination or retaliation will be subject to action, including appropriate discipline for employees. In, New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
3. Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of the Hicksville Fire District who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees and covered individuals working in a work place they believe they have been subject to such retaliation should inform a supervisor, manager, Fire District Manager/Fire District Superintendent or the Chairman of the Board of Fire Commissioners. All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on [Legal Protections](#)

## HICKSVILLE FIRE DISTRICT

4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject the Hicksville Fire District to liability for harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees of every level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.
5. The Hicksville Fire District will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or sexual harassment, or otherwise knows of possible discrimination or sexual harassment occurring. The Hicksville Fire District will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, the Hicksville Fire District will act as required. In addition to any required discipline, the Hicksville Fire District will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.
6. All employees and covered individuals are encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or covered individual who prefers not to report harassment to their manager or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the employer and a government agency.

Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Chairman of the Board of Fire Commissioners.

7. This policy applies to all employees and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations. and should be posted prominently in all work locations. For those offices operating remotely, in addition to sending the policy through email, it will also be available on the organization's shared network.

### What Is “Sexual Harassment”?

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the Hicksville Fire District's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or

- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a **hostile work environment** include, but is not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, cause an employee discomfort or humiliation, or interferes with the employee's job performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called **quid pro quo** harassment.

Any employee or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

### Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. **This list is just a sample of behaviors and should not be considered exhaustive.** Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should be encouraged to report it:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body; or
  - Rape, sexual battery, molestation or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, advances, or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits;

## HICKSVILLE FIRE DISTRICT

- These can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship:
  - Subtle or obvious pressure for unwelcome sexual activities; or
  - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
  - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
  - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
  - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, or gender expression, such as:
  - Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling;
  - Intentional misuse of an individual's preferred pronouns; or

- Creating different expectations for individuals based on their perceived identities:
  - Dress codes that place more emphasis on women's attire;
  - Leaving parents/caregivers out of meetings.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees and all covered individuals described in this policy. **Harassers can be anyone in the workplace.** A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be a harasser including an independent contractor, contract worker, vendor, client, customer, patient, constituent, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender.

For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.



## Retaliation

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as "difficult" and excluding them from projects to avoid "drama";
- Undermining an individual's immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual's desk to a less desirable office location.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or other anti-discrimination law;
- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

## Reporting Sexual Harassment

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. Any employee or covered individual is encouraged to report harassing or discriminatory behavior to a supervisor, manager. Fire department personnel should file their complaint with the Chief of Department. District personnel should file their complaint with the Fire District Manager/ Fire District Superintendent. In the alternative all personnel can file their complaint with the Chairman of the Board of Fire Commissioners. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, the Chief of Department, Fire District Manager/ Fire District Superintendent or the Chairman of the Board of Fire Commissioners.

Reports of sexual harassment may be made verbally or in writing. A written complaint form is attached to this policy if an employee would like to use it, but the complaint form is not required. Employees who are reporting sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on [Legal Protections](#)

## Supervisory Responsibilities

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment to the Chief of Department, the Fire District Manager/ Fire District Superintendent or the Chairman of the Board of Fire Commissioners. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Supervisors and managers can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

### **Bystander Intervention**

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is **required** to report it. There are five standard methods of bystander intervention that can be used when anyone witness harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

### **Complaint and Investigation of Sexual Harassment**

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any compliant, information, or knowledge of suspected sexual harassment will be prompt, thorough, and started and complete as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a harassment claim, witness, and alleged harassers deserve a fair and impartial investigation.

## HICKSVILLE FIRE DISTRICT

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Hicksville Fire District will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

The Hicksville Fire District recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, the person assigned to investigate:

1. Will conduct a prompt review of the allegations, assess the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate. If complaint is verbal, request that the individual to complete the complaint form in writing. If the person reporting prefers not to fill out the form, the person taking the complaint will prepare a complaint form or equivalent documentation based on the verbal reporting;
2. Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails or phone records that may be relevant to the investigation. The person assigned to investigate will consider and implement appropriate document request, review, and preservation measures, including electronic communications;
3. Will seek to interview all parties involved, including any relevant witnesses;
4. Will create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A. A list of all documents reviewed, along with a detailed summary of relevant documents;
  - B. A list of names of those interviewed, along with a detailed summary of their statements;
  - C. A timeline of events;
  - D. A summary of prior relevant incidents, disclosed in the investigation reported or unreported; and
  - E. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
5. Will keep the written documentation and associated documents in a secure and confidential location;

## HICKSVILLE FIRE DISTRICT

6. Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document; and
7. Will inform the individual(s) who reported of the right to file a complaint or charge externally as outlined in the next section.

### Legal Protections and External Remedies

Sexual harassment is not only prohibited by the Hicksville Fire District but is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

### New York State Division of Human Rights

The New York State Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time **within three years** of the harassment. If an individual did not file at DHR, they can bring a lawsuit directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Hicksville Fire District does not extend your time to file with DHR or in court. The three years are counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

Division of Human Rights will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found after a hearing, Division of Human Rights has the power to award relief. Relief varies but it may include requiring your employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees and civil fines.

## HICKSVILLE FIRE DISTRICT

Division of Human Rights main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Go to [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint with OHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to OHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the Division of Human Rights sexual harassment hotline at **1(800) HARASS3** for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

### **The United States Equal Employment Opportunity Commission**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the Equal Employment Opportunity Commission anytime within 300 days from the most recent harassment. There is no cost to file a complaint with the Equal Employment Opportunity Commission. The Equal Employment Opportunity Commission will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred. If the Equal Employment Opportunity Commission determines that the law may have been violated, the Equal Employment Opportunity Commission will try to reach a voluntary settlement with the employer. If the Equal Employment Opportunity Commission cannot reach a settlement, the Equal Employment Opportunity Commission (or the Department of Justice in certain cases) will decide to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the Equal Employment Opportunity Commission closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred but does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the Equal Employment Opportunity Commission .

An employee alleging discrimination at work can file a "Charge of Discrimination." The Equal Employment Opportunity Commission has district, area, and field offices where complaints can be filed. Contact the Equal Employment Opportunity Commission by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

## HICKSVILLE FIRE DISTRICT

If an individual filed an administrative complaint with Division of Human Rights , Division of Human Rights will file the complaint with the Equal Employment Opportunity Commission to preserve the right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at: Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; or call 311 or (212) 306-7450; or visit. [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

### **Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact the local police department.

### **Conclusion**

The policy outlined above is aimed at providing employees at the Hicksville Fire District and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, predisposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.

Complaint Form for Reporting Sexual Harassment



Combating Sexual Harassment

The Hicksville Fire District

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment or gender discrimination, you are encouraged, but not required, to complete this form and submit it to your supervisor or fire department personnel should file their complaint with the Chief of Department, district personnel should file their complaint with the Fire District Manager/ Fire District Superintendent or in the alternative all personnel can file their complaint with the Chairman of the Board of Fire Commissioners in a sealed envelope marked "Confidential Report to the Chairman of the Board of Fire Commissioners" and given to the office staff. No employee will be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name: \_\_\_\_\_

Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Job Title: \_\_\_\_\_ Email: \_\_\_\_\_

Select Preferred Communication Method: Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name: \_\_\_\_\_



# HICKSVILLE FIRE DISTRICT

Title: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Work Address: \_\_\_\_\_

*Adoption of this form does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.*

## COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Relationship to you:  Supervisor  Subordinate  Co-Worker  Other (please specify)

2. Please describe what happened and include as many details as possible. You may use additional sheets of paper if necessary. If you have any relevant documents, please include them.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Date(s) sexual harassment occurred: \_\_\_\_\_

Is the sexual harassment continuing?  Yes  No

4. If possible, please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*The last question is optional, but may help the investigation.*

5. Have you previously provided information (verbal or written) about related incidents? If yes, when and to whom did you provide information?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This is not required, but if you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Instructions for Employers**

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- speaking with the employee
- speaking with the alleged harasser
- interviewing witnesses
- collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Sexual harassment occurs on a spectrum and employers are encouraged to view all potential allegations with an open mind. Disciplinary action should meet the severity of the alleged actions.

Employers should document the findings of the investigation and basis for your decision along with any corrective actions taken. Notify the employee and the individual(s) against whom the report was made of the investigation's outcome and corrective actions taken. This may be done via email.

**SMOKING POLICY**

This policy has been established in compliance with the New York State anti-smoking law in order to provide a safe, smoke-free environment for all members.

All offices, vehicles and buildings of the District are off limits to smoking. All individuals must leave the building in order to smoke and must remain at least fifty (50) feet from the public's entrances to the buildings. These rules include use of tobacco products (burnt or not) and electronic devices.

# HICKSVILLE FIRE DISTRICT

## UNIFORMS

The Class "A" uniform for all department members shall consist of a blue double-breasted regulation jacket, blue slacks, blue hat, white uniform shirt, black tie, black patent leather shoes, black socks and white gloves.

Any special pins, ribbons, medals or other accessories should be approved prior to placement on the uniform. No other pins or emblems should be affixed to your hat, other than the hat badge.

The Class "B" uniform for all department members shall consist of blue pants, blue hat, white uniform shirt, black tie, black patent leather shoes and black socks.

The Chief shall have a regulation blue uniform, gold buttons with chiefs bugles, five (5) gold stripes on each sleeve, badge consisting of five crossed bugles, name plate and white hat with a gold chinstrap, gold buttons and red/gold flames embroidered on visor.

The 1st Assistant Chief shall have a regulation blue uniform, gold buttons with chiefs bugles, four (4) gold stripes on each sleeve, and a badge consisting of four crossed bugles.

The 2nd Assistant Chief shall have a regulation blue uniform, gold buttons with chiefs bugles, with three (3) gold stripes on each sleeve and a badge consisting of three (3) crossed bugles.

The 3rd Assistant Chief shall have a regulation blue uniform, gold buttons with chiefs bugles, with two (2) gold stripes on each sleeve and a badge consisting of two (2) crossed bugles.

The Assistant Chiefs white hat with a gold chinstrap and gold buttons

Ex-Chiefs shall have a regulation blue uniform, gold buttons with chiefs bugles, five (5) gold stripes on each sleeve, blue hat with velvet base, gold chinstrap, gold buttons and red flames embroidered on visor.

Commissioners, and Past Commissioners shall have a regulation blue uniform, gold buttons with fire commissioners insignia.

Honorary Chiefs shall have a regulation blue uniform, with gold buttons and prescribed badges and insignias.

Commissioners, Past Commissioners and Honorary Chiefs shall have a blue hat with velvet base, gold chinstrap and gold buttons.

All writing on the Chiefs and Assistant Chiefs badge, name plate etc. shall be in red.

All writing on Commissioners badge and Past Commissioner (with blue insert), name plate etc. shall be in black.

All writing on the Ex-Chiefs badge, name plate etc. shall be in blue.

All writing on the Honorary Chiefs badge (which is gold plated), name plate etc. shall be in black.

## HICKSVILLE FIRE DISTRICT

Officers and Ex-Captains shall be furnished with the prescribed badges and insignias. Hat shall have a silver chinstrap and silver buttons.

Members who achieve five (5) years of active service, will be issued a gold (pin) service star, and for each five (5) year period after. Example: Completing of five (5) years -one (1) star, ten (10) years – two (2) stars, fifteen (15) years – three (3) stars, twenty (20) years – four (4) stars, etc.

Military Leave of absence and Line of Duty injuries are considered active service.

Members achieving twenty (20) years of service, chiefs and commissioners have the option to have the service stars embroidered on the left sleeve of their uniform jacket. Members must be approved by the Board of Fire Commissioners prior to having service stars embroidered on their uniform. Only approved company/vendor(s) shall be used.

Members must be in a Company three years before being entitled to a new uniform.

Members with less than twenty (20) years of service to the Hicksville Fire Department upon separation from the department for any reason must return their uniform along with their district property. If a member has twenty (20) or more years of service and separates from the department due to resignation or honorary status, they are permitted to retain their uniform and all appropriate badges.

**WHISTLEBLOWER/DISCLOSURE POLICY**

The Hicksville Fire District’s goal is to create a culture of intolerance to fraud, abuse or errors which result in violations of federal and state law, improper expenditures, improper payments or in a violation of the code of ethics. In order to create such a culture, the district mandates that all personnel disclose all good faith beliefs that such improper acts or violations have occurred. The district further offers extensive protection, as required by law, to all persons who in good faith report violations.

***Application***

This policy shall apply to all individuals, regardless of whether or not any specific section of law applies to such individual. However, nothing in this policy is intended to provide any remedy to any person not otherwise covered by any law, including but not limited to Labor Law § 740.

In such respects and subject to such limitations, this policy applies to employees, defined by the Labor Law as: “an individual who performs services for and under the control and direction of an employer for wages or other remuneration, including former employees, or natural persons employed as independent contractors to carry out work in furtherance of an employer's business enterprise who are not themselves employers.”

As a matter of “best practice”, the District has incorporated the requirements of Labor Law § 740.

This policy also shall apply to volunteers, subject to the above limitations.

**Definitions**

1. “Law, rule or regulation” includes:
  - A. any duly enacted federal, state or local statute or ordinance or executive order;
  - B. any rule or regulation promulgated pursuant to such statute or ordinance or executive order;
  - C. any judicial or administrative decision, ruling or order; and
  - D. any policy of the district implemented for the purpose of protecting against improper, illegal, or unethical conduct, including but not limited to the treatment of others and the expenditures and protections of funds.

## HICKSVILLE FIRE DISTRICT

2. "Public body" includes the following:
  - A. the United States Congress, any state legislature, or any elected local governmental body, or any member or employee thereof;
  - B. any federal, state, or local court, or any member or employee thereof, or any grand or petit jury;
  - C. any federal, state, or local regulatory, administrative, or public agency or authority, or instrumentality thereof;
  - D. any federal, state, or local law enforcement agency, prosecutorial office, or police or peace officer;
  - E. any federal, state or local department of an executive branch of government; or
  - F. any division, board, bureau, office, committee, or commission of any of the public bodies described in subparagraphs (i) through (v) of this paragraph.
  
3. "Retaliatory action" means an adverse action taken by an employer (i.e.: the district) or his or her agent to discharge, threaten, penalize, or in any other manner discriminate against any employee or former employee exercising his or her rights under this Policy, including:
  - A. adverse employment actions or threats to take such adverse employment actions against an employee/individual in the terms of conditions of employment or volunteering including but not limited to termination, reduction or prevention from obtaining benefits, discharge, suspension, or demotion;
  - B. actions or threats to take such actions that would adversely impact a former employee's current or future employment or volunteering; or
  - C. threatening to contact or contacting United States immigration authorities or otherwise reporting or threatening to report an employee's suspected citizenship or immigration status or the suspected citizenship or immigration status of an employee's family or household member, as defined in subdivision two of section four hundred fifty-nine-a of the social services law, to a federal, state, or local agency; or
  - D. suffering intimidation, harassment, discrimination or other retaliation.

## HICKSVILLE FIRE DISTRICT

4. "Supervisor" means any individual within the district's organization who has the authority to direct and control the work performance of the affected individual; or who has managerial authority to take corrective action regarding the violation of the law, rule or regulation of which the individual complains.
5. "Reporter" or any derivation thereof shall be the individual that makes a good faith notification to the Compliance Officer or other appropriate individual, board or committee of any violation.

### Policy and Procedure

1. Compliance Officer. The district shall designate an individual as a Compliance Officer to administer the whistleblower policy and to report to the board or an authorized committee thereof, except that commissioners who are paid employees may not participate in any board or committee deliberations or voting relating to administration of the whistleblower policy.

2.

Name

Phone

COMPLIANCE OFFICER: Superintendent

(516) 933-6445

DISTRICT'S ATTORNEY: Sapienza and Frank

(631)393-0873

3. Reporting. All personnel are required to report any good faith belief of any violation of any law, rule or regulation (as defined above) or any improper payments or expenditures to the Compliance Officer. Personnel may make anonymous reports if they so choose either in writing to the Compliance Officer or directly to the District's Attorney. If such anonymity cannot be maintained in order to allow the Compliance Committee to conduct a meaningful investigation, the person shall be so advised and requested to come forward in order to assist the district with an investigation. Under no circumstances shall the Compliance Officer be obligated by the district to disclose the name of any Reporter who made a report in good faith.
4. Simple errors. This Policy is not intended to require personnel to bring all simple errors to the attention of the Board or Compliance Officer. Simple errors and unintentional violations should be reported to an appropriate individual who may correct such error or an uninvolved member of the district or may be reported directly to the Compliance Officer. Personnel are permitted to use their judgment as to whom they should report these errors.



## HICKSVILLE FIRE DISTRICT

5. Investigation. The Compliance Officer shall have the full authority of the district to conduct an investigation. No records shall remain confidential from the Compliance Officer which the Officer deems relevant to conduct an investigation. The Compliance Officer shall report the matter to the Board in such a way and at such a time so as to not interfere with the proper investigation of such Policy. The Compliance Officer is hereby authorized to speak directly to the District's Attorney/legal counsel to address/correct such issue(s).
6. Cooperation Required. Any and all individuals, including but not limited to those who may be involved in the reported activity, are required to participate in good faith in any and all investigations, subject to any rights granted by the constitution or law or by any employment or collective bargaining agreement. The failure to cooperate shall be a basis for discipline up to and including termination. Nothing herein shall require any individual to waive any rights otherwise protected under the State or Federal Constitution.
7. Prohibition on Participation. A person who is the subject of a whistleblower complaint may not be present at or participate in Board or committee deliberations or vote on the matter relating to such complaint. However, nothing herein shall prohibit the Board or committee from requesting that the person who is subject to the complaint present information as background or answer questions at a committee or Board meeting prior to the commencement of deliberations or voting relating thereto.
8. Retaliation prohibited. No retribution or retaliation (as defined above) in the terms and conditions of employment or volunteering shall occur as a result of such reporting, so long as such reporting is not determined to be malicious and knowingly false. Additionally, and not to limit the above statement, the district shall not take any retaliatory action against an individual, whether or not within the scope of the individual's job duties, because such individual does any activity protected by law, rule, regulation, or policy.
9. Additional Prohibitions. The district shall not take any retaliatory action (as defined above) for any protected activity (as defined above), against an individual or reporter, whether or not within the scope of the individual's job duties, because such individual does any of the following:
  - A. discloses or threatens to disclose to a supervisor or to a "public body" an activity, policy or practice of the employer that the employee reasonably believes is in violation of law, rule or regulation or that the employee reasonably believes poses a substantial and specific danger to the public health or safety;
  - B. provides information to, or testifies before, any "public body" conducting an investigation, hearing or inquiry into any such activity, policy or practice by the district; or
  - C. objects to, or refuses to participate in any such activity, policy or practice;

## HICKSVILLE FIRE DISTRICT

- D. Participates in an investigation or cooperates with any authority, the Compliance Officer or the District's attorney.
10. Protected activities include:
- A. disclosing or threatening to disclose to a supervisor or to a public body an activity, policy or practice of the district that the individual reasonably believes is in violation of law, rule or regulation or that the individual reasonably believes poses a substantial and specific danger to the public health or safety;
  - B. providing information to, or testifying before, any public body conducting an investigation, hearing or inquiry into any such activity, policy or practice by the district; or
  - C. objecting to, or refusing to participate in any such activity, policy or practice.
11. Nothing in this Policy shall be deemed to diminish the rights, privileges, or remedies of any employee under any other law or regulation or under any collective bargaining agreement (if any) or any employment contract (if any) or of any other Policy adopted by the district.
12. Confidentiality. All reports and such information shall remain as confidential as possible so as to protect the reporting individual from any retaliation, but such protection shall not be applied in such a way as to inhibit the investigation or correction of any reported or verified issues/violations.
13. The Compliance Officer shall keep copies of all reports, regardless of the manner by which they were reported. No report shall be destroyed until at least seven (7) years have passed from the date of the report or the correction of the activity/issue or the date of any alleged retaliation, whichever is later.
14. Limitation on protections. The protection against retaliatory action provided by this Policy pertaining to disclosure to a public body shall not apply to an employee/individual who makes such disclosure to a "public body" (as defined above) unless the employee/individual has made a good faith effort to notify their employer by bringing the activity, policy or practice to the attention of a supervisor of the employer and has afforded such employer a reasonable opportunity to correct such activity, policy or practice. Such employer notification shall not be required where:
- A. there is an imminent and serious danger to the public's health or safety;
  - B. the employee reasonably believes that reporting to the supervisor would result in a destruction of evidence or other concealment of the activity, policy or practice;

## HICKSVILLE FIRE DISTRICT

- C. such activity, policy or practice could reasonably be expected to lead to endangering the welfare of a minor;
  - D. the employee reasonably believes that reporting to the supervisor would result in physical harm to the employee or any other person; or
  - E. the employee reasonably believes that the supervisor is already aware of the activity, policy or practice and will not correct such activity, policy or practice.
15. Additional notice to employees on remedies. Labor Law § 740 provides that an employee who has been the subject of a retaliatory action in violation of Section 740 may institute a civil action in a court of competent jurisdiction for relief within two years after the alleged retaliatory action was taken. This Policy offers protections broader than Section 740 and it is not the intent of the district to expand the civil remedies for violations not otherwise covered by the law. However, the District is permitted by law to defend itself against any action on the basis that the retaliatory action was predicated upon grounds other than the employee's exercise of any rights protected by Section 740. Employees are cautioned against making false reports without a basis in good faith as a court, in its discretion, may order that reasonable attorneys' fees and court costs and disbursements be awarded to the district if the court determines that an action brought by an employee was without basis in law or in fact.
16. Notice of results of the investigation.
- A. The reporter, as a volunteer or employee of the district, may request the conclusions of the Compliance Officer and may request whether or not any corrective action was undertaken, except as may be protected by privilege. If the disposition results in discipline, the reporter shall only be advised that there has been disciplinary action, but not what that action entailed. If the disposition results in no action taken, the reporter may elect to receive a letter from the Compliance Officer detailing its investigation, findings and its reasons. The Compliance Officer shall be able to seal any disposition of any matter and any facts it wishes for any reason it deems necessary, except as subject to any laws governing disclosure or as ordered by a court.
  - B. The Compliance Officer shall inquire from the reporter as to its satisfaction with the disposition of the matter.
  - C. The Board shall advise the Compliance Officer whether any response will be provided to the reporter. No response is mandated. The Officer shall transmit both the Board's decision to provide a response, and if the Board so directed, the response itself.

- D. If the reporter is not satisfied with the corrective action, if any, and if the reporter still believes that the fraud or abuse has occurred and has not been satisfactorily addressed, the Officer shall advise the reporter that it may make a report to the appropriate state or federal agency. This Policy also shall constitute such notice to report.
17. **Publication.** The district shall post this Policy conspicuously in easily accessible and well-lighted places customarily frequented by individuals protected by the Policy (i.e.: members), employees and applicants for employment.

## WORKPLACE VIOLENCE PREVENTION PROGRAM

The Hicksville Fire District is committed to the safety and security of our employees. For the purposes of this policy statement the terms “employees” and “public employees” refer to paid employees, volunteer members of the district’s fire department/company(ies), and officers of the district, department and company. Workplace violence presents a serious occupational safety hazard to our Fire District, Department and Company(ies) as well as to our staff and to the public we serve and come into contact with.

Workplace Violence is defined as any physical assault or act of aggressive behavior occurring where a public employee performs any work related duty in the course of their employment (membership for volunteers) including but not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without their consent that entails some injury; or stalking an employee when such stalking has arisen through and in the course of employment (membership).

Acts of violence against our employees where any work-related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted or requested by the victim. All employees are responsible for helping to create an environment of mutual respect for each other as well as the public served and visitors to our facilities or events, by following all policies, procedures and practices, for assisting in maintaining a safe and secure work environment.

All employees are advised that commission of an act of workplace violence and/ or a violation of the terms of this policy statement are considered acts of misconduct for which they may be subject to disciplinary action.

This policy is designed to meet the requirements of New York State Labor Law Section 27-b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law includes a workplace evaluation that is designed to identify the risks of workplace violence to which our employees could be exposed. Management and an authorized employee representative will, at a minimum, be involved in:

- Evaluating the physical environment of our workplace;
- Developing the plan for preventing Workplace Violence in our workplace; and
- Reviewing workplace violence reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of mitigating actions taken.

The Workplace Violence Risk Evaluation will be performed and memorialized in a written report filed with the District office.

All employees will participate in an annual Workplace Violence Prevention Training Program.

## HICKSVILLE FIRE DISTRICT

The goal of this policy is to promote safety and well-being of all people in our workplace. All incidents of violence or threatening behavior in our workplace will be responded to immediately upon notification. All personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received or have been told that another person witnessed or received.

No person participating in this program, submitting a complaint of workplace violence or serving as a witness in a proceeding related to same shall be retaliated against for having done so.

Designated Contact Person:

Name: Chairman of the Board

Office Phone: 516-933-6445 x 112

Email Address: [astephens@hicksvillefire.com](mailto:astephens@hicksvillefire.com)

## HICKSVILLE FIRE DISTRICT

### ZERO TOLERANCE DRUG AND ALCOHOL POLICY

Alcohol use prior to service or impairment due to alcohol during service will not be tolerated by the Fire District.

Regardless, no person may respond to or participate in any Department activity covered by VFBL if they have consumed alcohol within two (2) hours of the incident.

Use of any drug, whether legal or illegal, which has any affect so as to impair judgment or physical or mental ability of a responder is prohibited. Drug use of an illegal substance on duty which is detectable in the body of a firefighter will be considered on duty drug use and considered to be an impairment while on duty if such drug is detected while the member is still an active member and subject to call for duty.

No active firefighter shall participate in any emergency, stand-by, drill, training or other activity covered by the V.F.B.L. if the firefighter is in any way impaired by alcohol or any drugs, legal or illegal, or if the active firefighter shows or exhibits any signs or symptoms of alcohol or drug use. Signs include but are not limited to the scent on clothes or breath or detectable in any amount in the blood, hair or urine.

No member of the fire department shall serve as an official or unofficial representative of the fire department while impaired in any manner by alcohol or any illegal drug.

Any firefighter that has a good faith belief that another firefighter is in violation of this policy shall immediately report the violation to a Chief of the Department. Any violation occurring while at an emergency shall immediately be reported to an appropriate line officer or incident commander. The suspected individual shall be relieved of duty immediately and placed on the side of the scene. The individual will then be transported home in a non-emergency vehicle or otherwise tested in accordance with this District's drug and alcohol testing policy.

The individual may be asked to submit to a field sobriety test or to a breathalyzer test, but only from a police officer. If the individual refuses, he shall be suspended from the fire department. This shall not limit the discipline if the individual is later confirmed to have been in violation of this policy.

Any individual blatantly disregarding obvious signs of another firefighter's intoxication or drug induced impairment and not reporting the same may be subject to discipline including suspension or termination of membership.

Any violation of this policy may result in the immediate suspension or expulsion from membership in the department.

# OPERATIONAL POLICIES



**APPARATUS DRIVER MINIMUM QUALIFICATIONS**

No person less than nineteen (19) years of age shall drive a district or fire department vehicle.

All drivers must possess a current, valid and non-revoked or suspended New York State Driver's license in order to be cleared to operate any vehicle. Any loss, suspension or revocation of the driving privileges by New York State, including suspension of a license for any reason, shall result in the member being prohibited from driving a district or fire department vehicle and from driving to the station for any purpose. In no event shall a conditional or temporary driving privilege permit any person to operate a district or fire department vehicle.

Any person receiving or accumulating at least eight (8) points on a driver's license and/or suspended driver's license must be reported immediately to the Chief and shall result in the loss of driving privileges of district or fire department vehicles.

All drivers must successfully complete the Emergency Vehicle Operator Course (EVOC), or equivalent, prior to operating a Department apparatus. All drivers must participate in the District's License Event Notification Service (LENS) program.

**BLUE LIGHTS**

The Chief may grant and/or revoke to active volunteers, the privilege of displaying one Blue light, in accordance with the New York State Vehicle and Traffic Law, while responding to emergency calls. The Chief reserves the right to revoke or suspend this authorization. No person shall disobey any traffic control device or traffic law or regulation while using a blue light. The blue light shall not entitle any person to violate any law or regulation.

## HICKSVILLE FIRE DISTRICT

### DASH CAMERAS

The District has installed (or will install) dash mounted cameras in District owned vehicles. The Board of Fire commissioners shall designate which vehicles shall utilize the dash cameras.

1. This policy shall not constitute an approval of any other recording device except for dash mounted cameras in vehicles. Personal cameras are not authorized by this policy.
2. The cameras are for the benefit of District and not intended for the public's direct benefit. The cameras are intended for the protection of the operators, as well as for capturing events beneficial for the future training of District.
3. The cameras shall be installed so that they are automatically turned on and off by the ignition of the vehicle. The cameras may also record audio such as siren noise and potentially radio traffic, though the audio is not the primary goal of this program.
4. Cameras shall be the property of District. All material recorded shall be the property of District and shall not be the property of any person.
5. There is no requirement and it is not possible that all the recordings be saved, except as otherwise provided below.
6. It is understood that the recording device of a dash mounted camera has a limited amount of recording space and that the recordings may be recorded over as a matter of routine. Emergency operations shall not be stopped or interfered with in order to transfer or preserve the recording.
7. At the earliest reasonable moment after the emergency call is concluded, the operator of the vehicle or another qualified individual shall transfer any recording which may, in the operators or a Chief's or an officer's opinion at the time require the transfer to a more permanent storage. Since the recordings will automatically loop and the power to the devices shall not be easily accessible, it is understood that recording may be lost.
8. All operators of the vehicles and all officers of vehicles in which a dash cam is mounted shall be trained and proficient in transferring the recording.
9. The recorded material may be used by District to evaluate the operator's driving conduct, including disciplinary purposes.
10. Under no circumstances shall any person ever intentionally destroy or cause to be destroyed or written over the recording device.

## HICKSVILLE FIRE DISTRICT

11. Any photographic material involving a patient that is transferred from the recording device shall be treated as part of a medical record and shall be maintained in accordance with any patient privacy laws.
12. Best efforts shall be utilized to transfer the recordings to a computer in order to preserve the recordings, in the following circumstances:
  - A. Upon a FOIL request for the recording or upon receiving a preservation request from an attorney or other authorized individual;
  - B. In the event of an accident of any type involving the vehicle, regardless of the prospect of fault, cause, injury or damage;
  - C. Upon the recording of a crime or possible crime;
  - D. Upon the recording of a personal injury to any member or individual;
  - E. Upon the recording of any serious motor vehicle accident to which District responded, or highly unusual emergency response;
  - F. Upon recording the death of any individual;
  - G. If not otherwise stated above, if in the discretion of the Chief, the operator, the officer or the Board, the recording should be retained.
13. Upon completion of a transfer to a computer or other permanent storage method, the copy shall be maintained in accordance with District's records management policy, the recording medium shall be returned to the camera system, and the video shall be maintained for such time as required therein:
  - A. If the recording is for training purposes, it shall be considered a training record;
  - B. If the recording is for workplace violence purposes, it shall be considered a workplace violence record;
  - C. If the recording is a recording is for accident investigation purposes, it shall be considered a record for potential litigation and maintained at a minimum until the statute of limitations for any such litigation has expired;
  - D. If the recording is a recording for workers compensation/VFBL purposes, it shall be maintained at a minimum until the final appeal of any workers' compensation proceedings has been exhausted.
14. No recording which has been requested by the public or by any government agency shall be intentionally destroyed.
15. The recording ability of the devices should be periodically confirmed on each device.

# HICKSVILLE FIRE DISTRICT

## EMERGENCY SCENES: RESPONSE COVERAGE

### One Time Basis

The chief or the incident commander, in the absence of the chief, may permit active members of other fire departments to volunteer at an emergency scene on a case-by-case basis. The individual so appointed will be entitled to coverage by the Hicksville Fire Department's Volunteer Firefighters' Benefits Law (V.F.B.L.) coverage and any other coverage which is granted to members for the duration of the emergency. There is no obligation of the chief or incident commander to provide such temporary appointment. The individual so appointed shall only operate in the capacity in which they operate in their own department, or in a less demanding capacity.

### Continually Responding Basis

In the event that a member of another fire department anticipates being available to respond to emergencies on more than a one-time basis, the individual may be permitted to respond to emergencies frequently if available and in the Fire District. However, such individual must receive the approval of the chief and then the board of fire commissioners. The individual shall be required to adhere to all qualifications for the operational status for which they were approved, as if they were a member of this department. The chief shall ensure that such member is in good standing with their fire department for the duration of the period over which such individual will respond to emergencies in this department. Such authorization may be revoked at any time by either the Chief or the Board of Fire Commissioners and shall end immediately upon the cessation or suspension of membership with the individual's home department.

The individual so appointed will be entitled to coverage by the Hicksville Fire Department's Volunteer Firefighters' Benefits Law (V.F.B.L.) coverage and any other coverage which is granted to members for the duration of the emergency.

### Coverage of members at another's scene

The District hereby provides Volunteer Firefighters' Benefits Law (V.F.B.L.) coverage (and any other available rights) to any active volunteer member of the Hicksville Fire Department who comes upon an emergency incident and who provides assistance at such incident and who is injured in the performance of such assistance. Such coverage shall cease upon the arrival of the fire department providing fire protection (the "arriving department"). Should the arriving department accept the services of the member, such individual shall then be covered under the arriving department's VFBL. Should the arriving department not accept the service of the member, the member shall stop providing assistance. Any injuries sustained after the member has been advised to cease providing services shall not be covered by this Department's Volunteer Firefighters' Benefits Law (V.F.B.L.)

## HICKSVILLE FIRE DISTRICT

If an active member of our fire department does stop and render assistance at an emergency scene in another jurisdiction, they are to submit a written report to the Chief of Department within twenty-four (24) hours of completion of such assistance. At a minimum the report shall provide;

1. the date, time and location of the emergency,
2. the nature of the emergency,
3. the nature of the assistance that they rendered,
4. the name of the fire department that responded to the emergency,
5. the name and rank of the jurisdictional officer in command at the scene,
6. whether their assistance was accepted or declined by the jurisdictional officer in command after arrival,
7. the action if any taken by such person after his or her services were accepted or denied,
8. the date and time that his or her services were completed,
9. whether or not they are complaining of an illness or injury as a result of such service,
10. the nature of such illness or injury, and
11. whether or not such illness or injury was reported to the host fire department.

**LICENSE EVENT NOTIFICATION SYSTEM PROGRAM (LENS)**

All drivers and operators shall participate in the License Event Notification System (“LENS”) Program. The failure to participate shall disqualify the individual from operating any District owned vehicle.

**PERSONAL VEHICLES**

Chiefs, district employees or members shall not install or display warning lights, except blue lights while responding to emergency calls, sirens and/or any other type of signaling or warning devices on their personal vehicles.



**RESPONSE DIRECTLY TO SCENES**

No persons other than the chiefs shall respond directly to any scene and must respond to the station. Any person passing a scene should continue to respond to the station unless absolutely impossible or necessary for the preservation of life (such as emergency medical service calls). The Chief may authorize any other responses directly to the scene.

# HICKSVILLE FIRE DISTRICT

## VEHICLE USE POLICY

The Hicksville Fire District ("District") maintains a fleet of vehicles purchased and maintained at District expense in order to permit officers, employees and members of the District (collectively referred to herein as "personnel") to perform their duties and assist the District in meeting its objective and obligation to provide fire protection and other emergency services to the community. The objective of this policy is to provide for the efficient and economic use of these assets while permitting some limited personal use of the vehicles. Users of District owned vehicles will be held to the same standards whether the vehicle is being used for business-related or personal use since they may be seen by the public as representing the District whenever they are operating or in possession of a District vehicle.

This policy shall apply to the use of District owned vehicles. For the purposes of this policy, the term "District owned vehicle" shall also refer to vehicles leased by the District or in the name of the District for District purposes.

1. All District owned vehicles will be operated by personnel in a manner that complies with all state, federal and local laws and regulations. They shall be operated and maintained in a manner that complies with the New York State Vehicle and Traffic Law and the rules promulgated there under by the Commissioner of the Department of Motor Vehicles. Violation of any state, federal or local law or regulation in the operation of a District owned vehicle by personnel shall be considered a violation of this policy, and an act of misconduct subjecting the officer, employee and/or member to disciplinary action. Any violation of this policy shall be considered an act of misconduct subjecting the officer, employee and/or member to disciplinary action.
2. Personnel operating District owned vehicles shall conform their conduct to the laws and rules that govern operating a vehicle after consuming alcoholic beverages, controlled substances or any other substances that can impair the ability to drive a vehicle. They shall also comply with any additional District rules, regulations or bylaws that provide for greater restrictions with regard to this issue.
3. There shall be no smoking in district owned vehicles. Personnel assigned to use the vehicles and persons being transported as passengers shall not smoke in any district owned vehicle. District personnel smoking in district vehicles shall be subject to disciplinary action. District personnel assigned the use of a district owned vehicle found to have smoked in the vehicle or to have permitted others to smoke in the vehicle shall be held accountable. The presence of smoking materials or smoking residue in a district owned vehicle shall be considered prima facie evidence that the person assigned the vehicle smoked or permitted others to smoke in the vehicle. The Board of Fire Commissioners retains absolute discretion to require personnel to turn in a district owned vehicle assigned for their use. Such determinations shall not be disciplinary in nature and shall not be subject to review.

## HICKSVILLE FIRE DISTRICT

4. District owned vehicles shall be confined to use in Nassau County. They may be used in an adjoining county and the counties of New York City with appropriate authorization. Special authorization from the Board of Fire Commissioners shall be required to utilize District owned vehicles in upstate counties and out of state. See below for rules relative to Chief's vehicles.
5. The District Travel Policy and District Drivers' License Policy shall be deemed a part of this policy for the purposes of establishing the proper conduct for personnel assigned and permitted to use District owned vehicles.
6. Seat belts shall be worn in District vehicles by the operator and all passengers for whom seat belts are available. Children present in District owned vehicles shall be belted and restrained in accordance with the state, federal and local laws and regulations that govern this issue.
7. All personnel shall familiarize themselves with District owned vehicles and obtain proper training before operating the vehicles. With passenger vehicles training shall consist of reviewing the manufacturer's manual that should be stored in the vehicle glove compartment. For emergency response vehicles the training and qualifications for drivers shall be those established under the operating rules of the Fire Department and Fire District. District staff shall develop a program for familiarization for personnel assigned particular vehicles.
8. In the event that a District owned vehicle is involved in an accident, personnel assigned to the vehicle shall forthwith notify District management of the accident and comply with state laws and rules regarding reporting accidents. District personnel assigned to a vehicle that is involved in an accident shall stop at the scene of the accident and exchange appropriate information with the owners of other vehicles and law enforcement personnel if they are present. District personnel shall make certain that a call for assistance is made to the proper authorities in the event that any person is injured or rendered ill at such an accident.
9. A report is required for all accidents involving district vehicles.  
The report shall include:
  - New York State MV-104 accident report
  - Hicksville Fire Department Emergency Vehicle Accident/ Loss Investigation document.
  - Local Police Department accident report (required for all vehicle accidents)
  - photos
  - Statement of the incident from the operator/driver.

## HICKSVILLE FIRE DISTRICT

10. Personnel shall only use a District owned vehicle when it is assigned to them or when they are authorized to use it by the Board of Commissioners or District management personnel authorized to permit its use. Personnel utilizing a District owned vehicle shall be responsible to fill out all logbooks and other records that are maintained by the District or are required to be maintained by the District with regard to use of District owned vehicles.
11. Emergency response vehicles shall be operated in accordance with the rules, regulations and bylaws of the District and Fire Department.
12. Personal use: District owned vehicles (other than ambulances and fire apparatus) may be used for limited reasonable personal use. Personnel assigned a District owned vehicle so that they will be able to drive back and forth to District work assignments and drive to and from their homes may use the assigned vehicle for limited reasonable personal uses. However, this use shall be restricted to local driving and they must obtain permission from the Board of Commissioners to use the vehicle to drive to a location that is more than ten (10) miles from the county border. The Board of Commissioners reserves the right to place a greater restriction on any District owned vehicle assigned to personnel. The Board of Commissioners reserves the right to demand the return of any District owned vehicle assigned to personnel. See below for special rules relative to chief's vehicles.
13. Chief's vehicles shall be assigned to chief officers of the Fire Department by the Board of Fire Commissioners for use as emergency response vehicles. The Board of Fire Commissioners shall determine which vehicle is assigned to each Chief and reserves the right to rotate or change assignments. Chief's vehicles are assigned to a Chief or Assistant Chief for the convenience of and needs of the fire district and the community as determined by the Board of Fire Commissioners and not for the convenience of the Chief or Assistant Chief. The authority of the Chief of Department with regard to Chief's vehicles is subject to their duty to enforce the rules and directives of the Board of Fire Commissioners including but not limited to this policy. The Chief and Assistant Chiefs should rely on their personal vehicles to meet their personal non - fire department business and personal needs. The fire district shall have no obligation to provide a substitute vehicle when an assigned Chief's vehicle must be serviced or is otherwise not available for use. Chiefs shall be responsible for the following with regard to their assigned vehicles:
  - A. Chiefs shall maintain the vehicle in a clean and orderly manner since its condition is a reflection upon the Fire Department and the District.
  - B. Chiefs shall see that the vehicle receives periodic preventative maintenance in accordance with the policies provided by the vehicle manufacturer and the District. All work on District vehicles shall be done by District staff or by vendors selected under the District procurement policy.

## HICKSVILLE FIRE DISTRICT

- C. Chiefs shall report any malfunctions or mechanical problems with the vehicle to District maintenance staff and make certain that the vehicle is placed out of service if safety concerns call for such action. All work on District vehicles shall be done by District staff or by vendors selected under the District procurement policy.
- D. Chiefs shall permit no one other than District personnel to operate the vehicle unless an emergency requires operation by another person and in such case shall make certain that the person is properly licensed to operate a motor vehicle. A situation where the chief officer is injured or rendered ill or unable to drive because of some physical condition after driving to a location shall qualify as an emergency where a substitute driver is permitted to drive the vehicle to a medical facility or to the home of the chief for the chief.
- E. Chiefs shall be permitted to transport non-District personnel in the vehicle but may not operate the vehicle in emergency response mode if there are non-District personnel present in the vehicle.
- F. Chiefs shall be held strictly to account for the no smoking rules stated above with reference to their vehicles. They shall lose the use of their vehicle for fifteen (15) days if it is determined that they violated the rule the first time. They shall be subject to the loss of the use of their vehicle for longer periods for any subsequent violation of the smoking. The Board of Fire Commissioners retains absolute discretion to require a Chief to turn in his or her vehicle and rely upon fire apparatus to perform his or her duties. Such determinations shall not be disciplinary in nature and shall not be subject to review.
- G. Chief's vehicles shall have authorized New York State issued license plates on their vehicle.
- H. Any vanity plates, plaques, decals or other such items must be approved by the board, prior to being displayed on vehicle.
- I. Personal use: Chiefs vehicles may be used by Chiefs for limited reasonable personal use. Chiefs may use the vehicle to drive to and from their personal employment as long as they are permitted to leave their place of employment to respond to the District in the event of an emergency.

## HICKSVILLE FIRE DISTRICT

1. In order to use their assigned vehicle to drive to and from their place of employment, a Chief or Assistant Chief must annually submit a letter on the letterhead of his or her employer, signed by their supervisor, advising the Fire District that the Chief or Assistant Chief will be permitted to leave their place of employment, without suffering any detrimental or disciplinary action, in order to respond to a major emergency in the Hicksville Fire District. If a Chief or Assistant Chief is not provided with this letter and permitted this ability to leave at the time of such emergencies, then they must leave the Chief's vehicle at their residence or a Hicksville Fire Department station and use some other form of transportation to commute back and forth to work. This letter will not be required if a Chief or Assistant Chief works in Nassau County.

They are assigned this District owned vehicle so that they will be able to drive back and forth to District work assignments and drive to and from their homes. The Board of Commissioners reserves the right to place further restrictions on leisure or personal use with regard to each vehicle assignment. This personal use shall be restricted to local driving, and they must obtain permission from the Board of Commissioners to use the vehicle to drive to a location that is outside the Nassau County border.

- J. The Board of Commissioners reserves the right to place a greater restriction on any District owned vehicle assigned to personnel.
- K. The Board of Commissioners reserves the right to demand the return of any District owned vehicle assigned to personnel.
- L. Authorization to drive to and from a work location is not authorization to use a District vehicle to travel to personal work assignments. A District owned vehicle should not be driven to personal work assignments. As an example, if a chief is a salesman, they may drive the chiefs vehicle to their office, but must use an employer's vehicle to drive to work assignments during the day. A chief may not submit an expense request to their personal employer for the business use of their chiefs vehicle. A chief may not accept a mileage allowance from their personal employer for the business use of their chief's vehicle.
- M. A chiefs vehicle shall not be removed from the county for longer than a twenty-four-hour period without special permission being granted by the Board. Approval of attendance at a work-related function with the Chief's vehicle that will require an overnight stay will be deemed authorization to remove vehicle from the District for the extended time period. However, the Chief's vehicles shall not be used as out of town method of transportation if the Board determines that it is more economical for the chief officer to use air or rail transportation.
- N. Chief vehicles shall not be used by a chief officer for a personal vacation unless specific authorization is given by the Board of Commissioners.

## HICKSVILLE FIRE DISTRICT

- O. The Board shall establish reasonable limits for the amount of District purchased Gasoline and Diesel fuel products that may be used by each chief in their vehicle in order to limit the consumption of such products for personal purposes.
  - P. Chiefs shall park their vehicles in a manner that complies with all local parking laws and rules (with the exception of emergency operations). In selecting locations to park their vehicles they should consider the security of the vehicle and the equipment stored in it and community concerns regarding the proper use of publicly owned vehicles.
  - Q. Under no circumstances shall a Chiefs vehicle be used for the purpose of hunting or to transport an animal killed as part of a hunting trip.
  - R. Under no circumstances shall a Chiefs vehicle be used to participate in any form of public protest. Officers shall use their personal vehicles to participate in any public protest or demonstration and do so on their personal time.
  - S. Under no circumstances shall a Chiefs vehicle be used for purposes related to a political candidacy or political campaigning. The fire district and fire department may not be portrayed as supporting any political candidate or ballot proposition.
  - T. The Board of Fire Commissioners reserves the right to require that Chiefs fill out and maintain vehicle use logs.
14. Gasoline and Diesel fuel products purchased by the District for use by District vehicles shall be used in the business use of such vehicles. Credit cards issued in the name of the District or a District officer to enable the purchase of Gasoline and Diesel products at service stations shall be used to purchase such products to be placed in District owned vehicles and used in the business use of such vehicles. Gasoline and diesel fuel products purchased in the name of the District shall only be placed in vehicles owned or leased by the District.
15. Personnel assigned to use and using District owned vehicles should remember that they are representing the District and the community when in public. Most of these vehicles have markings bearing the name of the District or Fire Department. How our personnel drive and how they use these vehicles impacts upon the reputation of the District and Fire Department in the community. Other drivers and pedestrians with whom they make contact will look at them as not just another driver on the road, but rather as a member of an identifiable public agency. The community has a right to expect that our personnel will perform to and act to a higher standard when driving vehicles owned by the public and the Board of Commissioners will expect no less. When it comes to the interaction of our drivers with the community they serve, we expect that our personnel will remember that other drivers and pedestrians are the people who they serve and that they will act accordingly on the road.

## HICKSVILLE FIRE DISTRICT

16. Personnel assigned to use and using District owned vehicles should understand that there is no expectation of privacy in a District owned vehicle. The Board of Fire Commissioners reserves the right to install GPS and other tracking devices in District owned vehicles and to install dashboard and other types of cameras in same. Personnel should understand that all records related to District owned vehicles are subject to Board inspection and may be subject to public inspection under the Freedom of Information Law and in compliance with court orders. Personnel should operate and use these vehicles with the expectation that their use will be monitored. Personnel should operate and use their own personal vehicles when they require privacy.
17. The Board of Fire Commissioners reserves the right to place further restrictions on the use any District owned vehicle or the usage authority of any officer, member or employee with regard to District owned vehicles as a majority of the Board shall determine to be appropriate.