EAST CLINTON FIRE DISTRICT
ADMINISTRATIVE POLICIES

Revision Date:	December 27, 2016	
	November 16, 2018	Inspection Dinner Policy
	December 16, 2018	Active Member Policy
	February 13, 2019	Sexual Harassment Policy
	April 10, 2019	Driver/Operator Policy
	May 15, 2019	LENS Program
	July 16, 2019	Physical Ability Policy
	July 16, 2019	Investment Policy
	August 14, 2019	Active Member Policy
Adopted	March 11, 2020	Addendum – Service Awards Program – Disability
Adopted	April 15, 2020	Addendum – Service Awards Program – Partial and Permanent Disability
	June 10, 2020	Active Member Policy
	July 15, 2020	Substance Abuse Policy
	July 15, 2020	Physical Ability Policy
	August 12, 2020	Purchasing Policy Addendum
	November 11, 2020	Active Member Policy Revised
	December 16, 2020	Application for Membership
	November 10, 2021	Apparatus Driver Minimum Qualifications
	February 16, 2022	Election Procedures for Chief
Adopted	May 11, 2022	Operations Plan in the Event of Certain Declared Public Health Emergencies

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ANTI-DISCRIMINATION

State law provides that no applicant shall be rejected due to gender, race, sexual preference, ethnicity or religion.

The Fire District shall not discriminate against any person who is otherwise qualified to perform the duties of an operational position.

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

ABSENTEE BALLOTS FOR FIRE DISTRICT ELECTIONS

The Fire District believes that it would benefit the voters of the district to permit absentee ballots for fire district elections and has resolved that the District shall provide for absentee ballots for any regular election at which offers are elected. Such ballots shall be prepared in accordance with Town Law 175-b.

This process shall continue in effect for all such elections until a subsequent resolution providing otherwise shall, in like manner, have taken effect.

The secretary of the district is directed and authorized to take whatever reasonable action is necessary, in accordance with Town Law 175-b, to make such ballots available to absent voters, including consulting with the County Board of Elections and the district's attorney in preparation for use of absentee ballots.

If voting machines are used, the absentee ballots shall be added to the votes recorded on the voting machines.

An absentee ballot application shall be made available in substantially the following form:

ABSENTEE BALLOT APPLICATION
East Clinton Fire District

PART A – VOTER IDENTIFICATION

Name: _____
Street Address: _____
Town: _____
Email [*optional*]: _____ Phone [*optional*]: _____

PART B – REASON FOR ABSENTEE BALLOT

I will be unable to appear to vote in person on Election Day because on that date I will be:
[fill in one section describing your reason]:

☐ required to be **outside Dutchess County** because of my **duties**, **occupation**, or **business.**
Do these duties ordinarily require your absence? [Check one box]
☐ **Yes.** *Describe duties, occupation, or business:* _____
☐ **No.** *Describe special circumstances requiring absence:* _____

☐ **outside Dutchess County** on **vacation** from *[date]* _____ to *[date]*_____
at *[place]*_____. Employer name and address: _____

☐ **ill**, **physically disabled**, or a **hospital patient.**

☐ **in jail** *[Check one box]* ☐ **detained** awaiting action by a **grand jury** or **awaiting trial.**
☐ **confined** after **conviction** for a **non-felony** offense.

☐ **absent** from the East Clinton Fire District because **I will be with my spouse, child, or parent** who is (or would be if he or she were a qualified voter) entitled to apply for an absentee ballot as specified above.

PART C – AFFIRMATION

- I will be on the day of the upcoming election at least eighteen years of age, and a citizen of the United States.
- I will have resided in the East Clinton Fire District for thirty days preceding the date of the upcoming election.
- I am registered to vote in the Town of Clinton.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of application for absentee ballots, I shall be guilty of a misdemeanor.

SIGNATURE: _____ DATE: _____

BALLOT DELIVERY

To receive your ballot by mail, this application must be received by the District Secretary at least seven days before the election. To receive your ballot personally (or through your agent), present this application to the East Clinton Fire District Secretary at least one day before the election.

INSTRUCTIONS FOR ABSENTEE BALLOT APPLICATION:

1. COMPLETE EACH PART (A, B AND C) OF THE APPLICATION.

2. PRINT ALL INFORMATION CLEARLY. FAILURE TO PRINT CLEARLY MAY RESULT IN A NON-PROCESSED APPLICATION.

3. THIS FORM MUST BE RECEIVED BY THE DISTRICT SECRETARY AT LEAST SEVEN (7) DAYS BEFORE THE ELECTION IF THE BALLOT IS TO BE MAILED TO THE VOTER, OR THE DAY BEFORE THE ELECTION IF THE BALLOT IS TO BE DELIEVERED PERSONALLY TO THE VOTER OR HIS/HER AGENT.

4. THE DISTRICT MAY REFUSE TO ACCEPT OR PROCESS THE APPLICATION IF IT IS INCOMPLETE OR UNSIGNED. PLEASE REVIEW THE APPLICATION CAREFULLY.

5. UNDER "PART B", YOU MUST SUBMIT YOUR REASONS FOR REQUIRING THE ABSENTEE BALLOT. IF YOU ARE ACCOMPANYING SOMEONE, PLEASE CIRCLE THE STATEMENT IN THE LIST OF REASONS THAT YOU ARE ACCOMPANYING SOEMONE.

ANY PERSON THAT IS UNABLE TO APPEAR PERSONALLY AT THE POLLING PLACE OF THE DISTRICT THAT IS SUBSTANTIALLY IMPAIRED BY REASON OF PERMANENT ILLNESS OR PHYSICAL DISABILITY AND WHOSE REGISTRATION RECORD HAS BEEN MARKED "PERMANENTLY DISABLED" BY THE BOARD OF ELECTION IS ENTITLED TO RECEIVE AN ABSENTEE BALLOT WITHOUT MAKING THIS SEPARATE ELECTION.

ACTIVE MEMBER POLICY

This policy sets forth the requirements to be an Active Member, or active volunteer firefighter, of the East Clinton Fire District. This Active Member Policy is adopted by the Board of Fire Commissioners of the East Clinton Fire District pursuant to NYS Town Law Section 176(11). This Policy supersedes any requirements, rights, duties and privileges which the Clinton Volunteer Fire Department, Inc., hereinafter referred to as the Company, may adopt from time to time. This Policy supersedes and replaces the Active Member Policy adopted by the Board of Fire Commissioners on December 12, 2018.

The East Clinton Fire District establishes and maintains this Active Member Policy to fulfill its responsibility for the selection, qualifications, safety and insurance protection of first responders. Only Active Members can respond to emergency calls and participate in drills, be eligible for Volunteer Fireman's Benefit Law coverage and be eligible for the Length of Service Award Program. The Company may establish and oversee other classes of membership as long as they don't conflict with this Active Member Policy or other policies established by the Board of Fire Commissioners.

An Active Member shall:

1. Be at least 18 years old;
2. Have received a satisfactory background check for a conviction for arson or a conviction for a crime which requires the person to register as a sex offender under Article 6(c) of the NYS Correction Law;
3. Be a member of the Company in good standing as defined by the Company's Bylaws;
4. Have passed, in the previous 12 months, a physical examination and an assessment of the physical abilities that the East Clinton Fire District's physical provider has determined to be necessary for the individual's specified operational role;
5. Have attended at least six Company drills in the preceding calendar year and received required training covering blood-borne pathogens, sexual harassment, workplace violence and other training as deemed necessary by the East Clinton Board of Fire Commissioners. New Active Members and those newly reinstated to active membership shall be allowed 18 months from date of acceptance or reinstatement to meet this requirement;
6. Have responded to at least five percent (5%) of total fire or total rescue calls during the previous calendar year. New Active Members and those newly reinstated to active membership shall be allowed 18 months from date of acceptance or reinstatement to meet this requirement;
7. Have successfully completed within 18 months of membership at least one of the following courses or qualifications:
   a. Firefighter1
   b. EMT-B and current certification

   c. Fire Police Course at the county-level or higher, or an equivalent approved by the Board of Fire Commissioners

d. A Driver-Operator as defined in the district's Driver-Operator policy.
e. Scene Support subcategory including the August 21, 2012 description of activities with the addition of the following two requirements (1) attendance at a four hour in-house on-scene safety training and (2) attendance at the de-contamination course.

8. Have not gone more than three consecutive years without earning 50 LOSAP points; and
9. Meet the District's residency requirements. (See Residency Requirement Policy.)

Probation

All applicants for Active Membership shall complete a probationary period which shall be governed by Company ByLaws. The Chief shall see that the Board of Commissioners is notified within 30 days of the conclusion of each individual probationary period whether it resulted in Active Membership or termination.

Leave

Active Members may apply for a Leave of Absence for Academic, Personal, Medical, or Military reasons pursuant to the East Clinton Fire District Leaves of Absence Policy. Active Members on Leave shall not respond to emergency calls or participate in any other East Clinton Fire District activity without the prior, written approval of the Fire Chief.

Reinstatement

A prior Active Full Member, who resigned while in good standing in the Company, may be considered by the Board of Fire Commissioners for reinstatement as an Active Full Member when the Company has provided the Board of Fire Commissioners with the following:

1. An updated and current satisfactory background check for a conviction for arson or a conviction for a crime which requires the person to register as a sex offender under Article 6(c) of the NYS Correction Law;
2. A physical examination, within the previous 12 months, with an assessment of the physical abilities that the East Clinton Fire District's physical provider has determined to be necessary for the individual's specified operational role; and
3. A written statement from the Company approving and recommending that such member be reinstated as an Active Full Member along with a recommendation for a period of probation, if any.

Applications for Membership

Applications for membership are processed under and administered by Company ByLaws, unless such ByLaws are in conflict with the East Clinton Fire District's rules, regulations or policies, in which case the rules, regulations and policies of the East Clinton Fire District shall control. In the event the Company Bylaws or the rules, regulations or policies of the East Clinton Fire District are in conflict with New York State Law, New York State Law shall govern.

The Application for Membership shall be on a form approved by the Board of Fire Commissioners.

The Fire Chief shall see that the required background checks are completed.

The Board, upon receipt of a completed application for Membership, shall consider such application for membership pursuant to the applicable portions of NYS Town Law Section 176-b which are attached hereto.

Membership Monitoring

An individual who fails to meet the requirements for Active Membership shall be subject to discipline including, but not limited to, reprimand, suspension or removal from membership pursuant to New York State Law or Company rules and regulations.

An individual who has not in the previous calendar year made the minimum 5% of calls will be counseled by the chief in the early part of the new calendar year and monitored with the intention of achieving a 10% participation rate in either EMS or fire calls for a minimum of three months at which point it comes to the board for a review with the chief staff as to whether the active membership should be continued.*

The Fire Chief shall notify the Board of Fire Commissioners, not less than monthly, of all members who are not in compliance with the requirements for Active Full Membership.

The Company President shall notify the Board Secretary, in writing, within 15 days of the termination of any member of the Company.

The Company President shall see to it that an Active Membership Roster is maintained in spreadsheet format and provide such Roster to the Board Secretary on the last day of any month in which any changes are made in the information contained in the Roster.

The Active Full Membership Roster spreadsheet shall include at least the following information:

Last Name
First Name
MiddleName/lnitial
Physical Street Address
Physical City Address
In District (Y/N)
Mailing Address
Mailing City Address
State
Zip Code
Home Phone

Mobile Phone
Email Address
Membership Class
Subsidiary Group
Qualification (Interior, Exterior, EMT, for example.)
Date of Last Physical Exam
Date of Last CPR Class
Rank
Staff ID
FDID
EMS Number
CFR Number
Driver's License Number
Date Driver's License Expires
EVOC Y/N
Date Joined Company

The Company President shall provide the Board with a full and complete Roster of Retired Life Members as of January I of each year. The Roster, listing names only, shall be submitted to the Board at its first meeting of each calendar year.

(Adopted by the ECFD Board of Commissioners on August 14, 2019)
(*Amended by the ECFD Board of Commissioners on June 10, 2020)
(Amended by the ECFD Board of Commissioners on November 11, 2020 removing the requirement that every member have an active driver's license)

ALCOHOLIC BEVERAGES

The Department may have alcoholic beverages including beer, wine and hard liquor at the firehouse for the personal convenience and consumption of the members of the fire department and their guests, subject to the following rules and regulations. Any deviation from or violation of these rules may result in discipline, including and up to termination.

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 are to be dispensed or consumed in the apparatus. The Department need not be provided approval in order to bring alcohol into the firehouse, except that fundraisers or social gatherings with more than ten persons that will be consuming alcohol requires approval of the commissioners. Parades and post-parade activities are pre-approved by the District for the purpose of permitting members to consume alcohol on premises.

Except at a fundraising event with permission, no alcohol may be sold to the public or to any member of the Department. All alcohol shall be provided at the cost of the Company.

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.

The Department may request permission from the District to provide, sell or offer beer and/or wine at Fundraising events held at the firehouse or off premises. The Department is required to obtain a license from the State Liquor Authority for this purpose. It is preferred that the Department

utilize a vender to sell alcohol instead of being in charge of sales itself, as this limits liability of the Department. Such permission is a privilege and is not required to be provided by the District.

At least one week notice to the District, in writing, requesting permission for alcohol service and/or sales is required, or the District may deny permission. The District may require that the Department provide additional insurance, naming the Company and the District as insured's, unless the District's insurance carrier provides such insurance as part of its pre-paid policy.

Alcohol may also be served at annual Department picnics, Holiday parties or other annual events for Department members and families only. 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.

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 of the recommendations concern observations for intoxication, ages of persons being served and quantity of alcohol being consumed by individuals.

In instances where the Department is attending events such as parades, meetings or conventions and Fire District vehicles are utilized, the Chief or Officer in Charge shall select and designate drivers who will not consume alcohol.

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

All active 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.

ANNUAL INSPECTION DINNER

The Annual Inspection Dinner may be held each spring following the election of Company officers for the next year and the annual physical inspection of District facilities and equipment by the District Board. Subsidized by the District, the dinner is intended to honor all the Company's dedicated volunteers, serve as the installation ceremony for new officers, and recognize outstanding performance and public service during the previous year.

The annual District budget may include a specific "Inspection Dinner" line item. The District may provide a subsidy up to that dollar amount toward the cost of the overall dinner event. The District may reimburse the Company up to the budgeted amount upon submission of a voucher with receipts. The Company is free to spend its funds to enhance the dinner beyond what the Board subsidy will cover.

District subsidy funds shall not be used to pay for alcohol. If alcohol is to be provided with Company funds, the committee shall notify the District in writing at least 10 days in advance. The District shall contact its insurance company to arrange coverage for an inspection dinner with alcohol involved.

The Company's Annual Dinner Standing Committee appointed by the Company President to organize the dinner shall include two Board members.

The final invitation list for persons who are not a member of the Company, or a member's spouse or guest, shall be submitted to the Board members on the standing committee for review before an invitation is transmitted. Board members and a guest shall be invited.
Because state law specifically limits the District subsidy to an "annual firefighter's inspection-dinner", all related printed materials shall refer to the event as the "inspection dinner."

(Policy updated on 11/14/18)

APPOINTMENT OF NON-MEMBERS AT EMERGENCY SCENES

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 this department's 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 s/he operates in his/her 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 he was approved, as if he was a member of this department. The chief shall ensure that such member is in good standing with his/her 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 this department's V.F.B.L. coverage and any other coverage which is granted to members for the duration of the emergency.

Happening Upon a Scene

The District hereby grants the insurance protection to its members who happen upon an emergency scene and render assistance, but only to emergencies that occur within Dutchess County. Such individual shall cease rendering services as soon as the home department instructs them to cease rendering services, and such individual shall no longer be covered by this District's VFBL, if the individual is instructed to cease rendering assistance. An individual who is permitted to continue to operate at an emergency scene shall then be vested with that Department's VFBL, unless no such coverage exists, in which it shall be provided by this District. No person shall receive such coverage if they are looking to find emergencies or if they intentionally respond to emergencies in other jurisdictions, without this District's assistance being requested.

APPARATUS DRIVER MINIMUM QUALIFICATIONS

Adopted November 10, 2021

A. Driving District motor vehicles is a privilege, not a right. The Board of Fire Commissioners or the Fire Chief may revoke any firefighter's privilege to drive District motor vehicles at any time with or without cause.

B. Only firefighters which have been approved by the Board of Fire Commissioners shall

1. Operate District motor vehicles;
2. Be Driver Trainers and train firefighters (Driver Trainees) who are seeking to be approved as drivers of District motor vehicles; and
3. Operate District motor vehicles, as a Driver Trainee, while under the direct supervision of a Driver Trainer.

C. No firefighter less than twenty-one (21) years of age, with at least three years of driving experience, and at least one (1) year as a firefighter in that East Clinton Fire District, shall operate any District owned and/or emergency vehicle.

D. Driver Trainees shall not operate any District vehicles under emergency or response situations.

E. All Driver Trainees shall first be qualified on the District's smallest vehicle before progressing to the larger vehicles. In order to be considered for approval to drive a District motor vehicle with a pump and that weighs over 18,000 pounds, the Driver Trainee also must be trained to operate the pump.

F. Firefighters must successfully complete the following courses, or Board of Fire Commissioner approved courses, before the Board of Fire Commissioners will consider such firefighter as a Driver Trainee:

1. EVOC
2. Apparatus Operator / Pump Operations (for any vehicle with a pump)
3. Complete the District driver training program

G. Candidates for approval as a Driver shall be presented to the Board of Commissioners by the Fire Chief, who shall make a recommendation to the Board for approval or non-approval.

H. Any Driver whose motor vehicle license shall be suspended or revoked by New York State shall immediately be removed as an approved Driver of District vehicles, without any notice or action by the Board of Fire Commissioners. Such firefighter shall notify the Fire Chief immediately of such suspension and shall not drive any District motor vehicle until re-approved by the Board of Fire Commissioners.

I. All Drivers and Driver Trainees:

1. Shall possess a valid New York State Motor Vehicle License;
2. Must provide a copy of the front and back of their New York State Motor Vehicle License; and
3. Must participate in the New York State LENS program.

J. Any Driver who shall have attained the age of Seventy (70) years of age on or before December 31 of any calendar year shall cease to be a Driver on the day after the annual meeting of the Board of Fire Commissioners unless and until re-approved as a Driver by the Board of Fire Commissioners.

K. Notwithstanding anything in this policy to the contrary, all firefighters shall cease to be a District Driver and/or District Trainer upon the day said firefighter attains the age of Eighty (80) years of age.

APPLICATION FOR MEMBERSHIP

ADOPTED DECEMBER 16, 2020

This Application for Membership Policy governs the procedure for applications for Active Membership in the East Clinton Fire District.

Applications for Membership in the East Clinton Fire District shall be considered on a continuous basis and may be presented to the Board of Fire Commissioners (hereinafter "Board") at any regular monthly meeting of the Board.

Active membership is not a right; it is a privilege. There is no requirement that the Board accept any applicant, but no applicant will be rejected due to gender, race, national origin, sexual preference, ethnicity or religion. All Active Members must be at least 16 years of age and be able to meet any and all other qualifications for Active Membership. Active Members who are 16 and 17 years of age shall also be governed by the East Clinton Fire District Junior Fire Fighter Policy.

No applicant shall perform any task in the District until such applicant is approved by the Board. This includes, but is not limited to, responding to emergencies, training, drills, meetings, fundraising, and any other activity of the East Clinton Fire District or the Clinton Volunteer Fire Department (hereinafter "Department").

Applicants shall complete a Department application form which has been approved by the Board. The applicant shall comply with all procedures of the Department to be considered for membership in the Department. The Board will only consider applicants who have been accepted for membership in the Department.

The Department shall submit the application to the Secretary of the Board at any regular meeting of the Board. Such submission shall be in writing. The application must include a copy of the applicant's driver's license (if the applicant possesses one), the background checks for conviction(s) of arson in any degree pursuant to Town Law 176-b(16) and a background check for any conviction(s) of a crime which requires the applicant to register as a sexual offender pursuant to Town Law 176-b(17). The application will not be considered to be complete unless the applicant's driver's license, if possessed, and the results of the background checks are included with the application.

In considering the application, the Board shall adhere to the provisions of Town Law 176-b(2) in approving or rejecting such application. The Board may require the applicant to personally appear before the Board. The Board may require the applicant to submit additional information. Following acceptance or rejection of the application, the Board shall communicate to the applicant, in writing, the Board's acceptance or rejection of the application.

In the event the Board approves the application, such approval will be contingent upon the applicant successfully passing a physical examination performed by the Board's medical provider. The Board shall pay for the cost of the physical examination. The applicant shall submit to such physical examination within 21 days of being notified of the Board's approval of the applicant as an Active Member. In the event the applicant fails to submit to said physical examination within said 21 days,, the applicant shall be deemed to have been rejected by the Board, ab initio.

Adopted Board of Fire Commissioners Meeting December 16, 2020

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 without cause. Persons under the age of 18 may not utilize Blue lights. 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.

No person may operate a blue light outside the fire district.

CELL PHONE USE POLICY

Commissioners and chiefs incur significant personal expenses for their volunteer status service to the Fire District. Cellular phones are a tool utilized by commissioners and chiefs necessary to carry out such duties. Personal funds are often invested by the chiefs and commissioners as part of their commitment to their duties.

In order to limit the amount of personal funds invested by commissioners and chiefs and in order to assist the District and its officers with performing their duties, cellular phones may be provided by the Fire District.

Cellular phones and pre-paid accounts may be provided in an amount up to $75 per month. It is anticipated that a certain amount of personal calls are unavoidable. Therefore, ten (10%) percent of the cellular phone's use are attributed to personal calls, unless such user possesses another phone. It is the duty of the user to declare the personal use to the Internal Revenue Service and state tax department.

Any use over and above the amount paid by the Fire District shall be repaid by the user, unless the user can provide verification of the entire use for District purposes by the user.

CHIEF VEHICLES USAGE POLICY

The District may provide vehicles for use by one or more of the chiefs for the purpose of decreasing response time to emergencies and reducing the personal investment of the operator in carrying out Fire District/department duties. Use of the vehicle is not a right and shall at all times be a privilege which may be revoked or suspended without a hearing by order of the commissioners.

Alternatively, the District may permit chiefs to utilize their own vehicles on behalf of the District. In exchange for such permission, the District hereby imposes rules on the use of personal vehicles as emergency vehicles.

No other person shall operate the vehicle except for a chief or a person designated by the chief. For personal vehicles, no person shall activate the lights or sirens in the vehicle or operate the vehicle when they are in such use, other than the chief(s) or other than a person approved by the Chief.

No person who is not a member of the fire department or other fire department while on official business shall be present in the vehicle when the vehicle is in emergency response mode though the Chief may proceed to the scene or station during an emergency with other persons in the vehicle without utilizing emergency operations. A member of another fire department may be present in the vehicle for a purpose related to fire protection so long as such event would be covered by the Volunteer Firefighters Benefit Law.

No person less than twenty-one (21) years of age shall operate the vehicle for any purpose.

For District owned vehicles, the vehicle shall not be taken to a location which is more than forty miles from the firehouse, except with prior approval of the Board of Fire Commissioners or except for fire district/department business.

For District owned vehicles, the vehicle may be taken to and from work only if the operator is permitted to leave work in order to attend emergencies or can respond while returning from work. In no event shall the vehicle be operated for trips solely for work related purposes.

The vehicle may be taken to training events or conferences out of the District with the permission of the Board of Fire Commissioners.

No chief may respond to an emergency in a district vehicle with a person in the vehicle if the individual is less than sixteen (16) years of age, unless there is another adult present in the vehicle who is fully available to supervise the individual.

An operator may not operate the vehicle if they are impaired by alcohol or drugs.

For District owned vehicles, fuel shall be purchased at a pre-arranged location by the District as needed and without charge to the operator. For personal vehicles, the District will reimburse mileage for actual, reasonable and necessary use for Fire District purposes.

On District owned vehicles and for personal owned vehicles occurring in the line of duty, any damage to the vehicle shall immediately be reported to the commissioners. Any injuries caused by or to the occupants of the vehicle shall be immediately reported to the commissioners.

For District owned vehicles, for tax purposes, the chief's vehicle is deemed to be a "qualified non-personal use vehicle" and is deemed as a working condition benefit. Nonetheless, the operator is required to report to the commissioners any personal use of the vehicle that was not in the name of the Fire District and is expected to report any personal use to the Internal Revenue Service.

The vehicle shall only be operated while obeying all East Clinton Fire District rules, procedures and policies including all New York State traffic laws including Vehicle and Traffic Law 1104.

CODE OF ETHICS

Declaration of policy and purpose

The proper operation of the District requires that District commissioners and officers be impartial and responsible to the fire department and the public. They must not have interests that would be incompatible with the proper discharge of their responsibilities or tend to impair their independence of judgment or action in the performance of their official duties and responsibilities. Decisions and policies must be made in the proper channels of District structure and free from undue influence. Positions with the District must not be improperly used for personal gain. Commissioners and officers must strive to avoid even the appearance of impropriety. Each of these ideals is to ensure that the public has confidence in the integrity of this District. The purpose of this Code of Ethics is to maintain and enhance a tradition of responsible and effective public service by setting forth standards of ethical conduct to guide commissioners and officers in the conduct of their responsibilities.

Definitions

"Confidential Information" means any information, however transmitted or maintained, that is obtained, possessed or controlled by such District commissioners or officer by reason of his position with the District, and by its nature is such that it is not known to the general public or is not a matter of public record.

A prohibited gift, as addressed by this policy, shall include a gift of more than $75.00 in value. Such a gift includes, but is not limited to, entertainment, food, beverage, travel and lodging to the extent that the gift value exceeds $75.00 for any one occasion and $150.00 total in any one year from the same person or business entity. A gift also includes a loan that is not commercially reasonable. Prohibited gifts do not include the following:

- A loan made on terms that is commercially reasonable and not more favorable than loans made in the ordinary course of business.

- Any gift regardless of value from a family member.

- Certificates, plaques or other ceremonial awards costing less than $75.00, except for any award given by a municipality or Fire District, not-for profit corporation, another Fire District or ambulance service or this District for service as a District commissioners or officer.

- Honorary degrees.

- A meal, ticket, beverages, and lodging costing less than or equal to $75.00, but only if the total of all such gifts from a particular person or business does not exceed $150.00 in one year.

"Financial benefits" include promotions, commissions, rewards, raises and direct compensation.

An "interest" shall include a direct or indirect, pecuniary or material benefit accruing to such person as the result of a contract with the District.

Prohibited interests shall not include a contract or business advantage where no direct or indirect financial gain may be obtained, such as where a person is merely an employee that will not receive any financial benefit from the result of a decision of the District.

"Officers" for the purpose of this policy shall include the Fire District secretary and treasurer and the chiefs of the fire department.

Principles of the District

The principles which must guide the conduct of District commissioners and officers include, but are not limited to, the following:

District commissioners and officers shall endeavor to pursue a course which shall not raise suspicion among the public that they are likely to be engaged in acts that are in violation of their trust as District commissioners or officers;

No District commissioner or officer shall engage in, accept employment or render services when the employment or services: (1) are incompatible with the proper discharge of the official duties of such person; or (2) would tend to impair independence of judgment or action by such person in the performance of that person's official duty.

District commissioners and officers shall not disclose confidential information acquired in the course of their duties as District commissioners or officers, nor use such information to further their own personal, family or present or known future business interests. This shall not prohibit revealing information known to the public at large;

District commissioners and officers shall not use or attempt to use their positions or influence to secure unwarranted privileges or exemptions for themselves or others, either before the District or otherwise;

District commissioners and officers shall not engage in any transaction as a representative of the District or municipality which contracts with the District or with any business entity in which they have a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of their duties as a District commissioners or officers;

District commissioners and officers shall not accept a gift, as defined above, from any person or business which has any pending business transactions or has an interest in a decision of the District, including but not limited to decisions involving purchases, provisions of supplies, construction, hiring and legislation. District commissioners and officers shall not accept privileges unavailable to the general public which are offered in order to gain favor from such individual regarding a decision of the District.

District members shall comply with the District's "Prohibition of Financial Interests" policy.

PROHIBITION OF FINANCIAL INTERESTS

Application of Policy

This policy shall regulate the conduct of District commissioners and officers. It shall apply to such person's financial and business interests.

Persons regulated by this policy shall be deemed to have an interest in a contract or business of:

- his or her spouse, minor children and dependents;
- a firm, partnership or association of which such individual is a partner, member or employee;
- a corporation of which such individual is an officer, director or employee; and
- a corporation, any stock of which is owned or controlled directly or indirectly by such individual, except that a prohibited interest shall not include an investment interest in a business in which such person owns or controls less than five (5%) percent of the business or outstanding shares.

This policy shall not apply to a contract in which a commissioner or officer has an interest if the total consideration payable under that contract, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum of seven hundred fifty ($750.00) dollars.

Prohibitions

No interested commissioner or officer of the District may:

- vote or speak on any matter in which he has any interest, financial or otherwise, direct or indirect;
- vote to do business with any entity in which he has a prohibited interest;
- attempt to implement, prevent or change any legislation before the Fire District, which is in substantial conflict with the proper discharge of his duties as a District commissioner or officer or would obtain a financial advantage or himself, family, or business; or
- represent a client before the District or appear before the District on behalf of a client;
- Express an opinion on any matter in which such person has a prohibited or conflict of interest.

Required conduct upon conflict arising

Prior to any vote, any duality of interest or possible conflict of interest on the part of any commissioner or officer shall be disclosed to the other persons voting on the matter and shall be noted in the minutes.

Such interested person may be counted in determining the quorum for the meeting. The minutes of the meeting shall reflect that a disclosure was made, the abstention from voting and the quorum situation.

No member, commissioner or executive or line officer having a duality of interest or conflict of interest on any matter shall vote or use his personal influence on the matter.

No conflict may be waived, even by vote of the commissioners. A person accused of having an interest but disagreeing with the accusation may vote by secret ballot. Such person's vote shall be sealed. Should the vote of such person affect the outcome of the matter, the District may seek an opinion from the Comptroller, the Attorney General, the District's attorney or a Code of Ethics Committee, or from any other trusted and non-interested source as to whether a conflict exists.

Every new commissioner and officer of the District, or a new chief must be advised of this policy upon entering on the duties of his office. Forms acknowledging this policy must be executed by

every new commissioner, officer or chief. This policy shall be reviewed at least annually with every commissioner, officer and chief.

Commissioners and officers shall be required to disclose annually, in writing, all financial interests in which they or family members may have before the District and any other information as required by the District.

Commissioners and officers must exercise their duties and responsibilities in the public interest of the inhabitants of the municipality(s) served.

_____

A sample (brief) form is as follows:

Name:_____

Date of acknowledgement:_____ for the calendar year of _____.

Position held: [ ] member [ ] commissioner [ ] executive officer [ ] line officer

List all potential businesses with which the District presently does business in which any personal, family or business interest exists, as defined by the code of ethics policy._____

Do you now or in the next year expect to represent any person or business entity before the District? __Yes ___No

Do you now or in the next year expect to solicit any business from the District? ___yes ___ no. If yes, state in full such disclosure.

ACKNOWLEDGMENT

I acknowledge that I have read the District's conflict of interest policy and code of ethics and I agree to abide by such policies at all times. I have made a full disclosure of all interests and shall make an additional written disclosure should such a conflict arise.

_____
[name]

CONTROL OF 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:

- Response to emergencies
- Training, drills and education out of the District, after approval by the Chief, who should notify the Board of Commissioners if possible.
- Parades in and out of the District, after approval by the Chief and the Board of Fire Commissioners
- Fundraisers in the District, after approval by the Chief, but for out of District, after the additional approval of the Chief and the Board of Fire Commissioners
- Travel to conferences, after approval by the Chief and the Board of Fire Commissioners
- Stand by coverage out of District for non-emergencies, after approval by the Chief.

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

CREDIT /DEBIT CARD POLICY

PURPOSE

The District shall not issue credit cards to any commissioner or officer.

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 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.

Removal from an operational assignment is not misconduct. No member has any right to any operational assignment.

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
    E. Drugs or alcohol
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
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 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.

Temporary suspension. The Chief of the Department shall hold the members or officers of the fire department strictly to account for neglect of duty and may suspend them for improper conduct, subject to the action of the Board of Fire Commissioners at its next meeting. At the meeting of the Board, the Board may vote to overturn the suspension or to continue the suspension up to one year, or to seek dismissal of the member or officer. If the Board of Fire Commissioners desires to impose a longer suspension up to one year, the Board may initiate such proceedings on its own motion.

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 for an appropriate period of time, up to an additional two months. 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.

Hearing panel. Either the fire commissioners as a body, an officer appointed by the commissioners, or a hearing panel appointed by the commissioners, shall serve as the fact finding panel. The commissioners, officer or panel shall make a written record as to their findings of fact. No person that has particular knowledge of material disputed facts to the event(s) in question shall serve on the Board of Commissioners for this purpose or on a hearing panel.

Notice of Charges. The Chair of the Fire District, or his designee, shall provide the member with the notice of charges which provides all charges alleged with specific dates. The charges shall specifically state the charges and the specific conduct in question, as well as any specific rule violated if applicable. The notice and a copy of the charges shall be served personally. Such notice

shall provide the member with at least ten (10) days and no more than thirty (30) days notice of an administrative hearing. The member shall be advised that it is permitted to submit a written response at any time before the hearing. The notice shall also state the time and place of the hearing, and shall advise that the member may be represented by counsel. The notice shall also state the name of the hearing panel members. The member shall be afforded four days from receipt of the notice to object to the members of the hearing panel, but the only reasonable objection is that a member of the committee is biased or was a witness. Upon receiving an appropriate objection which the Chairperson deems reasonable, a new member may be added to a hearing panel or the individual will be removed from the decision making body of the commissioners. There must be at least three remaining commissioners to vote on the discipline.

The hearing. There may be a prosecutor or officer charged with proving the charges. If no such position is filled, the commissioners or hearing panel will simply run the hearing. At a hearing, the member will be permitted to present a defense to the charges. The board or hearing panel will determine what the facts of the incident(s) are and will render a statement of facts for each charge. The member may present proof that could serve to mitigate any punishment if he desires. A stenographer may be employed to record the hearing if the board, hearing panel or member/officer desires the same.

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.

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).

EAST CLINTON FIRE DISTRICT
SUBSTANCE ABUSE POLICY
Adopted July 15, 2020

The East Clinton Fire District Board of Fire Commissioners (hereinafter the Board) recognizes drug and alcohol abuse as a problem affecting all professions, including firefighters. East Clinton Fire District firefighters having such problems are encouraged to seek diagnosis and follow through with treatment that may be prescribed by any qualified professional in order to address the problem as early as possible.

The East Clinton Fire District has the responsibility to provide the highest quality service to its taxpayers and the responsibility to ensure the safety of Fire District firefighters and the general public it serves. Any impairment of a firefighter's physical or mental condition as a result of substance abuse, may endanger the firefighter, endanger those around the firefighter and affect the Fire District's ability to meet these responsibilities.

This Substance Abuse Policy shall cover all Active Members of the East Clinton Fire District and the members of the Clinton Volunteer Fire Company. Violations of this Substance Abuse Policy may result in disciplinary action that may include suspension, expulsion or termination from the East Clinton Fire District and membership in the Clinton Volunteer Fire Company.

Copies of this Substance Abuse Policy, and all subsequent changes or modifications, shall be made available to all East Clinton Fire District firefighterss and Clinton Volunteer Fire Company members.

POLICY

The use, consumption, sale, transfer, possession, distribution or manufacture of alcohol, drugs or any controlled substances, drug paraphernalia, or any combination thereof, or the misuse of legally prescribed medication, on any premises of the East Clinton Fire District including, but not limited to, Fire District owned vehicles and any private vehicles parked on Fire District premises by members of the East Clinton Fire District or members of the Clinton Volunteer Fire Company is strictly prohibited. Notwithstanding the foregoing, the use and possession of alcohol on Fire District premises shall be permitted only with the prior, specific, written approval of the Board.

Any member of the East Clinton Fire District or the Clinton Volunteer Fire Company who uses, consumes, sells, transfers, possesses, distributes or manufactures alcohol, drugs or controlled substances on any premises of the East Clinton Fire District; or any member found to have his/her ability impaired due to the use of alcohol, drugs, controlled substances, or misuse of legally prescribed medications, whether while on Fire District premises or not, will be subject to disciplinary action. Disciplinary action may include, but is not limited to suspension and/or expulsion from the East Clinton Fire District. The East Clinton Fire District may also pursue any and all additional legal remedies at its disposal.

Any Member who has legally used, or is legally using, un-prescribed medication or legally prescribed drugs, and such use results in such member having his/her ability impaired due to the use of such medication or drugs, will be subject to disciplinary action.

The East Clinton Fire District has a zero-tolerance for alcohol, drugs or controlled substances. Any individual who tests positive for alcohol, drugs or controlled substances pursuant to this Substance Abuse Policy shall be subject to discipline.

MANDATORY DRUG TESTING

The East Clinton Fire District may direct, at any time, that the East Clinton Fire District's annual physical shall include a drug, alcohol or controlled substance test. If the Board so decides, all Active Members shall be so tested.

The East Clinton Fire District hereby orders that a Member shall submit to a drug alcohol or controlled substance test under the following circumstances:

A. Any personal injury motor vehicle accident involving an East Clinton Fire District vehicle;

B. Any personal injury motor vehicle accident involving any personal motor vehicle being operated in the course of East Clinton Fire District business, including, but not limited to, responding to and from a fire or EMS alarm.

C. When at least two superior officers, at least one of whom must be a District Fire Chief or Assistant Fire Chief, state there is reasonable suspicion to believe alcohol, drugs or controlled substances are affecting the firefighter's or member's behavior and/or performance, the Fire Chief or the Assistant Fire Chief shall order the firefighter or member to immediately submit to a drug, alcohol and controlled substance test by an independent third party provider, as designated by the Board. Reasonable suspicion to believe that alcohol, drugs or controlled substances are affecting the firefighter's or member's behavior and/or performance, shall be the only basis upon which testing may be initiated. In all cases, all reasonable and diligent efforts must be made to immediately advise the District Fire Chief and a member of the Board of the grounds for the reasonable suspicion.

The Fire Chief or the Assistant Fire Chief shall immediately suspend the individual from all District and Company activities pending the final results of the test and subsequent disposition of the matter.

The individual being ordered to a test shall submit a sample at the required time and place, must cooperate with the collection of the sample, and must cooperate in the administration of the test and/or sign any document reasonably required for the testing. The cost of the initial testing shall be paid by the Fire District.

In the event the individual fails or refuses to submit a sample or fails to cooperate in the administration of the testing in any way shall be suspended immediately for six (6) months, in

addition to any further discipline which the Board may determine to be appropriate. Such individual will also, upon reinstatement to Active Membership, be subject, for a period of one year following reinstatement, to additional drug and alcohol tests on a weekly basis, or as determined by the Board.

In the case of a positive test result, the individual may elect to have the same sample tested by a New York State-licensed laboratory of his/her choice, at his/her expense, within three (3) business days of notification of the initial positive test result.

In the case of a negative test result, the Board shall seal the record and the Board shall exercise strict confidentiality in the matter.

All disciplinary procedures shall be conducted pursuant to General Municipal Law Section 209-l, as amended from time to time.

NEW MEMBERS AND EMPLOYEES AFTER JULY 15, 2020

It is the policy of the East Clinton Fire District to provide drug, alcohol and controlled substance testing for individuals applying for Active Membership with the East Clinton Fire District

All candidates for Active Membership shall be required to submit to a drug, alcohol and controlled substance test. In the case of a positive test result, the individual may elect to have the same sample tested by a New York Stated-licensed laboratory of his/her choice, at his/her expense, within three (3) business days of notification of the initial positive test result.

A positive test result or the failure to submit a sample for testing shall disqualify the candidate for consideration for Active Membership in the East Clinton Fire District.

RANDOM DRUG TESTING

The Board reserves the right to implement a random drug testing program at any time. Due notice will be provided in the event such program is implemented.

ELECTION PROCEDURES FOR CHIEFS

The election process for chiefs shall be as follows:

On the first Thursday after the first Tuesday of December, the Active Members of the Company shall meet to nominate to the Board of Fire Commissioners candidates for the following offices:

(1) The Chief;

(2) 1st Assistant Chief;

(3) 2nd Assistant Chief.

Only Active Members in good standing with the Company, who are at least eighteen years of age, and who have served at least one year as an active member in the Company may vote for the chief officers.

The Company shall immediately submit the nominations to the Secretary of the Board of Fire Commissioners. Such nominations are subject to approval or rejection by the Board of Fire Commissioners.

Unless otherwise removed from office, the term of office of the Chiefs shall be until the next annual reorganizational meeting of the Board of Fire Commissioners. Duly elected chiefs shall assume office immediately upon approval by the Board of Fire Commissioners, and shall serve until their successors are approved by the Commissioners.

(Revised at the February 16, 2022 Board of Fire Commissioners meeting.)

EQUIPMENT RETURN

No member of the fire department shall maintain any item provided to them by the Fire District as a result of being a member of the fire department, including but not limited to turnout gear, pager, keys, lights and sirens. Members may maintain personal clothing.

All Fire District issued equipment, as defined above, which is in the temporary possession of any member of the Fire District fire department shall be returned to the Fire District at the time the member separates from the Fire District. Any member who, despite demands to return such equipment, keeps any equipment owned by the Fire District shall be responsible for the replacement value of the equipment.

FINANCIAL POLICY OF FIRE DISTRICT

1. No bill shall be paid unless at least three (3) of the commissioners shall approve the bills, as evidenced by at least three (3) commissioner signatures on each voucher for each bill or payment and as stated in the minutes.

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 commissioners shall sign each check. The treasurer shall not have signing authority. The check book shall be maintained in the District office's in a secure location. At least one commissioner shall not have check signing authority and this Commissioner(s) shall act as the internal auditor for the District. No person shall sign a check payable to him/herself or payable to cash. In the event that a check is made payable to a check signer, then a different commissioner shall sign.

5. 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.

6. 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.

7. The treasurer shall issue cash receipts for all cash received and shall maintain a duplicate receipt log of the receipts issued, which shall be audited to ensure all receipts have been deposited.

8. Approval of Expenses in Advance of Charge. Expenses may be approved up to a certain amount in advance of the actual charge for such item. This shall permit persons to attend training, conferences and shows. However, limits shall be placed on the expenses incurred. Receipts and vouchers must be turned in just as any other expense in order for reimbursement to be made. Sales Tax Exempt Certificates or proof of exemption shall be utilized whenever possible.

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. An annual (at least annually) audit shall be performed of the books by one of the commissioners. The auditor shall examine the following:

   (a) Bank reconciliations are performed and are current
   (b) Bank balances agree with the financial/accounting records
   (c) Monies are deposited timely
   (d) Cash payments were actually deposited and accounted for
   (e) Receipts are comparable between years, or otherwise explained
   (f) Records are posted up to date
   (g) Transactions are properly recorded and easy to review
   (h) Reports are timely and accurate
   (i) Reports agree with the records, receipts, vouchers, statements
   (j) All voided checks are accounted for
   (k) Investment accounts are presented and reported
   (l) The bottom of the bank statement is reviewed to make sure that there are no "out of sequence" checks written.
   (m) The vouchers are in order and missing checks are accounted for

11. "Quickbooks", "Quicken" or "Peachtree Accounting" or similar accounting programs should be used to maintain financial records of the Fire District. Financial reports including a print out 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

12. 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

13. 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.

14. All deposits shall be made within ten (10) days of the receipt of the funds.

15. All financial records shall be open to the public for public inspection.

16. The "Uniform System of Accounts" as suggested by the Comptroller should be used for budget line items of revenues, expenses and reserve funds.

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.

FIREARMS POLICY

Except for Police Officers, no person shall bring a firearm into the East Clinton Fire District's firehouse. No person shall carry a firearm into a fire or onto a scene, but shall leave their firearm in their vehicle or elsewhere off scene.

FIXED ASSET CAPITALIZATION POLICY

The East Clinton Fire District will regard its assets (including buildings, land or rights to land, and certain equipment, vehicles and furnishings) as fixed assets and shall regard those assets as capitalized, when all of the following criteria are met:

(1) The Asset, when purchased, built or leased, shall have a useful life of one year or more.

(2) The cost of the Asset (including installation) is $20,000 or more. Multiple identical Assets whose individual cost is less than $20,000 but the aggregate total of all identical Assets is $20,000 or more are capitalized, as if they are a single Asset.

(3) The cost of repairing or renovating the Asset is $20,000 or more and prolongs the life of the Asset.

The Fire District shall establish an inventory of its Fixed Capitalized Assets. The inventory will include a brief description of the Asset (or group of Assets), the location of the Asset, its original estimated useful life, its remaining estimated useful life, its current condition, and its estimated replacement value.

The Fire District will regard software programs as fixed Assets, subject to the required criteria in this capitalization policy, and will amortize the cost of the Asset over an estimated useful life of three (3) years. Costs associated with software maintenance and customer support are considered expenditures which will not be capitalized.

Other Considerations:

(1) IMPROVEMENTS are expenditures for additions, alterations and renovations that appreciably prolong the life of the Asset, materially increase its value or adapt it to a different use. The cost of Improvements made to an Asset shall be capitalized.

(2) REPAIR is an expenditure that keeps the property in ordinary efficient operating condition. The cost of the repair does not add to the value or prolong the life of the Asset. All repair expenditures are charged to the appropriate department and fund and shall not be capitalized.

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 or Chair shall make diligent attempts to be present during the hours of 7pm – 9pm during the weekday for the purpose of meeting with any person submitting a sufficient response.

Records may only be obtained from the Chairman, Chief or 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 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, which includes the above three items. Resolutions within the minutes shall be categorized, at least, as follows and may include other resolutions:

- Purchasing Resolutions
- Admissions of Members
- Discipline of Members
- Financing Resolutions
- Fundraising Resolutions
- Financial Report Resolutions
- Sales of Asset Resolutions
- Creation, Amendment or Deletion of Policy Resolutions

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;

(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:

(1) when identifying details are deleted;

(2) when the person to whom a record pertains consents in writing to disclosure;

(3) 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 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.

A sample response letter is as follows:

> Dear XXXX:
>
> We have received your request for documents of the Fire District. We are reviewing the request and will advise you within twenty (20) days whether or not we will grant your request. If we grant your request, you must produce the fee for the documents, which will be twenty-five (.25) cents per page. We will advise you as to the number of pages. If we deny the request, we will provide the reason for the denial.

If the District determines to grant a request in whole or in part, and if circumstances prevent disclosure to the person requesting the record or records within twenty (20) business days from the date of the acknowledgement of the receipt of the request, the District will state, in writing, the reason for the inability to grant the request within twenty business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part. The failure to conform to these requirements constitutes a denial on the part of the District.

The District must provide a copy of the documents upon payment of the fee for copying. The person making the request may also demand that the District certify the accuracy of the documents. Alternatively, the District may certify that it does not have possession of the documents or that it cannot find the documents after making a diligent search for them.

An acceptable certification is as follows, and should be signed by the person that maintains the document in the ordinary course of business.

> XXXXX, the secretary of the Fire District, hereby certifies and avers that I have produced a true and accurate copy of the document as requested. I maintain the original in the ordinary course of business of the Fire District.

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.

FUNDRAISING EVENTS

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

A notice must be given to the Fire District secretary. The notice 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) set forth the names of the firefighters who will serve on each of the committees in connection with the activity.

The notice shall be delivered to the secretary of the District. If the District fails to act on the request for approval within thirty (30) days after notice is provided, then approval shall have been granted by default.

In the event of a recurring activity (such as a monthly or weekly event), one notice shall suffice per year.

The District may request information on the amount of funds spent by the fire company, the attendance of the community at the event, the amount of funds raised by the fire company, and the benefit to the fire company, its members and the public, to determine whether the risk of permitting the event is acceptable to the rewards of holding the event.

SECURITY PERSONNEL AT FUNDRAISING EVENTS

In the event that the fire company utilizes security personnel at field days or other fundraising events, only registered security personnel are permitted to perform security work. However, the law makes an exception for a Not-For-Profit Corporation so long as the security personnel are only hired for a period of up to fifteen (15) days per year. So long as the fire company is incorporated as a Not For Profit Corporation, it may avoid using registered security guards.

INDEMNIFICATION

It is the policy of the 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 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.

JUNIOR FIREFIGHTER POLICY

1. Membership: Junior firefighters shall be a sub-class of active members. They shall be considered active for all purposes under the Volunteer Firefighters Benefit Law.

2. Admission: Junior firefighters may be between the ages of sixteen and eighteen years of age. In order to join, they must have the signature of one parent or guardian to join. They shall be approved first in accordance with the fire company's bylaws. They shall then be reviewed for approval by the District. The District may deny membership for any non-discriminatory reason.

3. Dismissal. Junior Firefighters may be dismissed by the Company or District for any reason the Company or District deems fit and for other reasons as outlined in the District's or Company's discipline policy, including but not limited to the following:

   (a) Misconduct as defined in these policies
   (b) Insubordinance as defined these policies
   (c) Poor grades in school
   (d) Demonstrated inability to handle mature situations
   (e) Breach of Privacy
   (f) Conduct unbecoming a member
   (g) Breach of policies
   (h) Conviction of any crime
   (i) Drug or alcohol use

4. Duties. Junior Firefighters shall have no right to perform any operational assignment and shall only perform those assignments as the Chief sees fit to permit. Persons under eighteen (18) may not perform any of the following activities until they reach the age of eighteen (18):

   (a) Serve as an interior firefighter. They may train to become an interior firefighter in a properly supervised course of instruction and become cleared as an interior at age 18;
   (b) Utilize hydraulic tools, except in properly supervised training;
   (c) Operate or drive emergency vehicles, except in supervised training;
   (d) Perform roof operations, except in properly supervised trainings and only then with proper ladder belts;
   (e) Utilize power tools, except in properly supervised trainings;
   (f) Be present on a highway or busy roadway during an actual emergency;
   (g) Operate inside any hazardous environment;

(h) Perform any other task which, in the sole judgment of the Chief, presents a substantial danger to the health or safety of the Junior Firefighter.

5. Limit on other activities: Firefighters under the age of eighteen (18) years of age shall not be present in the firehouse during school days after 9pm. In no circumstances shall any Junior Firefighter be present in the firehouse with less than two adults present (persons at least 18 years of age). Junior Firefighters shall not be permitted to smoke on the property. Junior Firefighters may never be present in the firehouse after hours of 9pm, except in the event of an emergency.

LEAVES OF ABSENCE

1. Academic Leave. Requests for academic leave are made to and or approved/rejected by the Company, with notice to the Board of Fire Commissioners. The Company may grant a member up to one academic semester at a time. No member on Academic Leave shall return to duty until receiving approval of the Chief. The member may then be granted an additional Academic Leave upon returning to school upon an additional written approval of the Company. The individual who receives approval for a semester at a time and is permitted to attend functions within that semester does not need approval to resume their leave within that pre-approved semester. An individual must receive the approval of the Chief to return and must complete the requirements imposed by the Chief upon returning, or the individual may be terminated without due process upon the failure to meet such requirements. The Chief shall notify the Board of any termination and any approval or denial of leaves of absence. The failure to return to active status within thirty days within the end of the leave of absence shall result in the automatic termination of the member without due process, upon the delivery of a registered letter to the member. The Chief may reassign duties and assignments based upon the experience of the individual. As an example, the Chief may remove the interior status of an individual and reassign them to scene support.

2. Personal Leave. Requests for personal leave are made to the Company President, who shall forward the request (without the reasons) to the Board of Fire Commissioners. Chiefs shall receive the approval of the Board in order to be permitted to take a leave of absence for personal reasons. The President may grant a member up to three months at a time which may be renewed upon request to the Board, with notice to the Board of Commissioners. An individual must receive the approval of the Chief to return and must complete the requirements imposed by the Chief upon returning, or the individual may be terminated

without due process upon the failure to meet such requirements. The failure to return to active status within thirty days from the end of the leave of absence shall be deemed a resignation and excessive absenteeism and shall result in the automatic termination of the member without due process, upon the delivery of a registered letter to the member and notice to the Board of Commissioners.

3. Medical Leave. Requests for medical leave are made to the Board of Fire Commissioners. The Board may grant up to six (6) months of leave at one time. An individual must receive the approval of the Chief to return. Any member on leave for a medical reason shall not return unless the member's physician and the District's physician has confirmed in writing that the member is physically and emotionally fit for active service. The Chief may impose requirements of the member upon returning to service.

4. Military Leave. Military leaves shall have a maximum duration of five years and the leave shall be counted towards a member's time with active service in the Department, except for qualifications for a chiefs' status. Members on military leave shall return to active duty with the Department no later than two (2) months after returning from military service. Persons on military may return to Active Service only after notifying and receiving approval from the Chief.

Persons on leave shall not participate in responses to emergencies, and shall not participate in hands on training. They may attend social events. Except for members on medical leave, they shall not attend or participate in company meetings. Persons on medical leave only may watch drills or participate in classroom activities to receive credit but may not participate in hands on training.

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.

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 log-ins 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 assess 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.

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.

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.

EMPLOYEE AGREEMENT ON USE OF E-MAIL AND THE INTERNET

I have read, understand, and agree to comply with the foregoing policies, rules, and conditions governing the use of the District's computer and telecommunications equipment and services. I understand that I have no expectation of privacy when I use any of the telecommunication equipment or services. I am aware that violations of this guideline on appropriate use of the e-mail and Internet systems may subject me to disciplinary action and potential criminal liability. I further understand that my use of the e-mail and Internet may reflect on the image of the District and that I have responsibility to maintain a positive representation of the District. Furthermore, I understand that this policy may be amended at any time.

Dated: _____ Personnel: _____

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. 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, other than equipment belonging to the District.

(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 or any individual. Harassment shall be reported, investigated, and disciplined in accordance with the applicable harassment policy.

The Chief 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 Chief or the Board of 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 East Clinton 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.

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.

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 LOSAP Fund (if any) 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:

a. Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisers with which the District will do business; and

b. 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:

a. 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;

b. Investing cash funds primarily in securities with maturities of one year or less in certificates of deposit or equivalent low risk investments; and

c. 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, taking into account 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 or 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.

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.

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.

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.

6. 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%

7. 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 quarterly 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 Membership and 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.

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 Board shall have primary responsibility for the Investment Policy.

(Revised 07/16/19)

KITCHEN POLICY

No person under eighteen years of age may participate in cooking or serving over an open flame, with deep fat fryers that are equipped with and utilize devices that automatically lower and raise a basket into and out of the oil and grease.

LENS PROGRAM

The operation of East Clinton Fire District motor vehicles is not a right, it is a privilege granted by the Board of Fire Commissioners, which privilege may be revoked at any time, without notice.

The East Clinton Fire District participates in the New York State Department of Motor Vehicles License Event Notification Service (LENS). LENS provides the Fire District with information concerning the driver's license records of Fire District firefighters.

All firefighters are urged to authorize the Fire District to receive information from LENS about their driver's license by supplying a copy of their driver's license to the Fire District. Firefighters who elect not to participate in LENS:

1. Shall not drive any East Clinton Fire District vehicles; and
2. Shall not drive their personal vehicles to any East Clinton Fire District event, including, but not limited to, alarms, work details, checkouts, drills, etc. Such use of a firefighter's personal vehicle will be at the firefighter's sole risk; Fire District property and liability insurance shall not protect such firefighter.

In the event LENS notifies the Fire District of an event concerning a firefighter's license, the Board of Fire Commissioners may make a determination whether said firefighter shall continue to drive Fire District vehicles and whether said firefighter shall be permitted to use a personal vehicle to attend Fire District events.

Any firefighter who, after participating in the LENS program, shall have the right to terminate participation in the LENS program by giving written notice to the Board of Fire Commissioners of same. Such firefighters shall be bound by the same provisions of those firefighters who elect not to participate in LENS.

No prejudice shall accrue to any firefighter who declines to participate, or withdraws from participation, in LENS.

Adopted: Board of Fire Commissioners Meeting, May 15, 2019

MEDIA RELATIONS

All members are required to direct any media questions or concerns to a chief officer. All media releases will be approved by the Board of Fire Commissioners. 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.

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 his/her physician attesting to the member's ability to meet the District's physical abilities policy. If the member will be unable to perform their duties for a prolonged period of time, the member should request a medical leave from the Chief.

When a member has an injury, illness, operation or other medical problem requiring a physician's attention which impairs his ability in any way to meet the physical and/or mental abilities policy, he/she 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 an extended medical leave. It is desired 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. The Chief will maintain a log and folder of those members on medical leave, but shall not include the reason therein.

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. All notes are placed in the member's personnel folder and kept in perpetuity.

The Assistant Chiefs must also be notified by the Chief of any member going on and returning from medical leave or out of service temporarily but not on a leave. This action is necessary to insure members are not participating in activities that could injure their health.

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. Although the Fire District believes that a pregnant individual should not expose their unborn child to the hazards of firefighting (such as hazardous materials and conditions), the District will leave this decision up to the woman in consultation with her physician. Pregnant women are required to obtain a physician's determination of the date that they must stop participating in all or certain activities and may return with a physician's statement they are capable of performing the duties of their position. 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.

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:

- Set a positive example of the conduct of a member of the Fire Department, whether in the community or within the fire department

- Serve as a role model to other members in such areas as:

    - training
    - education
    - dedication to the Department
    - problem solving
    - responding to emergencies
    - assisting other members and officers
    - ethical behavior

- NOT speak negatively or non-constructively about an officer or member

- Publicly support each of the officers and the decisions of the higher ranking officers or of the company officers

- Assist other members and officers in need of training, education, or task performance assistance

- Serve as an example of leadership, ethical behavior, and pride in the department

- Be open to each other's ideas and accept constructive criticism

- Communicate effectively and honestly with each other

- Not be insubordinate to officers

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:

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

PHYSICAL ABILITY POLICY

Adopted July 15, 2020

1. This Physical Ability Policy shall apply to all Active Members. Active Members shall be classified as follows:

A. Interior Firefighter
B. Exterior Firefighter
C. Scene Support
D. EMT/EMS
E. Driver/Operator
F. Fire Police

All Active Members must meet the physical requirements of their classification, as set forth below.

2. All candidates for Active Membership shall submit to, and successfully pass, a physical examination for the candidate's classification, prior to the District's consideration of the candidate's Application for Active Membership. Pursuant to Town Law Section 176-b, The Board shall not be obligated to consider a candidate's application until, among other items, the receipt of the candidate's physical examination report.

3. Active Members shall perform duties only in their respective classifications.

4. The District shall maintain a list of classifications and the tasks need to be performed for each classification. All Active Members must be physically and mentally capable to perform all tasks of the classification to which the Active Member aspires.

5. An Active Member's classification may be reviewed and changed by the District at any time. The District shall review each Active Member's classification at least annually. The District shall notify the Active Member when the District changes such Active Member's classification.

6. Any Active Member who desires a classification which requires a higher physical ability examination, for example, from Operator to Interior Firefighter, must first advise the Chief, in writing, of such request. Such Active Member must submit to, and successfully pass, the physical examination for the Active Member's new classification. The Active Member's physical shall be paid for by

the District and must be performed by the District's medical provider, unless prior, written approval is given by the District. In all cases, the District's Physical Ability Form must be used.

7. Any Active Member who believes they are unable, for any reason, to perform the activities of their classification, either temporarily or permanently shall report same to the Chief. The Chief may:

A. Assign a different classification to the Active Member; or

B. Specifically limit the duties, in writing, of the Active Member, up to and including removal from active duty.

The Chief may take the same actions for any Active Member who has an obvious injury or disability which, in the Chief's opinion, prevents such Active Member from performing the tasks of such Active Member's classification.

In all cases, the Chief shall confidentially report the ongoing status of the Active Member to the District and such Officers as the Chief deems appropriate.

Such Active Member shall not be reinstated to the Active Member's prior classification without District approval. The District may require the Active Member to submit to and successfully pass a physical examination performed by a medical doctor prior to such Active Member returning to the Active Member's prior classification. The Active Member's physical shall be paid for by the District and must be performed by the District's medical provider, unless prior, written approval is given by the District. In all cases, the District's Physical Ability Form must be used.

8. All physical examinations shall be performed by the District's medical provider, unless prior, written approval is given by the District. In all cases, the District's Physical Ability Form must be used. The District shall pay for all initial and annual physical examinations. The financial cost of any further treatment, tests or examinations shall be the responsibility of the Active Member and not the District. No second opinions will be paid for by the District. Challenging opinions will not be considered.

9. Each Active Member, and each candidate for Active Membership, acknowledges and consents that the District medical provider shall provide the District with a report of the Active Member's physical examination. The District shall maintain a confidential record of the physical exams of all former and current Active Members and candidates for Active Membership. All former and current

Active Members shall have the right to review his or her record of physical examinations upon request to the Chief at reasonable times and upon reasonable notice.

10. The District shall inform all Active Members of the dates, times and location for the annual physicals. Nevertheless, it is each Active Member's responsibility to insure that the Active Member undergoes an annual physical examination. All Active Members are required to undergo and pass the physical for their respective classification by October 31 of each year. Any Active Member who has failed to undergo their physical by October 31 of each year shall, without notice of any kind, be suspended from all District and Company activities. The District shall use a good faith effort to notify any such Active Member of the requirement to undergo an annual physical. Notwithstanding the foregoing, in the event any Active Member who has failed to undergo their physical examination by December 31 shall be removed as an Active Member without any further action by the District. Any Active Member so removed may not be reinstated, but may submit an Application For Membership as set forth in this Policy.

11. An Active Member shall be subject to discipline, up to and including expulsion as an Active Member, for violating any portion of this policy.

12. Each Active Member shall be physically and mentally able to perform the following tasks for the classification of such Active Member. The tasks must be able to be performed without jeopardizing the Active Member's health and safety, or the health and safety of others.

A. Interior Firefighters - Capable of extreme physical exertion in full turnout gear, including the strength and flexibility to lift up to 100 lbs., climb stairs and ladders, pull, roll and rack hose, get and store equipment such as pumps and 12-foot ladders, and other essential job duties without posing a risk to themselves or others. Must demonstrate the respiratory and cardiac capacity of wearing a respirator and/or SCBA for up to 40 minutes while performing these duties.

B. Exterior Firefighters - Capable of extreme physical exertion in full turnout gear, including the strength and flexibility to lift up to 100 lbs., climb stairs and ladders, pull, roll and rack hose, get and store equipment such as pumps and 12-foot ladders, and other essential job duties without posing a risk to themselves or others.

C. Scene Support - Capable of moderate to high physical exertion in light protective gear, including the strength and flexibility to lift up to 50 lbs., climb stairs, roll and rack hose, get and store equipment such as pumps and 12-foot ladders, and other essential job duties without posing a risk to themselves or others.

D. EMT/EMS - Capable of moderate to high physical exertion in light protective gear, including the strength and flexibility to lift up to 100 lbs., climb stairs, and other essential job duties without posing a risk to themselves or others.

E. Driver/Operator - Capable of moderate to high physical exertion in light protective gear, including the strength and flexibility to lift up to 50 lbs., climb stairs and ladders, roll and rack hose, get and store equipment such as pumps and 12-foot ladders, and operate heavy equipment and other essential job duties without posing a risk to themselves or others.

F. Fire Police - Capable of moderate physical activity in light protective gear, including the strength and flexibility to lift up to 50 lbs., stand for up to four hours at a time in any type of inclement weather, and other essential job duties without posing a risk to themselves or others.

PAYROLL POLICY

Should the District at any time hire employees, they shall be paid at least monthly, no later than one week after the pay period ends, on a Friday, for the prior month's activity.

PURCHASING POLICY

Policy Statement

The 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 District shall be pursuant to this policy.

Goals of Purchasing Policy

The goals of the 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. The secretary shall briefly document the

report in the minutes or shall attach a written report to the minutes of the person making such recommendation of any major purchase, such as those over $5,000.

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.

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.

These policies shall be reviewed annually.

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.

Estimated amount of Purchase Contract	Pre-Purchase Requirement
$0 - $1,499.99	None
$1,500 - 4,999.99	2 verbal quotations
$5,000 - $19,999.99	3 written/faxed quotations

Estimated amount of Public Works Contract	Pre-Purchase Requirements
$0 - $1,499.99	None
$1,500 - 4,999.99	2 verbal quotations
$5,000 - $34,999.99	3 written/faxed quotations

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 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 $20,000 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 contact 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;

- 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
- 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
- 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 true lease has no nominal fee buyout provision. A true residual value may be permitted for a buyout.
- 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:

- Attorneys
- Accountants for other than an audit
- Physicals performed by physicians
- Computer programmers
- Architects
- 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

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.

The advertisement shall contain a statement of the time when and place where all bids received.

All bid solicitations shall state that it will not permit electronic bid submission.

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.

All bids received shall be publicly opened and read at the time and place specified in the notice.

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

All bidders shall provide an appropriate bid bond.

All bids shall be sealed until the time when all bids shall be opened together.

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.

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.

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.

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,

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, he or she 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.

PURCHASING POLICY ADDENDUM
Adopted August 12, 2020

The East Clinton Fire District Board of Fire Commissioners (hereinafter the Board) recognizes that day to day repairs, maintenance and supplies of and for the Fire District's emergency equipment are necessary so as not to compromise the ability of the Fire District to provide proper and effective emergency services. Such repairs, maintenance and supplies may require the Fire Chief, the Assistant Fire Chiefs and the EMS Captain to obtain supplies, repairs and maintenance in a timely manner prior to obtaining Board approval.

This Purchasing Policy Addendum is intended to supplement, but not contradict, the Board's approved Purchasing Policy or New York State General Municipal Law Article 5-A. This Purchasing Policy Addendum is to provide a method to facilitate the Fire Chief, the Assistant Fire Chiefs and the EMS Captain to obtain supplies for, and to repair and maintain Fire District emergency equipment in full working order.

A. In the event the Fire Chief or an Assistant Fire Chief:

1. Determines that Fire District emergency equipment requires repair or maintenance; and

2. Determines that approval for such repair or maintenance cannot be delayed until the next meeting of the Board; and

3. Such repair or maintenance does not exceed the total cost of 2,500;

then the Fire Chief or the Assistant Chief may secure such repair or maintenance pursuant to the following procedure:

1. Good faith efforts must be made to advise the Fire Chief (if it is an Assistant Fire Chief who deems such repair or maintenance is necessary) and the Chairman of the Board of the need for such repair or maintenance.

2. If the total cost of the repair or maintenance is less than $1,500, the Fire Chief or Assistant Fire Chief is authorized to procure such repair or maintenance. In no event shall the authority granted herein exceed the total cost of $3,000 in the period of time between Board meetings.

3. If the total cost of the repair or maintenance is more than $1,500 but less than $2,500, the Fire Chief or Assistant Fire Chief shall, before procuring such repair or maintenance:

I. Obtain not less than two verbal quotes for such repair or maintenance; and

II. Obtain the approval of the Chairman of the Board, or in the Chairman's absence, the Vice-Chairman.

In no event shall the authority granted herein exceed the total cost of $5,000 in the period of time between Board meetings.

B. The Fire Chief and the EMS Captain are hereby authorized to expend a sum not to exceed $500 each per month for replacement emergency services supplies, but only if such replacement supplies are needed prior to the next meeting of the Board.

All such expenditures made pursuant to this Purchasing Policy Addendum shall be reported by the Chief or the EMS Captain, as the case may be, in writing, to the Board at the Board's next meeting.

The Board may review, rescind or amend this Purchasing Policy Addendum at any time.

The authority granted to the Fire Chief, the Assistant Fire Chiefs and the EMS Captain shall expire, without any further action of the Board, on December 31 of each calendar year. At the Board's reorganizational meeting in January of each year, the Board may consider a resolution as follows:

"Upon motion made and seconded, the Board hereby

1. Approves the East Clinton Fire District Purchasing Policy Addendum as attached hereto; and

2. Authorizes the Chief, the Assistant Chiefs and the EMS Captain to expend the funds as provided for herein, limited by, and only for the purposes as set forth in the East Clinton Fire District Purchasing Policy Addendum."

PROPERTY TAX DEDUCTION

All active members of the Fire District who have been enrolled for at least five (5) 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 of Clinton those members who have at least twenty (20) years of active service in the Department.

RECORD RETENTION

The following records should be maintained at least for the period stated:[1]

Record type	Retention time
Alarm records	6 years
Attendance lists	1 year
Attendance records of those at alarm	3 years
Controlled burn records/releases/approvals	3 years
Equipment issued to personnel	1 year after equipment disposed of
Emergency Medical Service Records	
Reports containing billing information	7 years
Reports **not** containing billing information:	1 year
Summary data received from New York State Department of Health	0 after no longer needed
Fire investigation records:	
First, second or third degree arson investigation records, disaster or casualty investigation records, or records of investigations of major fires or significant fires of suspicious origin:	Forever
Fourth degree arson investigation Records	10 years
Routine fire investigation records, not arson related	3 years
Master summary of all investigations	Forever
Fire hydrant records:	

[1] A complete list of record retention rules may be obtained from: http://www.archives.nysed.gov/a/records/mr_pub_mu1_sections_accessible.html

Master record of hydrant location	0 years after superseded
Installation, repair, location, maintenance, inspection and replacement records	3 years after hydrant replaced, removed or discontinued
Fire mutual aid plans:	
Final plan with maps and attachments	Forever
Background materials and supporting documents in producing final plan	3 years after final plan completed
Fire safety inspection records:	
Master summary record of inspections	Forever
Report on inspection at school, public building, multifamily dwelling, or commercial or industrial facility and notice of violation	21 years
Report on inspection of single family dwelling and notice of violation	6 years
Hazardous materials records	3 years after hazard abated
Information reports from county fire Coordinator	0 years
List of all calls/summaries	Forever
Patient care records	6 years, or 3 years after individual treated and/or transported reaches age 18, whichever is longer
Procedures and policies	Forever, even those that are superseded
Property hazard reports	Destroy when obsolete
Readiness checklists	3 years
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
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
Rescue response reports	3 years, but not until 3 years after any minor involved attains age 18
Summary record of all patients treated	3 years
Training records-generally	6 years after individual leaves service
Application for training	6 months
Certificate of training	7 years (or longer with Personnel files)
Vehicle upkeep records	3 years

Financial

Audits	Forever
Budgets	Forever
Cancelled checks	6 years
Cash records	6 years
Copy of Federal determination of error in wage reports (Form OAR-S30 or equivalent record):	6 years after determination received
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

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.	6 years after termination of employment
For benefit plan:	6 years after termination of employment
Employee's personal earnings record used to prove end-of-year total earnings, retirement or other deductions and taxes withheld:	6 years
Employee's declaration of intention to accept or reject Social Security:	10 years after employee dies or reaches age 75, whichever is shorter
Financial reports	Forever
Invoices	6 years
Purchase orders	2 years
Signature cards	6 years after end of authorization
Vouchers	Forever
Payroll	
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
Employee’s voluntary deduction payroll form:	5 years after authorization expires
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
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
Employee's Withholding Exemption Certificate (Form W-4), or equivalent form:	5 years after a superseding certificate is filed or employment is terminated
Employer's copy of New York State income tax records relating to employees:	5 years after tax was paid
Payroll, including information on gross and net pay, base pay, taxes, and other deductions:	
Year-end payroll, including detailed information necessary for salary verification for retirement and social security purposes:	55 years
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
Periodic payroll, not including detailed information necessary for salary verification for retirement and social security purposes:	6 years
Warrant authorizing payment of salaries based on a specific payroll, if maintained separate from payroll itself:	6 years
Preliminary draft of payroll:	0 after warrant authorizing payment of salaries is signed
Municipality's information copy of school, fire or special District payroll:	0 after no longer needed
Payroll or related report covering all employees or an individual employee, and not covered by specific item in this section:	
When needed for audit or other purposes	6 years

Payroll distribution breakdown record used to distribute or classify labor costs:	6 years
Summary record of employee's payroll Changes	6 years
Employee's time cards, sheets or books	6 years
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
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
Record of employee's absences:	6 years, but if posted to cumulative time record, 1 year
Record of assignments, attachments, and garnishments of employee's salary:	
When employment was terminated prior to satisfaction:	6 years after termination of employment
When satisfied	5 years after satisfaction
Schedule or other notification from issuing bank showing savings bond purchased for employee:	5 years after latest bond issue
Games of chance	
Application for and copy of license, investigation report, correspondence and all related records, except financial reports:	3 years after expiration of license or denial of application
Annual financial/operational report submitted to municipality:	6 years
Authority to license bingo and games of chance delegated to local official by	

local governing body:	0 after superseded or obsolete
Financial report submitted quarterly, weekly or at the conclusion of each day's games:	4 years
Lottery, raffle, or other fund-raising game or event records, except bingo or games of chance:	3 years
Master license register, summarizing all information on bingo and games of chance operations in municipality:	6 years after last entry
Miscellaneous	
Certificates of Insurance	6 years after expiration
Complaints	6 years after resolution of complaint
Correspondence – routine matters	6 years
Correspondence- significant events/issues	Forever
Correspondence -	If no value – may destroy immediately
Fundraising records	6 years
Legal Agreements	6 years after expiration
Legal opinions	Forever
Length of Service Awards Program (LOSAP):	
Benefit plan	0 years after superseded
Drafts and supporting documentation used in producing and updating plan	1 year
Annual report (census) received from plan administrator	1 year
Summary records of volunteers listing credits earned and providing breakdown of types of services and how credits earned:	

Annual report:	55 years
Monthly report	3 years
Records showing credits earned and providing breakdown of types of services and how individual earned credits:	6 years after individual leaves service
Copy of initial and vested certificates of membership in award plan	6 years after individual leaves service
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
Beneficiary designation records	0 years after obsolete
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
Grant applications and documents	6 years after awarded grants are fulfilled 6 years for rejected grants
Internal investigations	6 years from resolution of complaint
Minutes of meetings	Forever
Proof of publications	6 years
Records used in legal actions	1 year after completion of legal action
Special program files	6 years after program ends
Successful bids	4 years
Personnel	
Acceptance letter	Forever
Fuel records	6 years
Job description	Forever

Letter of resignation	Forever
Maintenance & repair records	6 years after vehicle is no longer in use
Oaths	Forever
Personnel records	Forever
Policies and procedures handbook	Keep that policy in effect with individual members/employees until 6 years after separation
	6 years after separation from person
Postal records	1 year
Reference letters	Discard after acceptance
Resume	Discard after acceptance
Telephone logs	1 year
Theft reports/vandalism	6 years

RED LIGHTS AND SIRENS ON PERSONAL VEHICLES

The Board of Commissioners may grant and/or revoke to the Chief and Assistant Chiefs, the privilege of displaying red lights and using sirens, in accordance with the New York State Vehicle and Traffic Law, while responding to emergency calls. The emergency lighting and siren package must conform to all state regulations qualifying the vehicle as emergency vehicle. The District reserves the right to revoke or suspend this authorization without cause. The District will pay for the cost of installation and removal of the red sirens, but will not pay for damage to the vehicles. No person is required to display or utilize red lights and sirens.

REFRESHMENTS AT EVENTS

The District shall not provide funding for refreshments at meetings of the members.

The District may spend up to $10.00 per active member present (or anticipated to be present) for refreshments at drills, trainings, parades, funerals, inspections and reviews. 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.

REPAIR RESERVE FUND

Pursuant to General Municipal Law 6-d, the Fire District hereby establishes a repair reserve fund. There may be paid into such fund an amount as stated in the District's budget appropriation. Alternatively, unexpended funds not allocated to another reserve fund or to a specific purchase may be paid into the fund.

The District shall designate one or more banks for the deposit of the reserve funds. The designation shall be made by resolution of the Board of Commissioners, when the resolution to create the fund is approved. The resolution shall specify the maximum amount which may be kept on deposit at any time in each such bank. The designations and amounts may be changed at any time by further resolution.

Accounting of funds and investment of funds

The moneys in the repair reserve fund shall be accounted for separate and apart from all other funds of the Fire District. The commissioners may invest the moneys in such fund subject to certain limitations under the law. Regular savings accounts are acceptable methods to earn interest. Any interest earned or capital gains realized on the moneys must accrue to and become part of the reserve fund.

Emergency repairs and repayment of funds

The law states that moneys in a repair reserve fund may be appropriated for repairs of capital improvements or equipment, which repairs are of a type not recurring annually or at shorter intervals. If the repairs do not occur annually or at shorter intervals, then they will be eligible for payment from a repair reserve fund. Emergency repairs are those that do not occur annually or at shorter intervals and are thus permissible expenditures.

In cases of an emergency, moneys in the repair reserve fund may be expended pursuant to a resolution approved by not less than two-thirds of commissioners (4/5). However, not less than one-half of the moneys spent from the reserve fund must be repaid in the next year immediately following the fiscal year in which such moneys were expended. The total amount must be repaid not later than the last day of the second fiscal year succeeding the fiscal year in which the moneys were expended.

No referendum required

A referendum is not required either for the establishment of a repair reserve fund or for the expenditure of money from such a fund. However, prior to any appropriation (except an emergency

appropriation) from a repair reserve fund established by the Fire District, a public hearing must take place after notice has been published. The notice must state in substance that it is proposed to appropriate a specified amount from the repair reserve fund and name the particular purpose. The notice must also state that a public hearing on the proposed appropriation will be held at a time and place stated therein. At least five days must elapse between the publication of such notice and the date specified for the hearing.

RESIDENCY REQUIREMENTS

Applicants for active membership in the 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) A resident in a territory in which the fire department provides fire protection pursuant to contract for cash consideration;

(3) By reason of the location of the applicant's usual occupation, the applicant is available to render active service in the area listed in paragraphs (1) and (2);

(4) A resident in the vicinity of the Fire District or in the vicinity of territory in which any company provides fire protection pursuant to contract for cash consideration.

The term "vicinity" shall be defined as within twelve (12) miles from any border of the East Clinton Fire District or any Fire Protection District which is protected by a paid contract by the East Clinton Fire District.

The term residency is defined as where the person is domiciled, or keeps his belongings.

Once a new applicant is approved by the membership, the name of such applicant must be submitted to the Fire District's Board of Commissioners for approval. The membership of any applicant shall become effective when approved by a resolution of the Fire District.

As to those applicants who are either a resident of the Fire District or a resident of a territory served by fire department pursuant to a contract for cash consideration:

If the Fire District's Board of Commissioners takes no action on the application, by either approving or disapproving of the application, then the application is deemed approved after forty (40) days after service of written notice of election upon the Fire District secretary, either personally or by mail.

As to other qualified applicants meeting the other residency requirements.

If the board of fire commissioners takes no action on the application, by either approving or disapproving of the application, then the application is deemed approved after seventy (70) days after service of written notice of election upon the Fire District secretary, either in person or by mail.

A new member that is not yet approved by the Fire District may not perform any services or participate in any trainings, drills, standby's or any other activity where injury may occur.

RESIDENCY REQUIREMENTS FOR CHIEFS

The chiefs need not reside in the District.

SEXUAL HARASSMENT

THIS POLICY WAS UPDATED BY BOARD RESOLUTION ON FEBRUARY 13, 2019.

PLEASE SEE NEW POLICY ON PAGE 152.

PAGE INTENTIONALLY LEFT BLANK.

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, including buildings leased by 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.

TRAVEL POLICY

Expense Reimbursement of Commissioners, Employees and District Officers

Applicable to: Chiefs, Commissioners, Fire District Secretary and Treasurer, Paid Employees

The chiefs, commissioners, the secretary, the treasurer and any paid employees of the Fire District may be reimbursed for travel expenses incurred in the performance of their duty. These travel expenses include but are not limited to reimbursement for actual and necessary driving expenses, or in lieu thereof, a mileage allowance for the use of their own automobiles used in performance of their duties as a line officer or paid employee.

Fire company officers such as the captains and lieutenants may not be reimbursed for travel expenses, unless they are training expenses as defined below.

A reasonable expense also includes the amount of time a chief's personal vehicle was left idling while at the scene of an emergency or other fire or rescue call.

Reimbursement for Attendance at Conferences

Applicable to Chiefs, Commissioners, Fire District Secretary and Treasurer

The Fire District Board of Commissioners may, by a majority vote, authorize any or all of the commissioners, the secretary and/or the treasurer, the chief or assistant chief of its fire department to attend a conference. Such authorization must be by resolution adopted prior to such attendance, entered in the minutes of the Fire District.

For purposes of this policy, a conference is defined as a convention, conference, or school conducted for the betterment of any Fire District or a convention or conference of firefighters or fire officers if believed to be of benefit to the Fire District.

Such conference travel shall be for official business and shall be made using a cost-effective and reasonable method of travel.

All actual and necessary registration fees, all actual and necessary expenses of travel, meals and lodging and all necessary tuition fees 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.

Attendees must utilize a payment voucher and attach the voucher to the receipts as a request for reimbursement. The payment voucher must be signed by the chairman of the Fire District

authorizing the claimant to attend such conference or if the chairman is absent from such meeting at which the request is made, by another commissioner. If travel is by car, owned by any person authorized to attend, he will receive an amount not to exceed the amount which the Fire District allows as mileage. Mileage will be paid at the IRS mileage reimbursement rate.

No volunteer is entitled to any compensation for the time spent in attending a conference.

Advances of money for estimated expenditures, for registration fees, travel, meals, lodging and tuition fees may be made to a commissioner, chief, secretary or treasurer of the Fire District to attend a conference. However, itemized vouchers showing actual expenditures must be submitted after the conference and moneys advanced in excess of such expenditures must be refunded to the municipality. Expenditures in excess of any estimated rate payment must be audited and re-paid, if necessary, to the Fire District. If an attendee fails to return the excess advance, at the time of submitting his itemized vouchers or upon demand after audit of such voucher, the Fire District will deduct the amount of the unreturned excess advance from the salary or other money owed the officer or employee by the Fire District.

Reimbursement for Attending Training

Applicable to Chiefs, Commissioners, Fire District Secretary or Treasurer

The actual and necessary expenses incurred by a commissioner, Fire District secretary or treasurer, or the chiefs must be reimbursed if the expenses were incurred for attending a course of training for his office provided by the town and county officers training school of New York State for the purpose of improving the administration of municipal affairs. A reasonable mileage allowance is permitted for attending such training in lieu of auditing and allowing a claim for actual and necessary expenses for travel in attending these courses.

This reimbursement is not permitted for attending a regional school unless the District is included within the area of the region established by the board of trustees of the town and county officers' training school of the State of New York. Mileage will be paid at the IRS mileage reimbursement rate.

Applicable to all volunteers

The chief officer of the fire department or Fire District 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 even Canada.

A volunteer firefighter 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 by the chief that the attendance had been authorized by him.

Court Proceedings

The chief officer of the fire department or Fire District may authorize reimbursement for the volunteer officers or members of the department who appear before a court or other tribunal:

(a) when the judicial or other proceeding relates to activities arising from the duties of the volunteer fire officer or firefighter; and

(b) 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

(c) the volunteer fire officer or firefighter has not been given immunity by a court or other tribunal in relation to such proceedings; and

(d) the volunteer fire officer or firefighter has no financial interest in the outcome of such proceedings; and

(e) the volunteer fire officer or firefighter has been issued a subpoena to appear and give testimony in such action or proceeding; and

(f) 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, he 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 he was 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.

Reimbursement of Expenses

The Fire District adopts the Receipted Method of income reimbursement.

A full per diem is considered to be dinner the first day, lodging, and breakfast the following day. Incidental expenses such as tips to bellmen, porters, and hotel maids are included in the per diem.

Breakfast on the first day and dinner on the last day will also be reimbursed provided they meet the same requirements for arrival and departure times as for day trips. Only breakfast and dinner are reimbursable meals. Lunch is not a reimbursable expense.

Receipted Method

This method provides reimbursement of actual lodging costs based on the area of assignment, and an allowance for meals. Rate is based on federal rates for the area of the lodging.

- Receipts for lodging are required. IRS maximum per diems apply.

- Receipts are not required for any meals associated with overnight travel.
- Meals to be paid are dinner for the first night and breakfast the next morning.
- Individuals must attach the original lodging receipt to the travel voucher.
- All taxes are included in the maximum allowances. For out of state travel, taxes are not included in the maximum lodging amount, and may be reimbursed.

IRS Publication 1542 should be consulted, at: http://www.irs.gov/pub/irs-pdf/p1542.pdf for the applicable rates.

Additional Reimbursements

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

Breakfast

Individuals will be allowed reimbursement for breakfast if they have to leave at least one hour before their normal work starting time.

ex: regular hours are 9-5, they are entitled if they have to leave before 8.

Dinner

Individuals are allowed reimbursement for dinner if they return at least two hours later than their normal work ending time.

ex: regular hours are 9-5, they are entitled to dinner if they return after 7.

Day Trips

Meals may be reimbursed if time of departure and return meet the requirements discussed earlier.

without meal receipts: $5 breakfast and/or $12 for dinner.

with meal receipts: up to the maximum per diem meal allowance for area

All meal reimbursements not associated with overnight travel, called day trip reimbursements, are considered taxable to the recipient by the IRS.

For breakfast on the first day or dinner on the last day of an overnight trip, travelers may claim the federal per diem allowance for the area of assignment.

Lowest Price Required

All travel must be made by the lowest cost option. If travel by air or vehicle is the cheapest option, and a more expensive option is chosen, only the lowest reimbursement method will be paid.

Plane Travel

The lowest cost airfare and seating must be utilized. If higher priced seating is used, the maximum reimbursement will be the amount of the lowest cost airfare and seating. Fairs from taxis or busses, and parking, may be reimbursed to get to and from plane and point of destination. 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.

Cash Advances

A cash advance may be provided to travelers who are in travel status for at least one day. The advance = number of days of travel x per diem rate for that area.

If lodging is paid by another method, the amount of the advance will only be the meal rate for that area multiplied by the number of days. The maximum amount that may be advanced at one time is $400. Travel out of state permits advances to be made in advance of $400.

Non-Reimbursable Travel Expenses

- Personal grooming services, such as barbers, hairdressers and shoe shines
- Car rental insurance purchased for domestic travel
- Child care
- Corporate card delinquency fees or finance charges
- Dues in private clubs
- Frequent flier and other similar awards for hotel and car rentals
- Gym and recreational fees, including massages and saunas
- In-room movies
- Insurance costs such as life insurance, flight insurance, personal automobile insurance and baggage insurance
- Laundry or valet service for travel of fewer than five days
- Lost baggage
- Loss or theft of cash advance money, airline tickets, personal funds or property

- "No-show" charges for hotel and car service
- Parking tickets or traffic violations
- Personal automobile repairs
- Personal credit card annual fees
- Personal telephone charges in excess of reasonable calls home, generally one per day
- Pet care
- 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.

WHISTLEBLOWER/DISCLOSURE POLICY

Preamble

The District's goal is to create a culture of intolerance to fraud, abuse or errors which result in 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.

Policy and Procedure

A. The District shall designate each Commissioner who has no check signing authority as a compliance officer.

B. All personnel are required to report any good faith belief of any violation of the Code of Ethics or any improper payments or expenditures to the Compliance Officer. As outlined below, personnel may make anonymous reports if they so chose. 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.

C. No retribution or retaliation in the terms and conditions of employment or volunteering shall occur as a result of such reporting, so long as such reporting was not determined to be malicious and knowingly false.

D. Simple errors and unintentional violations should be reported to a line officer 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. This policy is not intended to require personnel to bring all simple errors to the attention of the Board. All personnel have the right to receive an answer, upon inquiry, as to the District's action with regard to the issues that they report.

E. Allegations of fraud, significant abuse or a knowing violation of the Code of Ethics shall be reported to the Compliance Officer. 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.

F. The Compliance Officer shall keep copies of all reports, regardless of the manner by which they were reported.

G. The reporter, as a volunteer or employee of the District, shall have the right to request the conclusions of the Compliance Officer and shall have the additional right to request whether or not any corrective action was undertaken. The District shall have the right to demand that the reporter sign a confidentiality agreement for it to receive any information regarding the reported incident. 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.

H. The Officer shall inquire from the reporter as to its satisfaction with the disposition of the matter.

I. The Board shall advise the 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.

J. If the reporter is not satisfied with the results, if the reporter still believes that the fraud or abuse has occurred and has not been satisfactorily addressed, and only if the reporter is an employee or volunteer, the Officer shall advise the reporter that it may make a report to the appropriate state or federal agency.

WORKPLACE VIOLENCE PREVENTION PROGRAM

POLICY STATEMENT

The Fire District is concerned and committed to our employees' safety and health. The term "employees", for purposes of this policy, includes all officers, volunteers, commissioners, the secretary and treasurer, and any employees. The Department will not tolerate violence in the workplace and will make every effort to prevent violent incidents from occurring by implementing a Workplace Violence Prevention Program ("WPVP"). The District will provide adequate authority and budgetary resources to responsible parties so that our goals and responsibilities can be met.

All managers and supervisors are responsible for implementing and maintaining the District's WPVP Program. The District encourages employee participation in designing and implementing our program. We require prompt and accurate reporting of all violent incidents whether or not physical injury has occurred. We will not discriminate against victims of workplace violence.

A copy of this Policy Statement and our WPVP Program is readily available to all employees from each individual with authority, such as the Chief and members of the Board of Commissioners.

Our program ensures that all employees, including the chiefs, line officers and the Board of Commissioners, adhere to work practices that are designed to make the workplace more secure, and do not engage in verbal threats or physical actions which create a security hazard for others in the workplace.

All employees are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment.

The District Board and the Chief are responsible for ensuring that all safety and health policies and procedures involving workplace security are clearly communicated and understood by all employees. The Board and the Chief are expected to enforce the rules fairly and uniformly.

The District's Workplace Violence Prevention Program will be reviewed and updated annually or as otherwise required by incidents.

WORKPLACE VIOLENCE PREVENTION PROGRAM

THREAT ASSESSMENT TEAM

A Threat Assessment Team has been established. As part of its duties, it will be required to assess the vulnerability to workplace violence on District premises and in the community and reach agreement on preventive actions to be taken. The team will be responsible for auditing our overall Workplace Violence Program.

The Threat Assessment Team will consist of members of the Board of Commissioners, the Chief and the Assistant Chiefs.

The Team will develop training programs in violence prevention and plan for responding to acts of violence. The Team will communicate this plan internally. The Team will begin its work by reviewing previous incidents of violence at The District's firehouse(s) and all buildings owned by the District and/or fire company. The Team will analyze and review existing records identifying patterns that may indicate causes and severity of assault incidents and identify changes necessary to correct these hazard. These records include but are not limited to, OSHA 200/300 logs, past incident reports, medical records, insurance records, workers compensation records, police reports, accident investigations, training records, grievances, minutes of meetings, etc. The team will communicate with similar local businesses and trade associates concerning their experiences with workplace violence.

Additionally, the Team will inspect the workplace and analyze the community and evaluate the work tasks of all employees to determine the presence of hazards, conditions, operations and other situations with might place our employees at risk of occupational assault incidents. Employees will be surveyed to identify the potential for violent incidents and to identify or confirm the need for improved security measures. These surveys shall be reviewed, updated and distributed as needed or at least once within a two year period.

Periodic inspections to identify and evaluate workplace security hazards and threats of workplace violence will be performed by the Fire Chief and the Assistant Chiefs.

Periodic inspections will be performed once every six months.

HAZARD ASSESSMENT

The Threat Assessment Team has completed the hazard assessment. This consisted of a records review, inspection of the workaday and employee survey.

Records Review - The Threat Assessment Team reviewed the following records:

____ OSHA 200/300 logs for the last three years

____ Incident reports

____ Records of or information compiled for recording of assault incidents or near assault incidents

____ Insurance records

____ Police reports

____ Accident investigations

____ Training records

____ Grievances

____ Other relevant records or information: _____

_____

From these records, we have identified the following issues that need to be addressed:

- The mere presence of firefighters (and EMTs) out in the community during responses to emergencies or their participation in other activities, including but not limited to being present in homes and in the streets, opens them up to violent acts, whether intentionally directed towards them or indirectly;
- Firefighters and EMTs, as emergency workers, and the firehouse as a symbol in the community, are potential targets of terrorist attacks;
- Arsonists may intend on harming any persons in a house or attempting to save a house from fire;
- Members of the public may enter into the firehouse(s) with the intent to harm individuals;
- Critical incident related stress of the firefighters which could result in unanticipated and uncharacteristic violent acts.

WORKPLACE SECURITY ANALYSIS

Inspection - The Threat Assessment Team inspected the workplace. From this inspection the following issues have been identified:

- Bay doors and exterior doors are usually closed and secured, but may be left open during times when members are in the firehouse(s).
- The public may be in the firehouse(s) on occasion, which may result in the inability to prevent planned acts of violence.
- The community in general, as our "workplace" is hazardous in general, posing the threat of violent acts, including terrorist acts, arson, and physical harm.

General issues of emergency responder safety. The threats to emergency responders outside of the confines of The District's offices are well known. These threats include, but are not limited to:

- Weapons of Mass Destruction
- Assault with weapons
- Intoxicated or drug influenced individuals

- Domestic violence
- Arson
- Driver rage
- Criminal acts in progress or concluding
- Terrorist Acts
- Chemically Assisted Suicide

Review of Tasks - The Threat Assessment Team also reviewed the work tasks of our employees to determine the presence of hazards, conditions, operations and situations which might place workers at risk of occupational assault incidents. The following factors were considered:

- Responding to emergencies of all sorts
- Remaining in a place which is a target of terrorism, such as the fire house/ambulance or municipal office
- Exchange of money with the public
- Working alone or in small numbers
- Working late at night or early in the morning hours
- Working in a high crime area
- Guarding valuable property or possessions
- Working in community settings
- Staffing levels
- Presence at community/District meetings with angry individuals

From this analysis, the following issues have been identified:

- Employees need to be educated as to the methods of protecting themselves and others when out in the public;
- Employees need training to recognize the possibility of initial and secondary terrorist attacks;
- Employees need to be educated as to the methods of identifying potential hazards to themselves, their fellow employees, and others
- Commissioners face potentially violent acts from members of the community during District meetings or while out in the community.

WORKPLACE SURVEY

Under the direction of the Threat Assessment Team, we distributed a survey among key employees to identify any additional issues that were not noted in the initial stages of the hazard assessment.

From that survey, the following issues have been identified:

- [see the above list]

WORKPLACE HAZARD CONTROL AND PREVENTION

In order to reduce the risk of workplace violence, the following measures have been recommended:

- Training has been implemented to educate employees in the risks associated with responding to emergencies, including all of the risks above, such as terrorism, arson, domestic violence, and road rage.
- Security access to buildings has been reviewed and implemented.

Management has instituted the following as a result of the workplace security inspection and recommendations made by the Threat Assessment Team, including the following policies and training:

- The firehouse will not remain unlocked and unsecured at times when persons are not in the firehouse;
- The general public will not be permitted to walk around the firehouse;
- Training will be instituted as above indicated.

These changes were completed.

TRAINING AND EDUCATION Training for all employees, including managers and supervisors, will be provided annually. This training will be repeated every two years.

Training included:

- a review and definition of workplace violence;
- a full explanation and full description of our program (all employees were given a copy of this program at orientation);
- instructions on how to report all incidents including threats and verbal abuse;
- methods of recognizing and responding to workplace security hazards;
- training on how to identify potential workplace security hazards (such as no lights in parking lot while leaving late at night, unknown person loitering outside the building, etc.)
- training on the hazards specific to serving as a firefighter and being present at emergencies and throughout the community;

- Potential violent acts caused by critical incident stress of members;
- review of measures that have been instituted in this organization to prevent workplace violence including:
    - use of security equipment and procedures;
    - how to attempt to diffuse hostile or threatening situations;
    - how to recognize threats of violence
    - methods of how to avoid becoming involved in or trapped by a violent situation during an emergency response
    - weapons of mass destruction training, and terrorism awareness, and hazardous
    - how to summon assistance in case of an emergency or hostage situation;
    - post-incident procedures, including medical follow-up and the availability of counseling and referral.

Additional specialized training was given to:

- Chiefs, line officers, select members.
- All members will complete: Hazardous Materials Awareness.
- Interior Firefighters will complete: Hazardous Materials for First Responders

Refresher training will be repeated every two years.

Trainers will be qualified and knowledgeable. Our trainers are professionals and will either be from in-house or in the community.

All training records will be filed with the office of the Chief.

Workplace Violence Prevention training will be given to new employees as part of their orientation and throughout their training, as appropriate. Not all of the training will be given initially, as some of it becomes more applicable as the employees progress throughout their education and skill levels (such as arson issues).

A general review of this program will be conducted every two years. Our training program will be updated to reflect changes in our Workplace Prevention Program.

INCIDENT REPORTING AND INVESTIGATION

All incidents must be reported within **forty-eight hours**. An "Incident Report Form" will be completed for all incidents. One copy will be forwarded to the Threat Assessment Team for their review and a copy will be filed with the Chief.

Each incident will be evaluated by the Threat Assessment Team. The team will discuss the causes of the incident and will make recommendations on how to revise the program to prevent similar incidents from occurring. All revisions of the Program will be put into writing and made available to all employees.

RECORDKEEPING

We will maintain an accurate record of all workplace violence incidents. All incident report forms will be kept for a minimum of **seven years**, or for the time specified in the Statute of Limitations for our local jurisdiction, such as for the duration of an employees' employment (membership) as a result of any injury. The record retention policy will dictate these timelines.

Any injury which requires more than first aid, is a lost-time injury, requires modified duty, or causes loss of consciousness, will be recorded on the OSHA 200/300 log. Doctors' reports and supervisors' reports will be kept of each recorded incident, if applicable.

Incidents of abuse, verbal attack, or aggressive behavior which may be threatening to the employee, but not resulting in injury, will be recorded. These records will be evaluated on a regular basis by the Threat Assessment Team.

Minutes of the Threat Assessment Team meetings shall be kept for **seven years**.

Records of training program contents, and the sign-in sheets of all attendees, shall be kept in accordance with the Record Retention Policy. Qualifications of the trainers shall be maintained along with the training records.

POLICY STATEMENT OF THE DISTRICT

The District is concerned and committed to our employees' safety and health. The District refuses to tolerate violence in the workplace and will make every effort to prevent violent incidents from occurring by implementing a Workplace Violence Prevention Program (WPVP). The District will provide adequate authority and budgetary resources to responsible parties so that our goals and responsibilities can be met.

All Chiefs, line officers and Board of Fire Commissioner members are responsible for implementing and maintaining our WPVP Program. We encourage participation in designing and implementing this program. The District requires prompt and accurate reporting of all violent incidents whether or not physical injury has occurred. The District will not discriminate against victims of workplace violence.

A copy of this Policy Statement and our WPVP Program is readily available to all members, commissioners, employees and officers.

Our program ensures that all members, commissioners, employees and officers adhere to work

practices that are designed to make the workplace more secure, and do not engage in verbal threats or physical actions which create a security hazard for others in the workplace.

All such individuals are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment.

The management of the District is responsible for ensuring that all safety and health policies and procedures involving workplace security are clearly communicated and understood by all employees. Chiefs, commissioners and line officers are expected to enforce the rules fairly and uniformly.

The District's Program will be reviewed and updated annually.

WORKPLACE VIOLENCE PREVENTION PROGRAM

THREAT ASSESSMENT TEAM

A Threat Assessment Team will be established and part of their duties will be to assess the vulnerability to workplace violence at our establishment and reach agreement on preventive actions to be taken. They will be responsible for auditing our overall Workplace Violence Program.

The Threat Assessment Team will consist of the Chief, Assistant Chiefs and each commissioner.

The team will develop employee training programs in violence prevention and plan for responding to acts of violence. They will communicate this plan internally to all members, commissioners, employees and officers.

The Threat Assessment Team began its work by reviewing previous incidents of violence within the District and as are common in other fire departments. The team analyzed and review existing records identifying patterns that may indicate causes and severity of assault incidents and identify changes necessary to correct these hazards. These records included but were not limited to, OSHA 200/300 logs, past incident reports, medical records, insurance records, workers compensation records, police reports, accident investigations, training records, grievances, minutes of meetings, and most importantly, issues common to emergency service workers.

The District has inspected the workplace and has evaluated the work tasks of all individuals to determine the presence of hazards, conditions, operations and other situations with might place our personnel at risk of occupational assault incidents and violence. Select individuals were surveyed to identify the potential for violent incidents and to identify or confirm the need for improved security measures. These surveys shall be reviewed, updated and distributed as needed or at least once within a two year period.

Periodic inspections to identify and evaluate workplace security hazards and threats of workplace violence will be performed by the following representatives of the Assessment Team, in the following areas of our workplace:

1. Within the firehouse(s) and all District and Company owned property;
2. In the Community, for issues first responders face outside of the firehouse;
3. At District meetings with the public present

Periodic inspections will be performed every two years.

HAZARD ASSESSMENT

The Threat Assessment Team completed the hazard assessment. This consisted of a records review, inspection of the worksite and employee survey.

Records Review - The Threat Assessment Team reviewed the following records:

- OSHA 200/300 logs for the last three years
- Incident reports
- Records of or information compiled for recording of assault incidents or near assault incidents
- Insurance records
- Police reports
- Accident investigations
- Training records

- Grievances
- Workers' Compensation records.
- From these records, and from the general awareness of issues of violence faced by firefighters we have identified the following issues that need to be addressed:

    1. Weapons of Mass Destruction
    2. Assault with weapons
    3. Intoxicated or drug influenced individuals
    4. Domestic violence
    5. Arson
    6. Driver rage
    7. Criminal acts in progress or concluding
    8. Terrorist Acts
    9. Chemically Assisted Suicide
    10. Road Rage

Commissioners also may face anger from the community, and it has been determined that insufficient protections exist to protect the commissioners. However, like most public meetings, no security is affordable.

WORKPLACE SECURITY ANALYSIS

The Threat Assessment Team inspected the workplace.

From this inspection the following issues have been identified:

- Exterior lighting must be maintained in order to enhance security;
- Building access must be controlled, as well as within the firehouse itself;
- Firefighters must receive continual training to be aware of the threats they face in the community when on calls.

- Commissioners must be aware of an exit strategy if the public or members thereof become uncontrollably angry. Phones to the police should be available.

Review of Tasks - The Threat Assessment Team also reviewed the work tasks of our members to determine the presence of hazards, conditions, operations and situations which might place members at risk of occupational assault incidents. The following issues have been identified:

- Responding to various scenes, involving:
    1. Terrorism
    2. Assault
    3. Domestic Violence
    4. Criminal Acts
    5. Arson
    6. Weapons of Mass Destruction
- Being present in the firehouse. The firehouse may be a target of violence itself.
- Presence around individual members: members may have experienced stress due to critical incidents and may require counseling or treatment to prevent violent and unexpected outbursts
- Commissioners may face angry members of the public at meetings.

WORKPLACE HAZARD CONTROL AND PREVENTION

In order to reduce the risk of workplace violence, the following measures have been recommended:

Engineering Controls and Building and Work Area Design

- Lighting has been reviewed for parking lots
- Security to the building has been reviewed. The terrorist threat levels also will determine the level of security and lockdown of the firehouse(s)
- Phones are throughout the building to ensure easy access to call for police assistance.

Policies and Procedures developed as a result of the Threat Assessment Team recommendations:

- Emergency personnel will have radios to ensure communication in the field with 911 or other emergency communications systems;
- Personnel will receive training to recognize the identified hazards
- Police agencies will be made available to respond prior to the fire department and clear the scene before the members enter the scene

TRAINING AND EDUCATION

Training for all employees will be provided to all members and then repeated every two years.

Training included:

- a review and definition of workplace violence;
- a full explanation and full description of our program (all individuals were given a copy of this program at orientation and throughout continuing education);
- instructions on how to report all incidents including threats and verbal abuse;
- methods of recognizing and responding to workplace security hazards and identifying the threats in the field;
- training on how to identify potential workplace security hazards(such as no lights in parking lot while leaving late at night, unknown person loitering outside the building, unclaimed or unidentified packages, signs of arson, etc.)
- review of measures that have been instituted in this organization to prevent workplace violence including:
- use of security equipment and procedures;
- how to attempt to diffuse hostile or threatening situations;

- how to summon assistance in case of an emergency or hostage situation;
- post-incident procedures, including medical follow-up and the availability of counseling and referral.

Trainers were qualified and knowledgeable.

At the end of each training session, employees are asked to evaluate the session and make suggestions on how to improve the training.

All training records are filed with Chief or his/her designee, being the training officer

Workplace Violence Prevention training will be given to new individuals as part of their orientation.

A general review of this program will be conducted every two years. The District's training program will be updated to reflect changes in our Workplace Prevention Program.

INCIDENT REPORTING AND INVESTIGATION

All incidents must be reported immediately, but in no event later than four hours. An "Incident Report Form" will be completed for all incidents. One copy will be forwarded to the Threat Assessment Team for their review and a copy will be filed with Chief.

Each incident will be evaluated by the Threat Assessment Team. The team will discuss the causes of the incident and will make recommendations on how to revise the program to prevent similar incidents from occurring. All revisions of the Program will be put into writing and made available to all employees.

RECORDKEEPING

The District will maintain an accurate record of all workplace violence incidents. All incident report forms will be kept for a minimum of seven (7) years, or for the time specified in the Statute of Limitations for our local jurisdiction, or as otherwise required by the Record Retention Policy.

Any injury which requires more than first aid, is a lost-time injury, requires modified duty, or causes loss of consciousness, will be recorded on the OSHA 200/300 log. Doctors' reports and officers' reports will be kept of each recorded incident, if applicable. Incidents of abuse, verbal attack, or aggressive behavior which may be threatening to the employee, but not resulting in injury, will be recorded. These records will be evaluated on a regular basis by the Threat Assessment Team.

Minutes of the Threat Assessment Team meetings shall be kept for three (3) years.

Records of training program contents, and the sign-in sheets of all attendees, shall be kept for five (5) years, or as otherwise required by the Record Retention Policy. Qualifications of the trainers shall be maintained along with the training records.

DEFINITION OF INCIDENTS

1. **ASSAULT:**
   The intentional use of physical injury, (impairment of physical condition or substantial pain) to another person, with or without a weapon or dangerous instrument.

2. **CRIMINAL MISCHIEF:**

   Intentional or reckless damaging of the property of another person without permission.

3. **DISORDERLY CONDUCT:**

   Intentionally causing public inconvenience, annoyance or alarm or recklessly creating a risk thereof by fighting (without injury) or in violent numinous or threatening behavior or making unreasonable noise, shouting abuse, misbehaving, disturbing an assembly or meeting or persons or creating hazardous conditions by an act which serves no legitimate purpose.

4. **HARASSMENT:**

Intentionally striking, shoving or kicking another or subjecting another person to physical contact, or threatening to do the same (without physical injury). ALSO, using abusive or obscene language or following a person in about a public place, or engaging in a course of conduct which alarms or seriously annoys another person.

5. **LARCENY:**

Wrongful taking, depriving or withholding property from another (no force involved). Victim may or may not be present.

6. **MENACING:**

Intentionally places or attempts to place another person in fear of imminent serious physical injury.

7. **RECKLESS ENDANGERMENT:**

Subjecting individuals to danger by recklessly engaging in conduct which creates substantial risk of serious physical injury.

8. **ROBBERY:**

Forcible stealing of another's property by use of threat of immediate physical force. (Victim is present and aware of theft).

9. **SEX OFFENSE:**

Public Lewdness: Exposure of sexual organs to others. Sexual Abuse: Subjecting another to sexual contact without consent. Sodomy: A deviant sexual act committed as in rape. Rape: Sexual intercourse without consent.

SELF INSPECTION SECURITY CHECKLIST

Facility: _____

Inspector: _____

Date of Inspection: _____

1. Does The District maintain a CURRENT Security Control Plan:

   Yes ____No

2. Does The District maintain a CURRENT Policy Statement

   ___Yes ____No

3. Have you reviewed prior incidents of exposure?

   Yes ____No

4. Does the present security control plan address all of the issues in the incidents of exposure to violence?

   __Yes ____No

5. Is the Plan accessible to all employees

   __Yes ____No

6. Is the Plan Reviewed and Updated Annually

   __Yes ____No

7. Is the Plan Reviewed and Updated When Tasks Added or Changed

   __Yes ____No

8. How often are the work areas evaluated by the District to ensure a risk assessment has been made?

   _____ or "Don't know" _____

Off Premises Work Practice Controls

1. Is Training Conducted for new employees?
2. If yes, is it:

   Prior to Initial Assignment:

____Yes ____No

At Least Annually Thereafter

____Yes ____No

Does it include:

Engineering and Workplace Controls Instituted at Workplace

____Yes ____No

Techniques to Use in Potentially Volatile Situations

____Yes ____No

Procedures to Follow After a violent incident

____Yes ____No

Periodic Refresher for On-Site Procedures

____Yes ____No

Opportunity for questions and answers with a qualified instructor

____Yes ____No

On hazards unique to job tasks including:

- Weapons of Mass Destruction ____ Yes ____No
- Assault with weapons ____ Yes ____No
- Intoxicated or drug influenced individuals Yes ____No
- Domestic violence ____ Yes ____No
- Arson ____ Yes ____No
- Driver rage ____ Yes ____No
- Criminal acts in progress or concluding Yes ____No
- Terrorist Acts ____ Yes ____No
- Chemically Assisted Suicide ____ Yes ____No

11. Written Training Records Kept

____Yes ____No

12. Are Incidents Reported

____Yes ____No

13. Are Incidents Evaluated

____Yes ____No

14. Is EAP Counseling Offered to employees?

15. Are Steps Taken to Prevent Recurrence of potentially violent events?

____Yes ____No

16. Floor Plans Posted Showing Exits, Entrances, Location of Security Equipment, Etc.

___Yes ____No

17. Do Employees Feel Safe

____Yes ____No

18. Has the employer utilized the crime prevention services and/or lectures provided by the local or State police?

INCIDENT REPORT FORM

1. VICTIMS NAME:_____ JOB TITLE:_____
2. VICTIMS ADDRESS:_____
3. HOME PHONE NUMBER:_____ WORK PHONE NUMBER:_____
4. EMPLOYERS NAME AND ADDRESS:_____
5. DEPARTMENT/SECTION:_____
6. VICTIMS SOCIAL SECURITY NUMBER:_____
7. INCIDENT DATE_____
8. INCIDENT TIME:_____
9. INCIDENT LOCATION:_____
10. WORK LOCATION (if different):_____
11. TYPE OF INCIDENT: (circle one): Assault, Robbery, Harassment, Disorderly Conduct, Sex Offense, Terrorist Attack, Other. (Please Specify)

    _____
    (See attached - DEFINITION OF INCIDENTS WORKSHEET)
12. WERE YOU INJURED: (circle):

    Yes No

    If yes, please specify your injuries and the location of any treatment:

    _____
13. DID POLICE RESPOND TO INCIDENT:

    Yes No
14. WHAT POLICE DEPARTMENT:
15. POLICE REPORT FILED:

    Yes No

    REPORT NUMBER: _____

16. WAS YOUR SUPERVISOR NOTIFIED:

    Yes No

17. SUPERVISORS NAME:
18. WAS THE LOCAL UNION/EMPLOYEE REPRESENTATIVE NOTIFIED:

    Yes No

    Who should be notified_____

19. WAS ANY ACTION TAKEN BY EMPLOYER: (specify)

    _____

20. ASSAILANT/PERPETRATOR: (circle one): Intruder, Customer, Patient, Resident, Client, Visitor, Student, Co-Worker, Former, Employee, Supervisor, Family/Friend, Other, (specify):

    _____

21. ASSAILANT/PERPETRATOR - NAME/ADDRESS/AGE (if known):

    _____

    _____

22. PLEASE BRIEFLY DESCRIBE THE INCIDENT:_____

    _____

    _____

    _____

23. INCIDENT DISPOSITION: (Circle all that apply): No action taken, Arrest, Warning, Suspension, Reprimand, Other:_____

    _____

24. DID THE INCIDENT INVOLVE A WEAPON: Yes/no Specify_____

    _____

25. DID YOU LOSE ANY WORK DAYS:

    Yes No

Specify _____

26. WERE YOU SINGLED OUT OR WAS THE VIOLENCE DIRECTED AT MORE THAN ONE INDIVIDUAL: _____

27. WERE YOU ALONE WHEN THE INCIDENT OCCURRED:_____

28. DID YOU HAVE ANY REASON TO BELIEVE THAT AN INCIDENT MIGHT OCCUR: Yes No

    Why:_____

29. HAS THIS TYPE OR SIMILAR INCIDENT(S) HAPPENED TO YOU OR YOUR CO-WORKERS:
    Yes No

    Specify:_____

30. HAVE YOU HAD ANY COUNSELING OR SUPPORT SINCE THE INCIDENT: Yes No

    Specify:_____

31. WHAT DO YOU FEEL CAN BE DONE IN THE FUTURE TO AVOID SUCH AN INCIDENT:

    _____

32. WAS THIS ASSAILANT INVOLVED IN PREVIOUS INCIDENTS:

    _____

33. ARE THERE ANY MEASURES IN PLACE TO PREVENT SIMILAR INCIDENTS: Yes No

    Specify:_____

34. HAS CORRECTIVE ACTION BEEN TAKEN:

Specify:_____

35. COMMENTS:_____

_____

_____

_____

_____

EMPLOYEE SECURITY SURVEY

This survey will help detect Security Problems in the stations, in the field or at an alternate worksite.

Please fill out this form, get your co-workers to fill it out and review it to see where the potential for major security problems lie.

NAME:_____

WORK LOCATION:_____

(IN BUILDING, IN FIELD OR ALTERNATE WORKSITE)

1. Do either of these two conditions exist in your building or at your alternate work site?

   ___ Work alone during working hours.
   ___ No notification given to anyone when you finish work.

   Are these conditions a problem? If so when, please describe. (For example, Mondays, evening, daylight savings time)

2. Do you have any of the following complaints (that may be associated with causing an unsafe worksite)?

(Check all that apply)

___ Does your work place have a written policy to follow for addressing general problems?

___ Does your work place have a written policy on how to handle a violent client

___ When and how to request the assistance of a co-worker

___ When and how to request the assistance of police

___ What to do about a verbal threat

___ What to do about a threat of violence

___ What to do about harassment

___ Working alone

___ Alarm System(s)

___ Security in and out of building

___ Security in parking lot

___ Have you been assaulted by a co-worker?

___ To your knowledge have incidents of violence ever occurred between your co-workers?

3. Are violence related incidents worse during shift work, on the road or in other situations. Please specify: _____

4. Where in the building or worksite would a violence related incident most likely to occur?

___ lounge

___ exits

___ deliveries

___ private offices

___ parking lot

___ bathroom

___ entrance

___ Other

___Community Area

Other (specify)_____

5. Have you ever noticed a situation that could lead to a violent incident?
6. Have you missed work because of a potential violent act(s) committed during your course of employment?
7. Do you receive workplace violence related training or assistance of any kind?
8. Has anything happened recently at your worksite that could have lead to violence?
9. Can you comment about the situation?
10. Has the number of violent clients increased?

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.

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 for a period not less than three (3) months. 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 shall 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.

SEXUAL HARASSMENT POLICY FOR ALL EMPLOYERS IN NEW YORK STATE

Introduction

The East Clinton Fire District is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the East Clinton Fire District's commitment to a discrimination-free work environment. Sexual harassment is against the law[2] and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the East Clinton Fire District. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. The East Clinton Fire District's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the East Clinton Fire District. In the remainder of this document, the term "employees" refers to this collective group.

2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).

3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The East Clinton Fire District will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the East Clinton Fire District who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees[3] working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Commissioner representative to the Safety Committee. All employees, paid or unpaid interns or non-employees who believe

[2] While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes includeage, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.
[3] A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees 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 provided pursuant to a contract with the employer.

they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the East Clinton Fire District to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

5. The East Clinton Fire District will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The East Clinton Fire District will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

6. All employees are encouraged to report any harassment or behaviors that violate this policy. The East Clinton Fire District will provide all employees a complaint form for employees to report harassment and file complaints.

7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Commissioner representative to the Safety Committee.

8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What Is "Sexual Harassment"?

Sexual harassment is a form of sex discrimination and 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 includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive

work environment, even if the reporting individual is not the intended target of the sexual harassment;

- Such conduct is made either explicitly or implicitly a term or condition of employment; or

- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, 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. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient'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 who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under 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:

- 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;
    - Rape, sexual battery, molestation or attempts to commit these assaults.

- Unwanted sexual 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 or detriments;
    - Subtle or obvious pressure for unwelcome sexual activities.

- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.

- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

- 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.

- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, 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.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

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 sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

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, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; 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

Preventing sexual harassment is everyone's responsibility. The East Clinton Fire District cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Commissioner representative to the Safety Committee. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Commissioner representative to the Safety Committee.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Commissioner representative to the Safety Committee.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

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. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The East Clinton Fire District will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Commissioner representative to the Safety Committee will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.

- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.

- Request and review all relevant documents, including all electronic communications.

- Interview all parties involved, including any relevant witnesses;

- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
    - A list of all documents reviewed, along with a detailed summary of relevant documents;
    - A list of names of those interviewed, along with a detailed summary of their statements;
    - A timeline of events;
    - A summary of prior relevant incidents, reported or unreported; and
    - The basis for the decision and final resolution of the complaint, together with any corrective action(s).

- Keep the written documentation and associated documents in a secure and confidential location.

- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.

- Inform the individual 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 East Clinton Fire District but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the East Clinton Fire District, employees 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.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue 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 East Clinton Fire District does not extend your time to file with DHR or in court. The one year or three years is 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.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's 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.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

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 EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. 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 EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC 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; call 311 or (212) 306-7450; or visit 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. Contact the local police department.

DRIVER/OPERATOR POLICY

- Must adhere to active member requirements including Physical and OSHA training.
- Must be recommended by the Chief and approved by the board annually.
- Must have a current NYS driver's license.
- Applicants must be at least 21 years of age.
- Will be probationary for one year.
- Must complete Emergency Vehicle Operation Course.
- Must complete in-house driver training requirements.
- Must have current CPR and AED certification.
- Must recertify annually on vehicle(s).
- May not drive a district vehicle for one year to emergencies unless waived by the Board.
- Must participate in LENS program. Driver privileges may be revoked by the board if, in the opinion of the board, LENS notifications would warrant.
- Driver/Operators of fire apparatus must complete NYS Pump Operators class.
- Current members desiring to change to driver/operator status must state in writing to the company and currently meet or attain qualifications subject to approval by the district chief and board.
- Members are not permitted to operate on an emergency scene past their scope of training.
- Driver/Operators may respond only upon the direction of scene command or with adequate crew.
- Probationary members may ride in the district apparatus and assist with the operation on the scene when the radio operator's seat is open. They are not permitted to drive their personal vehicles to the scene.

Adopted: Board of Fire Commissioners Meeting April 10, 2019

East Clinton Fire District

Operations Plan in the Event of Certain Declared Public Health Emergencies

Pursuant to New York State Labor Law 27-c

POLICY STATEMENT

It is the policy of the East Clinton Fire District ("Fire District") to provide an Operations Plan in the event of a declared public health emergency pursuant to New York State Labor Law 27-c. This Policy and Plan shall guide Fire District personnel for the continuation of operations in the event that the Governor of New York State declares a public health emergency involving a communicable disease. In order to comply with the requirements of Labor Law 27-c the Fire District hereby adopts this Policy and Plan.

DEFINITIONS

a. "Personal protective equipment" shall mean all equipment worn to minimize exposure to hazards, including gloves, masks, face shields, foot and eye protection, protective hearing devices, respirators, hard hats, and disposable gowns and aprons.

b. "Essential" shall refer to a designation made that a Fire District employee or voluntary member of the fire department operating under the authority of the Fire District is required to be physically present at an emergency, non-emergency or other Fire District response, on-duty event or other work site to perform his or her job.

c. "Non-essential" shall refer to a designation made that a Fire District employee or voluntary member of the fire department operating under the authority of the Fire District is not required to be physically present at an emergency, non-emergency or other Fire District response, on-duty event or other work site to perform his or her job.

d. "Communicable disease" shall have the same meaning as set forth in Labor Law 27-c.

e. "Retaliatory action" shall have the same meaning as set forth in Labor Law 27-c. For the purposes of this Policy and Plan, voluntary members of the fire department under the authority of the Fire District shall be considered employees.

POLICY AND PLAN

1. Given the nature of the purpose and functions of the Fire District and its personnel as an emergency response agency charged with protection of life and property, all Fire District positions and titles are deemed and considered essential in the event of a state-ordered reduction of in-person workforce.

2. Nevertheless, in the event that any employee shall be determined to be "non-essential" personnel by the Board of Fire Commissioners such non-essential employees may telecommute to the extent practicable considering the nature of the Fire District's mission, function and purpose and the duties of the non-essential employee. The Board of Fire Commissioners shall determine any needed devices or technology, including software, data, office laptops or cell phones, and the transferring of office phone lines to work or personal cell phones as practicable and dependent upon the nature of the work and duties of the designated non-essential employees and the Fire District shall provide such to the employee.

3. The Fire Chief or the Fire Chief's designee shall establish a written duty or other schedule to stagger duty shifts of essential employees in order to reduce overcrowding at Fire District facilities during emergency and non-emergency responses by Fire District personnel.

4. Based on the nature of the public health emergency involving a communicable disease, the Board of Fire Commissioners shall identify the necessary personal protective equipment ("PPE") appropriate for emergency, non-emergency and other on-duty responses of Fire District personnel. Based on such recommendations, the Fire District shall seek to procure the appropriate PPE.

5. The Board of Fire Commissioners shall identify the specific processes to be taken in the event an employee is exposed to a known case of the communicable disease that is the subject of the public health emergency, exhibits symptoms of such disease, or tests positive for such disease, in order to prevent the spread or contraction of such disease in the workplace. Such specific processes shall also detail actions to be taken to immediately and thoroughly disinfect the work area of any employee known or suspected to be infected with the communicable disease as well as any common area surface and shared equipment such employee may have touched. Based on the nature of the communicable disease that is the subject of the public health emergency the affected employee shall be advised to receive testing, treatment, isolation, or quarantine.

6. This Policy shall be reviewed annually by the Board of Fire Commissioners.

7. The Board of Fire Commissioners may amend this Policy, in the Board of Fire Commissioner's sole discretion, at any time and from time to time.

Adopted: May 11, 2022
Board of Fire Commissioners
East Clinton Fire District
Clinton Corners, New York

APPENDIX OF ADDITIONAL RESOLUTIONS

EAST CLINTON FIRE DISTRICT

RESOLUTION

SERVICE AWARDS PROGRAM

Adopted March 11, 2020

At a regular meeting of the Board of Fire Commissioners of the East Clinton Fire District (hereinafter the "Board"), Town of Clinton, Dutchess County, New York, held at 9 Firehouse Lane, Clinton Corners, New York, on March 11, 2020, at 7:00 o'clock P.M.

The meeting was called to order by Stephen N. Forschler, Chairman, and upon the roll being called, the following were present:

Stephen N. Forschler, Chairman
Robert Trzcinski
Michael DiGiacomio
Russell Tompkins

The following resolution was moved by Chairman Forschler and seconded by Commissioner Trzcinski, to-wit:

WHEREAS, the eligible voters residing within the East Clinton Fire District approved, at a referendum held on October 14, 2008, the establishment of a Service Award Program for active volunteer firefighters of the East Clinton Fire District in accordance with Article 11-A of the New York State General Municipal Law (hereinafter the "Program"); and

WHEREAS, the provisions of the Program regarding firefighter participation, benefits earned and paid, and Program operation must be formerly stated in a written East Clinton Service Awards Program Plan Document (hereinafter the "Plan"), and

Whereas, the East Clinton Fire District Board of Fire Commissioners duly adopted such a Plan on January 27, 2010, which Plan remains in full force and effect; and

Whereas, New York State Workers' Compensation Law provides, pursuant thereto, for benefits directly related to the following disability classifications:

- Total and temporary disability,
- Partial and temporary disability,
- Total and permanent disability, and
- Partial and permanent disability; and

Whereas, Article 11-A of the New York State General Municipal Law, specifically Section 217.c.viii, provides that if any active volunteer firefighter is either totally and temporarily disabled, or partially and permanently disabled, and such disability occurs during the course of such firefighter's service as an active volunteer firefighter, such a firefighter shall receive five (5) points for each full month of such disability, which Section is the only statutory provision allowing the awarding of Program credit (points) for disabilities; and

Whereas, Article 11-A of the New York State General Municipal Law, specifically Section 219.e., provides that if any active volunteer firefighter becomes totally and permanently disabled (<u>not</u> necessarily incurred during the course of such firefighter's service as a volunteer firefighter), such firefighter shall be entitled to receive payment of such firefighter's service award benefit as described in the Program and Plan, regardless of age or length of service; and

Whereas, Article 11-A of the New York State General Municipal Law, specifically Section 219.e., further provides that if an active volunteer firefighter becomes disabled during the course of such firefighter's service as a volunteer firefighter, the sponsor of the Program, that being the East Clinton Fire District Board of Fire Commissioners, may, at the sponsor's option, authorize the awarding of an additional benefit to such firefighter, as provided therein; and

Whereas, the East Clinton Fire District Board of Fire Commissioners has <u>not</u> exercised the option as set forth in New York State General Municipal Law, specifically Section 219.e., to wit, awarding an additional benefit to such disabled firefighters; and

Whereas, Paragraph 18.a. of the Plan entitles an active volunteer firefighter to be awarded a Total and Permanent Disability, pursuant to the conditions stated therein; and

Whereas, Paragraph 18.b. of the Plan authorizes a lump sum payment of such disabled firefighter's benefit under the Program and Plan, the amount of which lump sum payment is defined therein; and

Whereas, neither New York State General Municipal Law Section 217 c.viii, New York State General Municipal Law Section 219.e. nor the Plan allow for additional Program benefits to be awarded to active volunteer firefighters who are totally and permanently disabled, whether or not such total and permanent disability arises from the course of such firefighter's service as a volunteer firefighter; and

Whereas, the East Clinton Fire District Board of Fire Commissioners may have, inadvertently, in the past, allowed Program credits to be awarded to active volunteer firefighters who became totally and permanently disabled, regardless whether such disability may, or may not, have arisen from the course of such firefighter's service as a volunteer firefighter, and which Program benefits were not, and are not, allowed pursuant to New York State law or the Plan;

Now, Therefore, Be It Resolved, that effective as of the date hereof, the East Clinton Fire District will award Program benefits in strict compliance with New York State General Municipal Law and the East Clinton Fire District Service Awards Program and Plan Document, as all may be amended from time to time; and

It Is Further Resolved, that any Program benefits previously and erroneously awarded to any East Clinton Fire District active volunteer firefighter shall not be construed to have set any precedent of any kind; and

It Is Further Resolved that any Program benefits previously and erroneously awarded in the past to any East Clinton Fire District active volunteer firefighter shall no longer be awarded in the future; and

It Is Further Resolved, that any and all Program benefits previously and erroneously awarded to any East Clinton Fire District active volunteer firefighter shall not be revoked; and

It Is Further Resolved that the provisions of the Plan Document of the East Clinton Fire District Service Award Program are hereby ratified and the Program shall continue to be administered by the Board in accordance with the Plan and Article 11-A of the New York State General Municipal Law, as they may be amended from time to time.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Stephen N. Forschler, Chairman	Aye
Michael DiGiacomio	Aye
Russell Tompkins	Aye
Robert Trzcinski	Aye

The resolution was thereupon declared duly adopted.

Dated: March 11, 2020
Clinton Corners, New York

East Clinton Fire District
Board of Fire Commissioners
Karen Buechele, Secretary

EAST CLINTON FIRE DISTRICT
RESOLUTION
SERVICE AWARDS PROGRAM – PARTIAL AND PERMANENT DISABILITY

Adopted April 15, 2020

At a regular meeting of the Board of Fire Commissioners of the East Clinton Fire District (hereinafter the "Board"), Town of Clinton, Dutchess County, New York, held at 9 Firehouse Lane, Clinton Corners, New York, on April 15, 2020, at 7:00 o'clock P.M.

The meeting was called to order by Stephen N. Forschler, Chairman, and upon the roll being called, the following were present:

Stephen N. Forschler, Chairman
Robert Trzcinski
Michael DiGiacomio
Russell Tompkins

The following resolution was moved by Commissioner Trzcinski and seconded by Chairman Forschler, to-wit:

WHEREAS, the eligible voters residing within the East Clinton Fire District approved, at a referendum held on October 14, 2008, the establishment of a Service Award Program for active volunteer firefighters of the East Clinton Fire District in accordance with Article 11-A of the New York State General Municipal Law (hereinafter the "Program"); and

WHEREAS, the provisions of the Program regarding firefighter participation, benefits earned and paid, and Program operation must be formerly stated in a written East Clinton Service Awards Program Plan Document (hereinafter the "Plan"), and

Whereas, the East Clinton Fire District Board of Fire Commissioners duly adopted such a Plan on January 27, 2010, which Plan remains in full force and effect; and

Whereas, Article 11-A of the New York State General Municipal Law provides certain benefits for active volunteer firefighters who, inter alia, become either **totally and temporarily** disabled, or **partially and permanently** disabled, and such disability occurs during the course of such firefighter's service as an active volunteer firefighter; and

Whereas, the East Clinton Fire District Board of Fire Commissioners (hereinafter the "Board") has determined that it is in the best interests of the East Clinton Fire District to set forth guidelines where an active volunteer firefighter becomes **totally and temporarily** disabled, or **partially and permanently** disabled;

Now, Therefore, Be It Resolved, that effective as of the date hereof, the East Clinton Fire District hereby amends the Plan as to active volunteer firefighters who become **totally and temporarily** disabled, or **partially and permanently** disabled:

A. In the event an active volunteer firefighter becomes disabled, such disability shall be certified by the New York State Worker's Compensation Board or other competent authority as approved by the Board.

B. The Board will accept certification of an active volunteer firefighter's disability, in one of the following classes;

- Total and temporary disability,
- Partial and temporary disability,
- Total and permanent disability, or
- Partial and permanent disability.

C. 1. In the event an active volunteer firefighter is certified as being **totally and temporarily** disabled, the Board shall have the right, at reasonable times and on reasonable notice, to require such firefighter to submit to a physical examination to determine whether or not such firefighter continues to be totally disabled. Such physical examination shall be conducted by a medical professional approved by the Board, the cost thereof to be borne by the Board.

C. 2. In the event the medical professional determines and certifies that such firefighter is no longer totally disabled and is therefore able to perform some, or all, of the duties of an active volunteer firefighter, the Board

may determine that the benefits available to such firefighter pursuant to the provisions of New York State General Municipal Law Article 217.c.viii and the Plan, as amended, shall cease.

C. 3. In the event such firefighter's temporary disability exceeds two (2) years, then such firefighter shall be deemed to be totally and permanently disabled, and shall have all the benefits of such disability as provided for in Article 11-A of the New York State General Municipal Law, and the Plan, as amended.

D. 1. In the event the active volunteer firefighter is certified as being **partially and permanently** disabled, the Board shall, as soon as practical, and in light of the active volunteer firefighter's certified disability, determine such firefighter's ability to perform all, or some, of the duties of an active volunteer firefighter. Such determination may include, but is not limited to, considerations such as:

- which tasks said firefighter may, or may not, perform;
- the length of time such tasks may be performed;
- the conditions (heat, cold, rain) under which such tasks may be performed;
- the classification of such firefighter; to wit, interior, exterior, support, fire police, etc.

D. 2. In connection with the foregoing determination, the Board shall have the right, at reasonable times and on reasonable notice, to require such firefighter to submit to a physical examination to determine the continued extent of such firefighter's partial disability and the effect of such disability on such firefighter's ability to perform some, or all, of the duties of an active volunteer firefighter. Such physical examination shall be conducted by a medical professional approved by the Board, the cost thereof to be borne by the Board.

D. 3. The Board shall provide such firefighter, in writing, the Board's determination as to such firefighter's ability to perform some, or all, of the duties of an active volunteer firefighter. In the event the Board determines that such firefighter's partial disability does not prevent

such firefighter from performing some, or all, of the duties of an active volunteer firefighter, the benefits available to such firefighter pursuant to the provisions of New York State General Municipal Law Article 217.c.viii and the Plan, as amended, shall cease.

E. If the Board determines that any disabled firefighter is unable to perform any of the duties of an active volunteer firefighter, then such firefighter shall be deemed to be totally and permanently disabled, and shall be entitled to the benefits of a totally and permanently disabled firefighter pursuant to Article 11-A of the New York State General Municipal Law, and the Plan, as amended.

F. Nothing herein shall prejudice any active volunteer firefighter from the benefits as provided pursuant to Article 11-A of the New York State General Municipal Law, and the Plan, as amended.

It Is Further Resolved that the Plan be amended pursuant to this Resolution and this Resolution is hereby incorporated into and become a part of the Plan as paragraph 18. C.

It Is Further Resolved that the provisions of the Plan Document of the East Clinton Fire District Service Award Program, as hereby amended, are hereby ratified and the Program shall continue to be administered by the Board in accordance with the Plan and Article 11-A of the New York State General Municipal Law, as amended.

It Is Further Resolved that, pursuant to Paragraph 26 of the Plan, a copy of this Resolution shall be distributed to all persons who participate or are eligible to participate in the East Clinton Fire District Service Award Program, and that such distribution be satisfied by posting this Resolution in not less than two (2) conspicuous places within the East Clinton Fire District Firehouse.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Stephen N. Forschler, Chairman	Aye
Michael DiGiacomio	Aye
Russell Tompkins	Aye
Robert Trzcinski	Aye

Motion carried 4-0. The resolution was thereupon declared duly adopted.

Dated April 15, 2020
Clinton Corners, New York

East Clinton Fire District Board of Fire Commissioners

Karen Buechele, Secretary

EAST CLINTON FIRE DISTRICT

RESOLUTION
"Good Samaritan" Legislation

Whenever a volunteer firefighter of the East Clinton Fire District happens upon an incident in NY State, and provides services under General Municipal Law Section 209-I when there is not jurisdictional officer in command present, such volunteer firefighter shall be entitled to coverage under the VFBL coverage provided by the East Clinton Fire District for the provision of such services. Upon the arrival of a jurisdictional officer in command, such volunteer firefighter shall report to such officer and offer his/her services to assist such fire company or fire department. If such offer of assistance is not accepted, then the volunteer firefighter of the East Clinton Fire District must immediately cease providing any additional service at the scene of the emergency.

Dated: April 15, 2015

Russell Bonk

Stephanie Bonk

Chris Burns

Stephen Forschler