

Egg Harbor Fire Department and First Responders Standard Operating Policy

SUBJECT: PERSONAL CONDUCT

SOP 1210

PURPOSE: The purpose of this SOP is to establish a policy defining conduct or behavior within the Department.

SCOPE: This policy shall apply to all members of the Egg Harbor Fire Department.

PROFESSIONAL CONDUCT AND RESPONSIBILITIES:

A. **GENERAL CONDUCT:** Members shall conduct themselves at all times, both on and off duty, in such a manner as to reflect favorably upon themselves, the Town and Village, the Fire Department, and the fire service. Whether on or off duty, members shall avoid any conduct, which brings the Department into disrepute.

B. **CONDUCT TOWARDS OTHERS:** The Fire Department exists to serve the public safety needs of all persons within the jurisdiction of the Egg Harbor Fire Department. It is fundamental policy of the Department that members treat all persons with courtesy and respect.

Members shall perform their duties attentively and courteously, avoiding rude, threatening, harsh, insulting, profane, insolent or demeaning language, and they shall maintain a professional bearing regardless of provocation to do otherwise. Upon request they shall supply their names to any citizen who seeks identification.

Members shall treat superior officers and peers with respect. They shall be courteous and civil at all times in their relationships with one another.

C. **ASSISTANCE:** All members are required to take appropriate action toward aiding a fire fighter exposed to danger or in a situation where danger might be impending.

D. **MEMBERS GENERAL ON-DUTY RESPONSIBILITY:** Within the Egg Harbor Fire Department while on-duty, members shall at all times take appropriate actions to:

1. Protect life and property.
2. Enforce Federal, State, and Local laws and ordinances coming within Departmental jurisdiction.
3. **Duty to Answer Alarms:** All members of the Department shall make every effort to attend all fires, alarms, or other emergencies in areas to which they may be assigned, detailed, or called, unless excused by superior officers, and members shall remain in readiness for such response.

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E. **INSUBORDINATION:** Failure or refusal of any member to obey a lawful order given by a superior officer shall be insubordination. Should a member receive an order that conflicts with a previous order, the member should notify the officer who issued the conflicting order and be governed by his / her instructions. Compliance with said procedure shall make the member immune from discipline for disobedience of the previous order.

F. **KNOWLEDGE OF RULES AND REGULATIONS:** Every member is required to establish and maintain a working knowledge of the rules and policies of the Department and all SOG's (Standard Operating Guidelines) of the Department. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the rule, policy, or SOG.

G. **PERFORMANCE OF DUTY:** All members shall perform their duties as required or directed by law, Departmental rule, policy, order, SOG, or by order of a superior officer.

H. **OBEDIENCE TO LAWS AND REGULATIONS:** Members shall observe and obey all laws, ordinances, all rules and regulations of the Department and all SOG's of the Department.

I. **ESTABLISHING ELEMENTS OF VIOLATION:** Existence of facts establishing a violation of a law, ordinance, rule, regulation, general order, or other lawful order is all that is necessary to support any allegation of such as a basis for a charge under this section. It is not necessary that a formal complaint be filed or sustained. Nothing in this Standard Operating Policy prohibits disciplining or charging members merely because the alleged act or omission does not appear herein, or in laws and ordinances within the cognizance of the Department.

J. **CRITICISM:** Members shall not engage in public criticism of Department orders, policies, instruction, or orders they have received.

K. **UNLAWFUL ORDERS:** No command or supervisory officer shall knowingly issue any order which is in violation of any law or ordinance or Department rule.

L. **OBEDIENCE TO UNLAWFUL ORDER:** Obedience to an unlawful order is never a defense for an unlawful action; therefore, no member is required to obey any order, which is contrary to Federal or State law or Town or Village ordinance. Members who believe they have received an unlawful order shall promptly bring the matter to the attention of the supervisor issuing the order and, at the earliest opportunity, to the supervisor of the person issuing the order. Responsibility for refusal to obey rests with the member. He / she shall be strictly required to justify his / her action. Anyone wishing to appeal an unlawful order may proceed as provided for in Section N. page 3.

M. **OBEDIENCE TO UNJUST OR IMPROPER ORDERS:** Members who are given orders they feel to be unjust or contrary to any rule, regulation, general order, or other lawful order must first obey the order to the best of their ability and then may proceed as provided for in Section N. page 3.

N. **REPORTS AND APPEALS FROM ORDERS:** A member receiving an unlawful, unjust, or improper order may appeal at first opportunity to the Fire Chief through the chain of command. The appeal shall contain the facts of the incident and action taken. Appeals for relief from such orders may be made at the same time. Extra-departmental action regarding appeals shall be conducted through the office of the Fire Chief to the Fire Commission.

O. **SOLICITATION OR ACCEPTING MONEY, GIFTS OR SALE OF TICKETS:** Members in their official capacity shall not solicit subscriptions or sell tickets to citizens or businesses for Department or other purposes, unless authorized by the Egg Harbor Joint Fire Commission or sponsored by the Egg Harbor Fire Department. Members shall not under any circumstances accept or receive either directly or indirectly, any gift, loan, fee, or other thing of value arising from or offered because of Fire Department employment or any activity connected with said Department, unless approved by the Fire Commission.

P. **REWARDS:** Members shall not accept any gift, gratuity, or reward in money or other consideration for services rendered in the line of duty to the community or to any person, business or agency except lawful payment from the Fire Department.

Q. **DISPOSITION OF UNAUTHORIZED GIFTS, GRATUITIES:** Any unauthorized gift, gratuity, loan, fee, reward or other thing of value coming into possession of any member shall be forwarded to the office of the Fire Chief together with a written report explaining the circumstances connecting therewith.

GENERAL CONDUCT ON DUTY

A. **PROPER PERSONAL APPEARANCE:** Members of the Department shall present a clean and proper appearance in personal care and attire at all times.

B. **NATIONAL COLORS AND ANTHEM:** Uniformed members will render full military honors to the National Colors and Anthem at appropriate times. Members in civilization dress shall render proper civilian honors to the National Colors and Anthem at appropriate times.

C. **PROHIBITED ACTIVITY ON DUTY:** Members are prohibited from engaging in the following activities while on duty:

1. Gambling.
2. Consumption of intoxicants or substance abuse.
3. Keeping of weapons of any kind or nature in or about the premises of the Fire Department.

D. **ATTENDANCE:** Members shall report to duty at the time and place specified. They shall give attention to orders and instructions. Members shall attend a minimum of 50% of the monthly meetings.

E. **PHYSICAL FITNESS FOR DUTY:** All members shall maintain the necessary level of physical fitness to perform their duties.

F. CONSUMPTION OF INTOXICANTS: Members shall not consume any intoxicating substance while off duty to the extent that evidence of such consumption is apparent when reporting for duty, or to the extent that ability to perform duty is impaired. Members shall not consume any intoxicating substance while on duty.

G. INTOXICANTS ON DEPARTMENTAL PREMISES: Members shall not bring into or keep any intoxicating substance on Departmental property.

H. POSSESSION AND USE OF CONTROLLED SUBSTANCE: Members shall not bring into or keep any controlled substance on Departmental property.

I. USE OF TOBACCO PRODUCTS WHILE ON DUTY: Members shall not use any tobacco products in the fire station. On duty members shall not use tobacco products while in direct contact with the public. Members shall not use any tobacco products while performing fire duties at an emergency scene.

J. RESIDENCY: All members shall reside within the Town or Village of Egg Harbor with the following exception: Anyone employed within the Town or Village or anyone living within a reasonable distance from either station and can respond in a reasonable amount of time as decided by the Chief of the Department.

K. DUTY TO ASSIST SHERIFF DEPT: All members shall at all times assist the Door County Sheriff Department, and State Patrol personnel, when requested by an officer in his/her official capacity. The request shall be through the Officer in Charge of the situation.

L. DUTY TO ASSIST PARAMEDICS: Members shall at all times assist the Door County Emergency Services when so requested by a paramedic on duty or a supervisor. When assisting paramedics, members shall provide assistance under the direct supervision of a paramedic.

M. ADDRESS AND TELEPHONE NUMBERS: Members are required to have telephone numbers in the place where they reside and are required to have their current addresses and telephone numbers on file with the Department. Changes in address and telephone number shall be reported to the Fire Chief within 24 hours of the change.

DEPARTMENT PROPERTY AND EQUIPMENT:

A. CARE OF: Members are responsible for the proper care of Department property and equipment assigned to be used by them. Damaged or lost property may subject the responsible individual to reimbursement charges and appropriate disciplinary action.

B. DAMAGED, LOST OR INOPERABLE PROPERTY OR EQUIPMENT: Members shall immediately report to their supervisor or officer on duty any loss of or damage to Departmental property assigned to or used by them.

C. DRIVING APPARATUS: Members shall not operate any Departmental apparatus or equipment negligently, carelessly, or maliciously, or permit it to be driven in such a manner as to injure the persons or property of citizens or the Department.

1. Shall not drive over fire hose unless ordered to do so by superior officers.
2. Shall have a valid Driver's License.
3. Shall have completed and passed a minimum of Entry Level Driver Operator or equivalent.

D. NOTICES: Members shall not mark, alter, or deface any posted notice of the Department.

Departmental Discipline

WHO IS SUBJECT TO DISCIPLINARY ACTION:

A. Any member committing an offense punishable under the laws or statutes of the United States, the State of Wisconsin, or ordinances of the Town and Village, or who violates any provision of the Rules and Regulations of the Egg Harbor Fire Department, or who disobeys any lawful order, or who is incompetent to perform his/her duties is subject to appropriate disciplinary action.

DEPARTMENTAL AUTHORITY TO DISCIPLINE:

A. Final Departmental disciplinary authority and responsibility with respect to members rests with the Fire Commission.

B. AUTHORITY OF COMMAND AND SUPERVISORY OFFICERS TO ADMINISTER DISCIPLINARY ACTION: The Assistant Fire Chief, Captains, and Lieutenants have the authority to administer disciplinary action to members as follows:

1. The Assistant Fire Chief, Captains, and Lieutenants have the authority to administer counseling, and training to subordinates without approval from higher authority.
2. All other disciplinary actions involving members must be taken or approved by the Fire Chief or the Fire Commission.

DISCIPLINARY PENALTIES: The following disciplinary action may be taken against a member of the Department.

1. COUNSELING: "Counseling" is a form of disciplinary action, which may be taken for breaches of discipline, which are relatively minor in nature. Counseling involves a discussion and explanation of the circumstances, which prompted the counseling session.

2. TRAINING: “Training” can be an effective method of correcting some breaches of discipline. Frequently, an individual’s misconduct or failure to perform in an acceptable manner can be directly related to his/her lack of skill or knowledge. If training is likely to result in a correction of a performance or conduct problem, it may be implemented in lieu of other disciplinary measures.
3. ORAL REPRIMAND: An “Oral Reprimand” is a notification to a subordinate that his/her performance or conduct is not appropriate or satisfactory. The notification shall include a thorough discussion of the problem.
4. WRITTEN REPRIMAND: A “Written Reprimand” is a formal notification to a subordinate, which outlines a breach of discipline on the part of a member or employee.
5. SUSPENSION FROM DUTY WITHOUT PAY: A “Suspension from Duty without Pay” involves temporarily relieving due to a serious conduct or performance problem or a repeat conduct or performance problem. A member may be suspended from duty and denying their earnings or their opportunity to respond to fire calls or work at the station, for a period of time
6. TERMINATION: “Termination” from employment may result if a member is involved in a serious action, is in the best interests of the Department because of serious performance deficiencies.

INFORMING THE PERSON BEING DISCIPLINED:

The member being disciplined shall be informed of the charges and penalties assigned at the time such action is taken. The member shall also be informed that future conduct or performance problems will not be tolerated and may result in a more severe form of disciplinary action.

REPORTS OF DISCIPLINARY ACTION TAKEN OR RECOMMENDED:

Whenever disciplinary action is taken or recommended by a supervisory or command officer, a written report must be submitted to the Fire Chief. The report must contain the following information:

1. The name of the person being disciplined.
2. The date(s), time(s), and location(s) of the misconduct, or the specifics of the performance problem.
3. A detailed summary of the investigation conducted and a finding reached.
4. The written signature of the preparing officer.

GRIEVANCE PROCEDURE:

All members have the right to appeal any disciplinary action. The process is covered in **SOP 1213**.