

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING SECTION 5-2 OF THE CODE OF ORDINANCES ADOPTING REVISED PERSONNEL POLICY FOR THE CITY OF ALLEN FIRE DEPARTMENT, REGARDING RECORDS RETENTION; PROVIDING A REPEALING CLAUSE; PROVIDING A CONFLICT PROVISION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Allen believes it is in the public's best interest to have a Fire Department which provides professional and uniformed service during Public Safety Emergencies; and,

WHEREAS, the City of Allen finds that policies and procedures for the Allen Fire Department creates continuity and insures professionalism and training; and,

WHEREAS, a uniform policy applied equally throughout the Department creates confidence in the minds of administrators and employees.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. Section 5-2 of the Code of Ordinances be amended in part by adopting a revised personnel policy for the Fire Department to read as follows:

“Sec. 5-2. - Personnel policy.

The Fire Department's Personnel Rules attached to Ordinance No. 2264-2-24 as Exhibit “A” and incorporated herein by reference are hereby approved and adopted. “

SECTION 2. All provisions of the ordinances of the City of Allen, Texas, in conflict with the provisions of this Ordinance, be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 3. If any article, paragraph, subdivision, clause or provision of this ordinance, as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this ordinance as a whole or any part or provision thereof, as amended hereby, other than the part so declared to be invalid or unconstitutional.

SECTION 4. This Ordinance shall take effect immediately upon its passage as the law and charter in such cases provide; and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 28TH DAY OF NOVEMBER 2017.

APPROVED:

Stephen Terrell, MAYOR

EXHIBIT “A”

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, City Attorney

Shelley B. George, TRMC, City Secretary

EXHIBIT "A"

PURPOSE

The purpose of this chapter is to secure an efficient fire department composed of capable personnel and ensure the consistent application of personnel management policies.

APPLICABILITY

- (a) This Chapter applies to non-civilian positions in the Allen Fire Department.
- (b) Where noted, specific classifications of non-civilian employees are not covered by selected sections of this procedure.
- (c) This Chapter is intended to supplement the City of Allen Personnel Policies and Procedure Manual (CAPP) and serve as a replacement for the areas of classification and appointment, concern/complaint procedure, investigation process, disciplinary actions, and miscellaneous provisions for the Fire Department.
- (d) Should this chapter be found in conflict with another portion of the CAPP, this chapter shall prevail.

CLASSIFICATIONS AND APPOINTMENT

Classifications

- (a) The City of Allen (City) shall develop and implement a classification system that details the job title, duties, and qualifications for positions within the AFD.
- (b) The City shall prescribe the number of positions in each classification.
- (c) Classifications and the number of positions in each classification are subject to review and amendment at the discretion of the City.

Appointment

- (a) The Fire Chief (department head) is appointed by the municipality's chief executive and serves at his/her discretion.
- (b) Assistant Chiefs, Division Chiefs and non-civilian Prevention Division personnel are selected by and serve at the discretion of the Fire Chief. The selection process to fill these positions is not restricted by this procedure.
- (c) Battalion Chiefs and all classifications subordinate to Battalion Chiefs are selected through the promotional process defined in this chapter.

Eligibility for Beginning Fire Fighter Position

A person may not take an entrance examination for a beginning fire fighter position in the fire department unless the person meets the entrance requirements for the position established in the official job description for the position.

Entrance Examination Notice

Before the 10th day before the date an entrance examination is held, the City shall post a notice of the examination in a manner consistent with other job postings for the City. The notice must show the position to be filled or for which the examination is to be held, and the date, time, and place of the examination.

Entrance Examination for Beginning Fire Fighter Position

- (a) The City shall provide for open, competitive, and free entrance examinations to provide an eligibility list for the beginning fire fighter position. The examinations are open to each person who makes a proper application and meets the requirements prescribed.
- (b) An eligibility list for a beginning fire fighter position may be created only as a result of a competitive examination. The examination must be based on the person's knowledge of and qualifications for fire fighting and work in the fire department and must inquire into the applicant's general education, mental ability and physical ability.
- (c) Examinations for a beginning fire fighter position in the fire department may be held at different locations if each applicant takes the same examination and is examined in the presence of other applicants and a proctor.

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- (d) Each applicant who takes the examination and physical ability test for the eligibility list shall:
 - (1) take the same examination and physical ability test; and
 - (2) be examined in the presence of other applicants for that eligibility list.
- (e) An applicant may not take the examination for a particular eligibility list more than once.
- (f) The City shall keep each eligibility list for a beginning position in effect for a period of not less than six months or more than 12 months, unless the list has been exhausted.

Procedure for Filling Beginning Positions

- (a) The Fire Chief shall create an entry level eligibility list consisting of candidates who successfully completed the written and physical ability test.
- (b) All candidates on the eligibility list shall be interviewed and rated by a Peer Interview Committee.
- (c) The Peer Interview Committee shall represent a cross section of the personnel in the department. These representatives shall be trained for the task.
- (d) The Peer Interview Committee shall interview the candidates following an established process which is the same for all candidates.
- (e) The Peer Interview Panel shall score each candidate against established criteria and generate a total candidate score. Those achieving an average score rated as “passing” or higher by the Peer Interview Panel will be referred to the next step in the hiring process. Those achieving a score below “passing” will be eliminated from the hiring process.
- (f) The Fire Chief shall select candidates from those achieving a passing score from the Peer Interview Committee. These candidates will be required to participate and pass:
 - Reference checks
 - Chief’s Interview
 - Polygraph
 - Background Investigations
 - Psychological evaluations
 - Physical Exam
 - Drug Screen
 - Driver’s License Check
 - Criminal History Check

Probationary Period

A person hired or promoted to any position in the fire department shall serve a probationary period of one year beginning on that person's date of employment or promotion. The probationary period may be extended for three additional months at the discretion of the Fire Chief.

Assignments and Eligibility for Promotion

Eligibility requirements are defined in the official job descriptions for each position.

Applicability

- (a) This section applies to the positions of Driver/Operator/Engineer, Lieutenant (if authorized), Captain, and Battalion Chief.
- (b) Assistant Chief, Division Chief, and Prevention Division promotional processes are not covered by this procedure. These positions are filled by internal promotion and/or external hiring procedures deemed appropriate by the Fire Chief. The qualifications for these positions are defined in the official job descriptions for the position.

Administrative Assignments

Certain administrative positions are filled by personnel from a specific classification being assigned to an administrative position. An example is a Captain assigned to administration as a Training Captain. Personnel from a specific job classification may be assigned to an administrative position in the same classification from a shift assignment and ~~visa~~ vice versa at the discretion of the Fire Chief.

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Promotional Examination Notice

Before the 90th day before the date a promotional examination is held, the City shall post a notice that lists the sources from which the written examination questions will be taken. Additionally, the eligibility requirements for participation in the promotional process shall be posted with the above-mentioned notice.

Before the 30th day before the date a promotional examination is held, the City shall post a notice of the examination in plain view on the bulletin board at each Allen Fire Station. The notice must show the position to be filled or for which the examination is to be held, and the date, time, and place for the examination. Additionally, the eligibility requirements and an application process for participation in the promotional process shall be posted with the above-mentioned notice.

Eligibility for Promotion

All AFD personnel meeting the eligibility requirements on or before the position closing date are eligible to participate in the promotional process provided they submit in accordance with the posted application process.

Promotional Examination Procedure

Each promotional candidate present shall be provided with an identical examination. All candidates shall be tested at the same time and location in the presence of all other promotional candidates appearing for the test.

At the appointed time and location, a candidate roll shall be verified from the submitted applications. Any person who has not met the application requirements and/or does not produce proper personal identification (Texas driver's license) shall not be permitted to take the examination. No applicant shall be admitted to the examination area after the designated time.

Any person who fails to appear for a promotional examination shall forfeit their status as an applicant for the examination.

Any examinee using or attempting to use any unfair or deceitful means to enhance their performance on an examination shall be removed from the promotional process and be disciplined in accordance with this policy.

The examination questions must be entirely in writing and test the knowledge of the promotional candidates from the posted reference material. The examination questions must be prepared and composed so that the grading of the examination can be completed immediately after the examination is over.

Appeal of Questions

A candidate may submit an appeal concerning a question or questions on the examination. This appeal must:

1. be submitted in writing at the time the test is submitted for grading
2. contain the question number
3. contain the complete basis for the appeal.

Only a written appeal meeting the above requirements shall be considered. No other appeal is permitted or will be considered.

Consideration of Appeal(s)

The consideration of appeals shall be conducted by the Fire Chief (or designee) and Director of Human Resources (or designee) within 24 hours of completion of the test.

The outcome of an appeal shall be:

- (a) the question is removed from the test and the maximum number of points available is diminished by one point; or,
- (b) the acceptance of two or more responses as correct responses. Only those marking the responses deemed correct shall receive credit for a correct answer.

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Grading of Test

The written tests shall be graded upon completion. The candidate shall have the option to be present when his/her test is graded. A representative from the Fire Department and the Human Resources Department shall conduct the grading process. The grading shall be conducted in plain sight of other candidates.

Promotional Eligibility List

The Promotional Eligibility List shall consist of a listing of those persons who took the examination with their corresponding total final scores, beginning with the highest total final score descending in order to the lowest total final score. A candidate's "total final score" shall be computed by combining the number of points received for correct answers plus the number of points allowable for seniority.

- A maximum of ten (10) seniority points may be allowed, one point for each full year of service completed with the Allen Fire Department as of the position closing date.
- An employee must receive at least 75 points on the examination to have obtained a passing score on the examination. Those not achieving at least 75 points will be considered to have failed the examination and are not eligible for seniority points or placement on the eligibility list.
- Points received by individuals shall not be considered to be finalized until all appeals have been considered, a determination on each is rendered, and any adjustments that are necessary are made.

Tie Breaking Procedure

In the event two or more persons make identical total final scores, the following procedure shall be used to break the tie and to determine placement on the final eligibility list:

- **Highest Test Score.** If two or more candidates tie on total final scores, the Fire Chief shall certify the list for those persons in order according to which person had the highest examination score prior to the addition of seniority points and after appeal adjustments, if any.
- **Seniority in Rank.** If there are still ties, the Fire Chief shall certify the list for those persons in order according to which person has the most seniority in the position immediately below the position for which the examination was given.
- **Most Recent Date of Hire.** If there are still ties, the Fire Chief shall certify the list for those persons in order according to the person with the longest service from the employees most recent hire date with the Allen Fire Department.
- **Drawing.** Should ties still exist, the names of the tied candidates shall be placed into a container and drawn out one at a time. The names shall be ranked based on the order drawn starting with the highest. The Fire Department and the Human Resources Department shall conduct this drawing jointly. All interested candidates may be present during the drawing.

Posting of Eligibility List

The Eligibility List shall be posted within twenty-four (24) hours of the completion of the written test and determination of appeals (if applicable).

Duration of Eligibility List

The Eligibility List shall be in effect for 365 days from its posting or until the list is exhausted.

Promotional Status

Occupying a position on an Eligibility List does not guarantee a promotion. Promotions are subject to a number of factors that include but are not limited to:

- The creation of a vacancy in the classification during the existence of the eligibility list;
- The lowering of the number of positions in the classification for which the eligibility list exists; or,
- The ability of the Fire Chief to select from the top three (3) candidates and/or bypass candidates with justification.

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Procedure for Making Promotional Appointments

If an eligibility list for the position to be filled exists on the date the vacancy occurs or a new position is created, the Fire Chief shall arrange to interview the three (3) highest candidates on the eligibility list. If fewer than three (3) names exist, all candidates on the list shall be interviewed by the Fire Chief.

The Fire Chief shall fill the position from the eligibility list within 60 days from the occurrence of the vacancy or creation of a new position unless the list is exhausted in the process.

If an eligibility list does not exist, the Fire Chief has 90 days to hold an examination to create a new eligibility list.

If an eligibility list is exhausted, the Fire Chief has 90 days from the date the list is exhausted to hold an examination to create a new eligibility list.

The Fire Chief has the ability to fill the vacancy from the top three (or fewer as described above) candidates on the eligibility list.

The candidate(s) not selected shall be returned to his/her place on the eligibility list. Should the list not produce an acceptable candidate or the Fire Chief has justification for permanently bypassing a candidate, the Fire Chief is required to notify the candidate s/he is being bypassed.

Bypassing a candidate removes this candidate from the eligibility list. The Fire Chief has the ability to bypass a candidate on the eligibility list provided a valid justification is provided in writing to the bypassed candidate.

Temporary Duties in Higher Classification

The temporary performance of the duties of a higher position by a person who has not been promoted as prescribed by this chapter may not be construed as a promotion.

CONCERN AND COMPLAINT PROCEDURE

Fire Department employees are encouraged to properly and professionally make their concerns or complaints known to their assigned supervisor. To maintain the integrity of the organizational structure, these concerns and complaints shall be managed through the established chain of command (except in instances when the supervisor is the offending party or the complainant expresses a likely concern that addressing the supervisor directly would result in retaliation). In these instances, the immediate supervisor shall be bypassed and the concern or complaint addressed to the next person in the chain of command. All complaints or concerns that bypass the chain of command shall be made in writing and provide the employee's reasons for bypassing their immediate supervisor.

Concern

A concern is defined as a matter having importance to the individual expressing the concern. When making a concern known, the employee must:

- Address the matter in person or in writing to the appropriate supervisor
- State the specific concern(s)
- State the desired outcome or resolution if one is known

The supervisor shall:

- Listen/read the concern(s)
- Summarize the issues involved
- Respond to or address the employee's concern(s) in a timely manner
- Maintain a record of the concern(s) and the resolution offered on a memo format.

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Complaint

A complaint is an allegation of a specific act or omission which if proven true would amount to employee misconduct. Misconduct is an act or omission by an employee which if proven true would normally result in some form of discipline, sanction, or remediation. This would include but is not limited to:

- Commission of a criminal act
- Neglect of duty
- Violation of an agency policy, procedure, rule or regulation, or
- Conduct or performance which may tend to reflect unfavorably upon the employee and/or department.

Any employee who observes or becomes aware of any act of misconduct by another employee shall immediately report the incident to the appropriate supervisor. If a supervisor observes or is made aware of any act of misconduct, the supervisor must take immediate, appropriate action.

Acceptance of the Complaint

- (a) An external complaint may be presented to the Fire Department in person, by phone, letter or electronic media.
- (b) An internal complaint shall be made in writing and presented to the appropriate supervisor.
 - a. No employee shall discourage, delay, or interfere with an individual making a complaint.
 - b. Failure by any employee to record an allegation or properly process a complaint is considered to be engaged in misconduct.
- (c) All complaints shall be forwarded to the Fire Chief through the chain of command in a prompt manner.
- (d) After reviewing the complaint, the Fire Chief may elect to process the complaint or assign the complaint to a supervisor for processing.
- (e) Complaints related to the provision of EMS shall be managed in accordance with the applicable procedures.
- (f) Complaints shall be placed in a complaint file and given a tracking number.
- (g) Complaints that are withdrawn may continue in the investigative process to completion at the Fire Chief's discretion.

Investigation

Should a complaint or other matter of significance create the need to conduct an investigation, the following format should be followed:

- Complaint evaluation. The complaint, associated documents and reports must be evaluated.
- The specific allegations to be addressed must be determined.
- Investigation questions should be developed. The preferred order for conducting questioning is complainant, witnesses, other employees, and then the accused employee.
- Evidence, if any, should be found and examined.
- An activity log that tracks documents, meetings, and events should be kept.
- Interviews should:
 - Delve into the specifics of each allegation
 - Identify each person involved and their specific role
 - Resolve inconsistencies
 - Uncover any underlying reasons for filing a complaint
 - Clarifying any differences with prior statements
 - Follow a standardized list of interview questions

During an interview, the employee shall be instructed to cooperate and informed that a failure to cooperate amounts to insubordination and could result in another allegation against the employee. The investigator should ask the interviewee whether s/he has any questions or anything to add that may not have been covered during the interview. They should also be asked to identify any investigative areas which may not have been considered or other possible witnesses. The accused should be asked if all allegations have been fully covered and if there are any allegations or issues that have not been addressed during the interview.

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Interviewing the accused employee should be done after the accused has received:

- Specific allegations
- Time and location of interview
- List of attendees
- A Notice of Administrative Inquiry Form

Adjudication

The standard in administrative investigations is “preponderance of evidence” rather than the criminal standard of beyond a reasonable doubt. Preponderance of evidence has been described as “slightly tipping the scales of justice” or more than 50%.” Adjudication classifications are:

- Not Sustained - The investigation failed to produce a preponderance of evidence to either prove or disapprove the allegation.
- Exonerated - The allegation in fact did occur but the actions were legal, justified, proper and in conformance with the law and Departmental/City policy and procedure.
- Unfounded - the allegations concerned an act by an employee which did not occur.
- Sustained - The investigation produced a preponderance of evidence to prove the allegation of an act which was determined to be misconduct.
- Misconduct Not Based on the Complaint (MNBC) - During the investigation, allegations of misconduct may be discovered which were not specifically alleged in the original complaint. These new discoveries are treated as separate allegations.

A written response may be provided within five business days from the notification of adjudication. This written response shall be included in the complaint file. If the complaint results in disciplinary action being taken, the recipient may have access to an appeal based on the level of the disciplinary action dispensed.

DISCIPLINARY ACTIONS

Supervisors are charged with the task of providing timely feedback on both the positive and negative performance and conduct of their assigned personnel. The use of coaching should be employed to prepare and motivate employees to achieve the proper level of performance. Coaching, however, is not always the appropriate tool to shape the behavior and performance of an employee. Serious or critical performance issues or behavioral deficiencies must be addressed through the progressive disciplinary process.

Progressive discipline shall be utilized by Fire Department supervisors when deemed appropriate. An employee’s assigned supervisor has the authority and responsibility to take disciplinary actions at the verbal counseling level without conference with their supervisor. Disciplinary actions at the written warning level are the responsibility of the individual’s supervisor (normally the Captain) following conference and approval from their supervisor (normally the Battalion Chief). The disciplinary actions of suspension, involuntary demotion, or dismissal are administered only by the Fire Chief. Supervisors have the authority and responsibility to identify and report incidents involving the possibility of these disciplinary actions through the chain of command.

A disciplinary process may begin at any level within the disciplinary process up to and including discharge.

Nothing in this policy shall be construed to limit the City of Allen's authority to administer any form of disciplinary action at any time as deemed necessary.

TYPES OF PROGRESSIVE DISCIPLINARY ACTIONS

Depending on the circumstances of each case, disciplinary action should be administered progressively and shall include, in order of severity:

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1. Verbal Counseling
2. Written Warning
3. Suspension
4. Involuntary Demotion
5. Discharge

Verbal Counseling

- (a) Counseling shall be conducted by the employee's immediate supervisor as soon as practical after the occurrence of a minor violation or substandard performance.
- (b) The supervisor shall meet privately with the employee to discuss the violation, performance or other problem when it first arises.
- (c) The specific violation or performance issues shall be explained and clear expectation of future performance or behavior clearly communicated.
- (d) The supervisor shall maintain notes of the meeting held with the employee by completing a Record of Verbal Counseling form.
- (e) Repetition of an offense handled via counseling will escalate the repeated offense in the disciplinary process.
- (f) Multiple counseling sessions for different instances may be combined to serve as the basis for an increased level of disciplinary action.
- (g) Verbal Counseling shall be noted in the employee's annual performance evaluation. All Record of Verbal Counseling form(s) completed during the evaluation period shall be attached to the performance evaluation.

Written Disciplinary Action

- (a) The Notice of Written Disciplinary Action shall be used to document unsatisfactory job performance or conduct.
- (b) The specific actions by the employee and the associated policy or performance violations must be referenced.
- (c) The Notice of Written Disciplinary Action must also give the employee a set period of time in which to demonstrate improvement in job performance or conduct.
- (d) The employee shall be informed in the Notice of Written Disciplinary Action of their ability to file a written appeal to the written disciplinary action within five calendar days to the Fire Chief.
- (e) The employee shall be informed in the Notice of Written Disciplinary Action that the document will be placed in their personnel file and a written response may be submitted for inclusion with the action within 5 calendar days. Should the employee file an appeal, the employee shall have five days from the receipt of the appeal response to file a written response for inclusion in their personnel file.
- (f) The Notice of Written Disciplinary Action, any appeal with appeal response and/or any employee response shall ~~remain-~~ be placed in the employee's personnel file ~~permanently~~.

Suspension

- (a) Suspension is time off work without pay given to an employee as a disciplinary action.
- (b) For any one occurrence, a suspension may not exceed fifteen (15) working days (5 twenty-four hour shifts).
- (c) A Notice of Suspension shall document the unsatisfactory job performance or conduct.
- (d) The specific actions by the employee and the associated policy or performance violations must be referenced.
- (e) The Notice of Suspension must also give the employee a set period of time in which to demonstrate improvement in job performance or conduct.
- (f) The employee shall be informed the Notice of Suspension document will be placed in their personnel file.
- (g) The employee shall be informed in the Notice of Suspension of their ability to file a written appeal in accordance with the CAPP.
- (h) Should the employee file an appeal, the employee shall have five days from the receipt of the appeal response to file a written response for inclusion in their personnel file.

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- (i) The Notice of Suspension, any appeal, appeal response and/or any employee response shall ~~remain-be placed~~ in the employee's personnel file ~~permanently~~.

Involuntary Demotion

- (a) Involuntary demotion shall only be considered as an appropriate form of disciplinary action when the employee's job performance or conduct is unsatisfactory in the current position held and it is determined that the employee should be retained in a lower classification.
- (b) A Notice of Involuntary Demotion shall document the unsatisfactory job performance or conduct.
- (c) The specific actions by the employee and the associated policy or performance violations must be referenced.
- (d) The Notice of Involuntary Demotion must also give the employee a set period of time in which to demonstrate improvement in job performance or conduct.
- (e) The employee shall be informed the Notice of Involuntary Demotion document will be placed in their personnel file.
- (f) The employee shall be informed in the Notice of Involuntary Demotion of their ability to file a written appeal in accordance with the CAPP. M.
- (g) Should the employee file an appeal, the employee shall have five days from the receipt of the appeal response to file a written response for inclusion in their personnel file.
- (h) The Notice of Involuntary Demotion, any appeal, appeal response and/or any employee response shall ~~remain-be placed~~ in the employee's personnel file ~~permanently~~.

Dismissal

Dismissal is an involuntary employment termination from the City of Allen. If dismissal is considered, a meeting will be conducted between the employee, the Fire Chief and a representative from Human Resources to discuss the reason behind the dismissal.

Should it be determined that discharge is the appropriate action, the employee shall be issued a memorandum or letter and notified of the disciplinary action being taken and the applicable personnel policies involved in the decision. Additionally, the employee shall be advised that they may appeal the decision in accordance with the City of Allen's appeal procedure.

JOB ABANDONMENT

Job abandonment consists of absences for two or more consecutive working days without prior authorized leave. Employees discharged for job abandonment shall be provided a written notice of their dismissal, but are not eligible to appeal their dismissal.

ADMINISTRATIVE LEAVE

For purposes of conducting an investigation of an allegation, the Fire Chief may place an employee on administrative leave with or without pay.

MISCELLANEOUS PROVISIONS

Efficiency Reports

- (a) The City of Allen may develop proper procedures and rules for annual efficiency reports for each employee.
- (b) These efficiency reports shall be utilized to determine the individual's merit pay.

Force Reduction and Reinstatement List

- (a) If the City vacates or abolishes a fire department position, the employee who holds that position shall be demoted to an open position in the Fire Department below the vacated or abolished position. If one or more positions of equal rank are vacated or abolished, the employee with the least seniority in a position shall be demoted.
- (b) If a position in the lowest classification is abolished or vacated and a fire fighter must be dismissed from the department, the fire fighter with the least seniority shall be dismissed.

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Political Activities

- (a) While in uniform or on active duty, a fire fighter may not take an active part in a political campaign for an elective position.
- (b) For the purposes of this section, a person takes an active part in a political campaign if the person:
 - (1) makes a political speech;
 - (2) distributes political literature;
 - (3) writes a letter for or against a particular candidate and signs it as a member of the AFD;
 - (4) signs a petition as a member of the AFD;
 - (5) actively and openly solicits votes; or,
 - (6) makes public remarks about a candidate for an elective position of the municipality.
- (c) An employee may not be required to contribute to a political fund or to render a political service to a person or party. A fire fighter may not be removed, reduced in classification or salary, or otherwise prejudiced for refusing to contribute to a political fund or to render a political service.
- (d) An employee found to have violated a portion of this section shall be disciplined commensurately with the offense.

Unlawful Resignation or Retirement

- (a) A person commits an offense if the person accepts money or anything of value from another person in return for retiring or resigning from the person's position.
- (b) A person commits an offense if the person gives money or anything of value to another person in return for the other person's retirement or resignation from the person's position.
- (c) An offense under this section is a cause for discharge from employment.

Personnel File

- (a) The Director of Human Resources shall maintain a personnel file on each fire fighter. Documents in the personnel will be retained in accordance with the City of Allen's Records Retention Schedule. Documents placed in the file must contain include any letter, memorandum, or document relating to:
 - (1) a commendation, congratulation, or honor bestowed on the fire fighter by a member of the public or by the employing department for an action, duty, or activity that relates to the person's official duties;
 - (2) any misconduct by the fire fighter if the letter, memorandum, or document is from the employing department and if the misconduct resulted in disciplinary action by the employing department in accordance with this chapter; and
 - (3) the periodic evaluation of the fire fighter by a supervisor.
- (b) A letter, memorandum, or document relating to alleged misconduct by the fire fighter may not be placed in the person's personnel file if the employing department determines that there is insufficient evidence to sustain the charge of misconduct.
- (c) A negative letter, memorandum, document, or other notation of negative impact may not be placed into a fire fighter's personnel file without their immediate notification. The fire fighter may, on or before the 5th day after the date of receipt of the notification, file a written response to the negative letter, memorandum, document, or other notation.
- (d) The fire fighter is entitled, on request, to a copy of any letter, memorandum, or document placed in the person's personnel file. The municipality may charge the fire fighter a reasonable fee for any copies provided under this subsection.
- (e) The Director of Human Resources or the director's designee may not release any information contained in a fire fighter's personnel file without first obtaining the person's written permission, unless the release of the information is required by law.

EXHIBIT "A"

Record of Verbal Counseling

To: Employee

From: Supervisor

Date: (insert date)

Re: Record of Verbal Counseling

Section One- Session Date/Location/Attendees

- On _____ (insert date), I held a verbal counseling session with _____ (insert name).
- The session was held _____ (insert location) at _____ (insert time).
- List the names of anyone else attending the meeting. (Please recall verbal counseling sessions are best done in private. Only others with a legitimate need shall be present.)

Section Two- Detail the Reason(s) for the Verbal Counseling Session

- This should focus on the unacceptable behavior of the employee.
- The specific time and date of offense(s).
- Example- On September 2, 2003, FF/P Smith was found reading the newspaper when s/he was assigned to clean the apparatus.

Section Three- Detail the Expected Behavior Communicated to the Employee

- This shall focus on the expected behavior communicated to the employee.
- If appropriate, a timeline for improvement shall be included.
- Example- FF/P Smith was instructed that s/he is to participate in all assigned station duties until they are completed. S/he is to report to me when s/he has completed his/her assignments.

Section Four- Explain the Possibility of Escalation of Disciplinary Action if Additional Performance Issues Arise

- Example- FF/P Smith was told that a future failure to participate in station duties would result in an escalation of disciplinary action (written warning). S/he was also informed this verbal counseling session will be reflected on her/his annual evaluation.
- If the employee has been the recipient of another verbal counseling session for a different or related topic, the employee shall be informed that multiple counseling session instances may be combined to serve as the basis for an increased level of disciplinary action.

Section Five- Any other Pertinent Information

- Example- FF/P Smith apologized for her/his failure and promised not to repeat.
- Example- FF/P Smith was unapologetic for her/his actions.

Section Six- Document Retention

This document is to be retained, referenced, and attached to the employee's annual evaluation.

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Notice of Written Disciplinary Action

To: Employee

From: Appropriate Supervisor

Date:

Re: Notice of Written Disciplinary Action

SECTION ONE

In compliance with the City of Allen Ordinance No. 2264-2-04, this Notice of Written Disciplinary Action is presented to you. On (date or dates), you engaged in conduct in violation of the City of Allen Personnel/Policies and Procedures Manual (CAPP) and/or the Standard Operating Procedures of the City of Allen Fire Department (SOP).

SECTION TWO

Summarize the unsatisfactory job performance or behavior here.

SECTION THREE

Detail the specific policy violations here.

- List the behavior and corresponding policy it violates
- Quote from the specific section of the policy violated
- Admonish the behavior as unacceptable

SECTION FOUR

I am ordering the following disciplinary action in compliance with City of Allen Ordinance No. 2264-2-04:

- A copy of this Notice of Written Disciplinary Action shall be placed in your Personnel File.
- Other specific remedial actions as deemed appropriate

You are hereby informed that failure to meet the items above and/or other policy violations will result in disciplinary action in accordance with City of Allen Ordinance No. 2264-2-04 up to and including discharge.

SECTION FIVE

You are hereby informed of your ability to submit a written statement to be attached with this document. This written statement must be titled “Written Statement in Response to Notice of Written Disciplinary Action” and delivered to the Fire Chief within 5 calendar days of receipt of this document. The written statement shall be attached to this document and included in your personnel file.

If you elect to appeal your Notice of Written Disciplinary Action as detailed in the next section, your opportunity to provide a “Written Statement in Response to Notice of Written Disciplinary Action” is deferred until an appeal response is received.

SECTION SIX

You are hereby informed of your ability to appeal this Notice of Written Disciplinary Action. This written statement must be titled “Written Appeal to Notice of Written Disciplinary Action” and delivered to the Fire Chief within 5 calendar days of receipt of this document. Failure to appeal within the required time period shall be considered an indication of your acceptance of this action as written.

EXHIBIT “A”

Upon a written response from the Fire Chief, you shall have the ability to submit a “Written Statement in Response to Notice of Written Disciplinary Action” as indicated in the previous section. The five day time frame to submit this document will commence upon receipt of the appeal response.

A copy of the “Notice of Written Disciplinary Action,” your “Written Appeal to Notice of Written Disciplinary Action” (if any), the Fire Chief’s response, and your “Written Statement in Response to Notice of Written Disciplinary Action” (if any) shall be placed in your personnel file.

SECTION SEVEN

Insert a closing paragraph as deemed appropriate.

SECTION EIGHT

Signature

Date

EXHIBIT “A”

Notice of Suspension

To: Employee

From: Fire Chief

Date:

Re: Notice of Suspension

SECTION ONE

In compliance with the City of Allen Ordinance No. 2264-2-04, this Notice of Suspension is presented to you. On (date or dates), you engaged in conduct in violation of the City of Allen Personnel/Policies and Procedures Manual (CAPPM) and/or the Standard Operating Procedures of the City of Allen Fire Department (SOP).

SECTION TWO

Summarize the unsatisfactory job performance or behavior here.

SECTION THREE

Detail the specific policy violations here.

- List the behavior and corresponding policy it violates
- Quote from the specific section of the policy violated
- Admonish the behavior as unacceptable

SECTION FOUR

I am ordering the following disciplinary action in compliance with City of Allen Ordinance No. 2264-2-04

- A copy of this Notice of Suspension shall be placed in your Personnel File.
- You are hereby suspended for a period of (define # of days and effective date)
- Other specific remedial actions as deemed appropriate

You are hereby informed that failure to meet the items above and/or other policy violations will result in disciplinary action in accordance with City of Allen Ordinance No. 2264-2-04, up to and including discharge.

SECTION FIVE

You are hereby informed of your ability to submit a written statement to be attached with this document. This written statement must be titled “Written Statement in Response to Notice of Suspension” and delivered to the Fire Chief within 5 calendar days of receipt of this document. The written statement shall be attached to this document and included in your personnel file.

If you elect to appeal your Notice of Suspension as detailed in the next section, your opportunity to provide a “Written Statement in Response to Notice of Suspension” is deferred until an appeal response is received.

SECTION SIX

You are hereby informed of your ability to appeal this Notice of Suspension. This written statement must be titled “Written Appeal to Notice of Suspension” and filed according to the CAPPM. Failure to appeal within the required time period shall be considered an indication of your acceptance of this action as written.

Upon receipt of an appeal response, you shall have the ability to submit a “Written Statement in Response to Notice of Suspension” as indicated in the previous section. The five day time frame to submit this document will commence upon receipt of the appeal response.

EXHIBIT “A”

A copy of the “Notice of Suspension,” your “Written Appeal to Notice of Suspension” (if any), the appeal response, and your “Written Statement in Response to Notice of Suspension” (if any) shall be placed in your personnel file.

SECTION SEVEN

Insert a closing paragraph as deemed appropriate.

SECTION EIGHT

Signature

Date

EXHIBIT “A”

Notice of Involuntary Demotion

To: Employee
From: Fire Chief
Date:
Re: Notice of Involuntary Demotion

SECTION ONE

In compliance with the City of Allen Ordinance No. 2264-2-04, this Notice of Involuntary Demotion is presented to you. On (date or dates), you engaged in conduct in violation of the City of Allen Personnel/Policies and Procedures Manual (CAPP) and/or the Standard Operating Procedures of the City of Allen Fire Department (SOP).

SECTION TWO

Summarize the unsatisfactory job performance or behavior here.

SECTION THREE

Detail the specific policy violations here.

- List the behavior and corresponding policy it violates
- Quote from the specific section of the policy violated
- Admonish the behavior as unacceptable

SECTION FOUR

I am ordering the following disciplinary action in compliance with City of Allen Ordinance No. 2264-2-04:

- A copy of this Notice of Involuntary Demotion shall be placed in your Personnel File.
- You are hereby demoted to the classification of (define classification and effective date)
- Other specific remedial actions as deemed appropriate

You are hereby informed that failure to meet the items above and/or other policy violations will result in disciplinary action in accordance with the City of Allen Ordinance No. 2264-2-04 up to and including discharge.

SECTION FIVE

You are hereby informed of your ability to submit a written statement to be attached with this document. This written statement must be titled “Written Statement in Response to Notice of Involuntary Demotion” and delivered to the Fire Chief within 5 calendar days of receipt of this document. The written statement shall be attached to this document and included in your personnel file.

If you elect to appeal your Notice of Involuntary Demotion as detailed in the next section, your opportunity to provide a “Written Statement in Response to Notice of Involuntary Demotion” is deferred until an appeal response is received.

SECTION SIX

You are hereby informed of your ability to appeal this Notice of Involuntary Demotion. This written statement must be titled “Written Appeal to Notice of Involuntary Demotion” and filed in accordance with the CAPP. Failure to appeal within the required time period shall be considered an indication of your acceptance of this action as written.

Upon receipt of an appeal response, you shall have the ability to submit a “Written Statement in Response to Notice of Involuntary Demotion” as indicated in the previous section. The five day time frame to submit this document will commence upon receipt of the appeal response.

EXHIBIT “A”

A copy of the “Notice of Involuntary Demotion,” your “Written Appeal to Notice of Involuntary Demotion” (if any), the appeal response, and your “Written Statement in Response to Notice of Involuntary Demotion” (if any) shall be placed in your personnel file.

SECTION SEVEN

Insert a closing paragraph as deemed appropriate.

SECTION EIGHT

Signature

Date