

CITY OF POCA TELLO
CIVIL SERVICE COMMISSION
FIRE DEPARTMENT CIVIL SERVICE RULES

Nothing in these rules will be used to discriminate against any person on the basis of race, sex, religion, handicap, national origin, or political affiliation.

The word "he" when used in the context of these rules is also meant to include "she".

The term "workday" refers to Monday through Friday when used throughout these rules.

CIVIL SERVICE RULES FOR THE FIRE DEPARTMENT OF POCA TELLO, IDAHO

Pursuant to the Provisions of Chapter 16, Title 50 of the Idaho State Code and Chapter 2.44 of the Pocatello City Code, the Civil Service Commission (hereinafter called the Commission) of Pocatello, Idaho, hereby prescribes the following rules for the regulation of the Fire Department of said City to be effective on and after passage and approval by the City Council.

1. These rules shall apply to all classified Civil Service positions within the Fire Department.
2. The Employee Services Coordinator of the City of Pocatello shall act as city staff liaison to the Commission and the duly authorized representative of the Civil Service Commission and is charged with administering the rules contained herein.
3. The Civil Service Commission shall make, pursuant to statute, all necessary rules and regulations to carry out the purposes of the civil service system in regard to examinations, appointments and promotions. All such rules and regulations shall be printed by the Civil Service Commission for distribution.
4. All promotions hi the classified civil service shall be made on the basis of competitive examinations, the qualifications and regulations for which are set forth at length in these rules. Such examinations may include any or all of the following: written, oral, practical, physical fitness, physical agility, assessment center.

5. To the extent that these rules may conflict with any other rule, policy, or law duly adopted by the City of Pocatello, these rules shall be controlling. If any employment matter is not addressed within the Civil Service Commission Rules, the Fire Department employee should refer to such other rules, regulations, resolutions, and ordinances.

RULE I FIRE CHIEF

Section 1. APPOINTMENT OF FIRE CHIEF. The position of Fire Chief is expressly exempted from the Classified Civil Service positions, and all appointments to the position shall be made by the Chief Executive Officer of the city.

Appointments to the position of Fire Chief may be made from applicants in the classified ranks of the said department or through the adopted selection procedures for applicants outside the Civil Service.

Section 2. WHEN THE FIRE CHIEF POSITION IS VACATED. When a Fire Chief who was appointed from within the classified Civil Service leaves the position of Chief, he may be returned to the position he previously held, if he so desires. Employees may, if necessary, be reduced to their previous rank in order that such person may be restored to his former seniority and rank in the department.

RULE II CLASSIFICATIONS

Section 1. APPOINTING AUTHORITY. The Fire Chief is designated as the "Appointing Authority" for the Classified Service (Idaho Code Section 50-1602). Subject to the rules of the Commission, the Fire Chief shall appoint to the following positions within the Fire

Department, which are within the classified Civil Service:

- Firefighter - Probationary, 2nd Class, 1st Class
- Driver/Operator
- Paramedic
- Captain
- Division Chief

Section 2. JOB DESCRIPTIONS. In accordance with Idaho Code Section 50-1604, the City Council, through their delegated representative, periodically adopts job descriptions which determine and establish the standards and qualifications for each Civil Service position.

RULE III
TEMPORARY EMPLOYMENT

The Fire Chief, with the advice and consent of the Commission, may employ any person for temporary work only at the Probationary Firefighter Classification without making such appointment from the certified list. Temporary employment shall not be longer than six months, and under no circumstances shall such temporary employee be appointed to a post probation position unless he shall have been duly certified by the commission as in other cases. - Idaho Code 50-1608.

RULE IV
INITIAL EMPLOYMENT IN THE FIRE DEPARTMENT

Section 1. INITIAL APPOINTMENT DEFINITION. An initial appointment in the classified Fire Service refers to an appointment to the position of Probationary Firefighter.

Section 2: APPOINTMENT PROCEDURE SUMMARY. In order to be considered

for the position of Probationary Firefighter a person must

- A. have a high school diploma or equivalent;
- B. be at least 18 years of age;
- C. fill out the application form;
- D. pass a written examination with a grade of 70%;
- E. meet the physical fitness requirement established by the fire department;
- F. meet the medical requirements of National Fire Protection Association (NFPA) Standard No. 1582, Standard on Medical Requirements for Fire Fighters.
- G. comply with requirements of the State Retirement System including medical examination and physical agility examination.

Failure at any step disqualifies a person from proceeding further. Successful completion of all steps qualifies a person for placement on the eligible register. Registers are valid for a maximum of two years or until all names are exhausted if sooner. When an opening arises, the Commission will certify the names in the top three (3) people ranks on the eligible register to the Fire Chief who will make the final selection to fill the position available from one of these names. (Idaho Code §50-1605) Details of this procedure will be outlined in the following sections.

Section 3. QUALIFICATIONS FOR APPLICATION.

A. Character, Reputation, Previous Rejection. In order to apply for original appointment in the Classified Fire Service, a person must be of good character and industrious nature. No application shall be considered if the applicant has ever been convicted of a felony, or any misdemeanor involving moral turpitude, honesty, justice, modesty, or if he has been previously rejected by the examining physician for a disease or disability which remains unremedied and which prevents the applicant from performing the essential functions of the job with or without accommodation; or if he has been previously rejected by the Commission for good cause; or if he has at any time terminated from any public or private position to avoid possible dismissal. In determining whether such reasons will bar an applicant, factors to be considered shall include the sensitivity of the position applied for, the nature and seriousness of the conduct

and attendant circumstances, the date of the conduct, the age of the applicant at the time, and contributing conditions.

B. Residency. Fire Department employees, regardless of when hired, may live anywhere, inside or outside of the City limits.

Section 4: WRITTEN EXAMINATION. Each applicant must pass a written examination in order to be given further consideration for appointment.

A. When given. Persons whose applications have been accepted pursuant to these rules will be notified as to the specific time and place prior to the examination. The examination shall be given as deemed necessary by the Commission.

B. Source of examination. The test administered by Personnel Services will be a standardized test certified by the International Personnel Management Association or any other examination approved by the Commission. Prior to testing, the examination shall remain in the exclusive charge of Personnel Services and shall be kept confidential by that office.

C. Regulations for conducting written examinations.

1. The examination shall be held in the presence of one or more duly authorized representatives of the Civil Service Commission.
2. At the direction of the Examiner, time limits may be used in examinations. If time limits are used, they shall be fixed by the Examiner who shall advise the applicants of them at the time of assembling. During examination, he shall give proper notice of elapsed time and time remaining.
3. Writing paper furnished by the Examiner shall be used exclusively by the applicants. Unless otherwise specified in the announcement, pencils or other necessary instruments shall be furnished by Personnel Services. Mechanical or electronic aids may be allowed at the discretion of the Commission.
4. Books of reference, or data of any kind, shall not be used during any examination, unless otherwise provided for in the announcement of the

examination.

5. Applicants must provide identification, as required by the Examiner, in order to be allowed to take the examination.
6. Written tests shall be done with pencil, indelible pencil or ink, as may be prescribed by the Examiner.
7. All papers pertaining to a given test shall be distributed at the same time.
8. Individual explanations to applicants shall be prohibited.
9. Communication between applicants shall be prohibited.
10. Applicants shall not leave the examination room without permission from the duly authorized representative of the Commission.
11. All examination papers shall be taken up upon the expiration of the time limit set, if a time limit is used.
12. Should an applicant withdraw from an examination, he shall turn in all papers which he has received.
13. In case of irregularity in an examination, the Examiner shall make a written report thereof to the Commission, and such report shall be filed with the working papers of the examination. The Fire Chief and Union are to be notified.
14. Unnecessary conversation between personnel administering the examination will be prohibited.
15. The methodology for scoring the examination shall be at the discretion of the Civil Service Commission.
16. All applicants shall be notified approximately four weeks after the examination of their score.

Section 5. VETERAN'S PREFERENCE POINTS. Veteran's preference points will .

be added to examination scores of applicants who qualify for veteran's preference points in accordance with Idaho Code for placement on the initial appointment register only.

Section 6. IDAHO CERTIFIED EMERGENCY MEDICAL TECHNICIANS.

Candidates who hold a current certification with the State of Idaho as an Emergency Medical Technician or Paramedic will be given five (5) points. A copy of the Emergency Medical Technician or Paramedic card showing the name, date issued, and expiration date must be submitted to the Employee Services Coordinator for such points to be given. Points given for Idaho EMT certification will be subtracted at such time that the certification expires unless the candidate provides proof of recertification to the Employee Services Coordinator.

Section 7. INITIAL APPOINTMENT ELIGIBLE REGISTER DEFINITION.

An initial appointment eligible register consists of a list of applicants who have successfully passed the latest written examination. Each register is valid a maximum of two years. A new initial appointment eligible register shall be established after each examination. Rankings are subject to change as stated below.

A. The names on the eligible register shall be listed in the order in which they rank based upon a combined score of each person's performance on the written examination, veteran's preference points, and Idaho Certified Paramedic or Emergency Medical Technician points. If more than one applicant receives the same score, those names shall be grouped within the same ranking in alphabetic order. The ranking of each individual may be changed based on additionally accumulated points if, during the existence of the eligible register, an applicant on the register submits proof of Idaho EMT or Paramedic certification.

B. In accordance with Section 9, certification of an applicant's name among the top three rankings on the eligible register makes him eligible for consideration by the Fire Chief for initial appointment as openings arise.

C. Once established, an eligible register shall remain a bona fide register until all the applicants appearing thereon have been appointed or until the next eligible register has been established from the list of those passing the latest examination, whichever occurs first. An

applicant who has not been appointed by the time a new examination is scheduled must resubmit his application and undergo the examination process again in order to be placed on the eligible register.

D. Applicants whose names are placed on the eligible register must notify Personnel Services in writing of any change of address within five (5) days of moving.

E. Names may be removed from the current eligible register for any of the following reasons:

1. Failure to report for a scheduled interview after notification approved by the Commission.
2. Declining an interview after notification.
3. Declining an appointment without reasons satisfactory to the Commission.
4. Inability of the postal authorities to locate him.
5. Applicant's becoming incapable of performing the essential functions of the position with or without reasonable accommodation.
6. Applicant's conviction of any felony; conviction of a misdemeanor involving moral turpitude; or obtaining his position on the register by fraud, deceit, or misrepresentation. Due to the fact an individual may be operating emergency vehicles on the public streets, motor vehicle violations may also result in removal, depending on the nature, frequency, and dates of the violations.
7. Information of such a nature which, had it been produced prior to the date of examination, would have resulted in the exclusion of an applicant from participation therein.
8. Failure to meet the medical requirements.
9. Failure to update applicant's application with any new, changed or additional information.

Upon removal of an applicant's name from the register for any of the foregoing causes, the Commission shall notify the applicant of the removal and reasons therefor. The

Commission may, upon receipt of written application therefor or upon its own motion, afford applicant an opportunity to be heard and, upon such hearing and consideration of evidence satisfactory to the Commission, reinstate said applicant upon said register to the ranking from which he was removed.

Section 8. CERTIFICATION. In accordance with Idaho Code Section 50-1605, when an opening arises, the Commission shall certify the names in the top three (3) rankings from the initial appointment eligible register to the Fire Chief for his consideration. The Commission shall always certify the persons having the highest standing on the eligible register, and each opening shall be filled by one (1) of the persons certified, providing he can pass the physical fitness test established by the fire department for candidates and the medical and physical agility examinations required by and in accordance with the State Retirement Fund. All persons not appointed shall be restored to their relative positions on the eligible register.

Section 9. MEDICAL EXAMINATION - PHYSICAL AGILITY EXAM. Upon receipt of the Commission's certification, the Fire Chief shall arrange for physical fitness testing for the person or persons being considered for immediate appointment. The Fire Chief may make a conditional job offer to an applicant who has successfully passed the physical fitness test and arrange for a medical examination of such applicant. The medical examination shall be given at the expense of the City of Pocatello. Any such job offer is conditional upon the applicant passing such medical examination and being able to perform the essential functions of the job, with or without reasonable accommodation. The examining physician shall adhere to the medical standards established by the State Retirement Fund and the National Fire Protection Association (NFPA) Standard No. 1582, Standard on Medical Requirements for Fire Fighters.

Section 10. APPOINTMENT. Upon initial appointment, the Fire Chief shall report to the Commission the name of such appointee, the position, and the date of commencement of

service.

The failure of an applicant to respond within five (5) working days to an offer of appointment shall be considered a declination.

Upon notification from the Fire Chief that a person named in a certification has declined appointment, or of evidence of the failure of such person to respond to notice properly sent within the time specified above, the Commission shall certify additional name/s from the eligible register.

Section 11. PROBATION. All initial appointments shall be probationary for the term of one (1) year. If either the conduct or performance of duty, or both, of any probationer shall be found unsatisfactory, or if it is determined for any reason that retention would diminish efficiency and public service within the Department, the Fire Chief will cause to be delivered to the probationer a written statement setting forth conclusions as to the inadequacy of performance or conduct and the effective date of dismissal. Whenever possible, the written statement shall be in temperate language and not written in a manner which reflects adversely on the probationer's good name and reputation. Whenever a written statement reflects adversely on a probationer's good name and reputation, the probationer will be entitled to a hearing before the Commission solely for the purpose of clearing his good name. In such case the Commission shall not have the authority to order reinstatement. In lieu of demanding a hearing before the Commission, the probationer may submit a written statement to be included in his personnel file.

A probationer who, in the Fire Chiefs judgment, satisfactorily completes initial probation shall be considered to have fully demonstrated his qualifications for continued employment in the position and may thereafter be dismissed only for cause.

RULE IV
REGULATIONS FOR PROMOTIONAL VACANCIES

Section 1: PROMOTION - DEFINITION. All appointments to classifications other than those of Probationary Firefighter through Firefighter 1st Class are considered to be promotions.

Section 2: PROMOTIONAL REQUIREMENTS.

A. In order to be promoted to the classifications of Driver Operator, Captain, or Division Chief, a candidate must attain the greatest number of points among those competing for the position. Points are to be determined from the following:

- | | |
|------------------------|-------------------------------------------------------------------|
| 1. Written examination | 100 points (approximately) |
| 2. Staff interview | 50 points |
| 3. Assessment Lab | 475 points (approximately) |
| 4. Seniority | 1 point for each complete year of employment with the department. |

B. All eligible Fire Fighters may participate in the promotional exam and all eligible Fire Fighters will be placed on the promotional lists. The criteria used in assessing points in the Staff Interview will be posted prior to the interviews.

C. Once a person has been placed on the eligible register, he or she will be promoted the same day the vacancy occurs. If a vacancy occurs within thirty days or less of the expiration of an existing eligible register, the top person on the present eligible register shall be the person promoted. When a vacancy occurs, the Civil Service Commission will certify the top three (3) names on the eligible register to the Fire Chief who will select the top candidate to fill the vacancy. Idaho Code 50-1605 . Each person promoted will serve on a probationary status for a period of one (1) year. The Commission shall always certify the three (3) persons having the highest standing on the eligible list for the positions to be filled, and the position shall be filled by the top person certified by the Commission.

D. Seniority points will be determined as one point for each complete year of

employment based on the employee's hire date, up to the starting date of the promotional list.

Section 3: VACANCIES AND EXAMINATION.

A. Vacancy. When there is a need, as determined by standard operating procedures, to fill a promotional vacancy within the Department, it must be filled within thirty (30) calendar days from the date the eligible register is posted. The following positions shall be promoted in accordance with this section: four (4) Division Chiefs- Operations, Support, Public Safety, and Medical; fifteen (15) Captains- two (2) in Fire Prevention (one until the person occupying the Fire Marshal position as of July 1, 1990, retires or resigns), one (1) in Training, and twelve (12) Company Officers; and eighteen (18) Driver Operators. Captains positions in Fire Prevention and Training shall come from the current Captains or the first person on the Captain's eligible register. Upon retirement or resignation of the Fire Marshal who *is* in the Fire Marshal's position on July 1, 1990, this position shall be assumed by the Division Chief of Public Safety.

B. Examination. When Given. An eligible register is valid for 2 years from the date of its certification to the Fire Chief. Examinations shall be given when a vacancy occurs and the eligible register has been exhausted. At such times, examinations shall also be given for all other positions which are lower steps in the promotional ladder and for which hiring is subject to examination.

C. Nature of Examination. At least fortyfive (45) calendar days prior to the examination, the source of material from which the written examinations are taken must be posted in all fire stations. The promotional exam must consist of a written examination and may be supplemented with a practical examination at the discretion of the Fire Chief. All applicants for promotional examination must be given the examination at the same time. Applicants may take the examinations if they will have completed the full time in grade as specified below.

For promotion to:

DRIVER OPERATOR

CAPTAIN DIVISION

CHIEF

DIVISION CHIEF
(Medical)

Who may take:

A fire fighter 1st Class who has completed three (3) years in the department.

Any employee in the Classified Service who has eight (8) years of classified service.

A Captain who has completed two (2) years in grade and who has ten (10) years of service.

A Captain who has completed two (2) years in grade and who has completed ten (10) years of service with at least five (5) years as a paramedic.

D. Assessment Lab. The assessment lab will be designed around the individual position to be filled. The material shall pertain to the actual duties and responsibilities as well as test for abilities in leadership, written and oral communications, problem solving, organization and planning, interpersonal skills, and other pertinent areas. There will be no take home written assignments.

E. Preparation of Exam. In preparing questions to be used in an examination, the

Employee Services Coordinator shall consult with the head of the department or his/her responsible subordinates and with specially qualified persons or experts outside the Classified Service concerning the duties of a position to be filled, the qualifications to be required of the applicants thereof, and the data upon which questions may be based; provided, however, he/she shall not consult with any person participating in that particular examination. Prior to the giving of an examination all questions intended for use shall be in the exclusive possession and control of the Personnel Services, which shall be held strictly responsible and accountable to the Commission for the secrecy thereof.

1. Examinations shall be held in the presence of one or more duly authorized representatives of the Civil Service Commission.
2. At the direction of the Examiner, time limits may be used in examinations. If time limits are used, they shall be fixed by the Examiner who shall advise the applicants at the time of assembling and during examination give proper notice of elapsed time and time remaining.
3. Writing paper furnished by the Examiner shall be used exclusively by the applicants. Unless otherwise specified in the announcement, pencils or other necessary instruments will be furnished by Personnel Services. Mechanical or electronic aids may be allowed at the discretion of the Commission.
4. Books of reference or data of any kind shall not be used during any examination, unless otherwise provided for in the announcement of the examination.
5. Written tests shall be done with pencil, indelible pencil, or ink as may be prescribed by the examiner.
6. All papers pertaining to a given test shall be distributed at the same time.
7. Individual explanation to applicants shall be prohibited.
8. Communication between applicants shall be prohibited.
9. Applicants shall not leave the examination room without permission from the duly authorized representative of the Commission.
10. All examination papers shall be taken up upon the expiration of the time limit set, if a time limit is used.
11. Should an applicant withdraw from an examination, he/she shall turn in all papers which he/she has received.
12. In case of irregularity in an examination, the Examiner shall make a written report thereof to the Commission, and such report shall be filed with the working papers of the examination. The Fire Chief and Union are to be notified.

13. Unnecessary conversation between examining personnel will be prohibited.

F. Scoring - Examination. The written portion of the examination shall be evaluated on a percentage basis, each percentage point to be worth one (1) numerical point. The percentage of correct answers shall be converted to numerical points. The written score, the Staff interview points, assessment lab score, and seniority points are combined to form a total score.

G. Inspection of Examination Papers. Each applicant will be advised of his/her examination and rating scores. The candidate will be permitted to inspect his own written examination answer sheet in the office of the Personnel Services under proper supervision. Written examination papers shall be at all times in the charge of the Personnel Services, and none of the papers shall be taken from his/her office. Only the written portion of the examination will be available for review by the candidate. The scores derived from the assessment lab and Chiefs interview will be discussed with each candidate in a post examination interview to be conducted by the Chief within thirty (30) working days of the completion of the assessment lab. The purpose of this interview will be to show the individual his/her areas of strengths and weaknesses. The records of an examination are working papers and not public documents.

H. Protest on Manifest Errors in Grading. Request for review of the grading must be filed with the Civil Service Commission, in writing, within ten (10) calendar days of the date when the notice as to the standing of the applicant is sent out. No change in rating will be made except for a manifest error in grading. The Civil Service Commission shall have the power to correct any error and amend or revoke any schedule, list or other paper or record where it appears that an error or injustice has been done. After an eligible list has been so corrected, amended or revoked, notice shall be given to all persons whose standings upon such list may be affected by the alterations. The reasons for every such action shall be recorded in full in the minutes of the Civil Service Commission.

I. Examination Papers Kept for Two Years. Examination papers of all applicants in any examination shall be preserved for a period of two (2) years from the date of the certification of

the eligible register. Such examination papers shall be disposed of at the discretion of and by the direction of Personnel Services.

J. Corruption and Penalty. Any attempt on the part of an applicant (either by himself or through others with his/her knowledge) to influence or induce any examiner or employee thereof, to give applicant an undue advantage, or to accord a special rating on an examination shall be cause for the rejection of the applicant.

K. Eligible Register.

1. Definition. An eligible register for promotions is a list of applicants who have successfully passed the requirements for promotion.

2. The order in which applicants appear on the eligible register shall be determined by the total points attained from the written exam, Staff interview, seniority points, and the assessment lab. The applicant having the highest number of points shall be first on the list. Seniority will be used to break ties with the person with more seniority being placed higher on the list. The Fire Chief will choose for the promotion the person with the highest amount of points. -Idaho Code 50-1605 -.

3. In order for a candidate to be promoted to Driver/Operator after April 21,1994, he must also be certified in the departments Driver/Operator Certification Program based on NFPA1002. Candidates who are not certified will be passed over for promotion. They will maintain their ranking on the list but will not be promoted until they are certified and another vacancy occurs.

4. An eligible register must be established by Personnel Services after each examination is complete and total points have been determined. The register shall continue to be a bona fide register until all applicants from the register have been promoted or until another examination is held, whichever is first. If all the applicants are used from a register and vacancy occurs before examinations are given in March, a new examination will be given by Personnel Services according to the same guidelines used for regularly scheduled promotional examinations.

Section 4. FIREFIGHTER AND PARAMEDIC REQUIREMENTS.

Appointment to the following positions does not require an examination.

CLASSIFICATION

Firefighter 2nd Class
Firefighter 1st Class
Firefighter Paramedic

Movement from probationary to 2nd class firefighter and from 2nd class to 1st class firefighter does not constitute a promotion. There is no probationary period for 2nd and 1st class

firefighters. Appointment to positions listed above shall fall within the Fire Chiefs discretion. Eligibility standards are listed below.

Firefighter 2nd Class: A probationary firefighter shall be eligible to move to 2nd class firefighter upon satisfactory completion of one (1) year service as a Probationary Firefighter and satisfactory completion of probationary requirements by written approval of the Fire Chief.

Firefighter 1st Class: 2nd class firefighter shall be eligible to move to 1st class firefighter upon completion of one (1) year service as 2nd Class and satisfactory completion of 2nd class requirements and receipt of written approval of the Fire Chief.

Firefighter Paramedic: Candidates for paramedic training shall be selected by the Fire Chief. Preference shall be given, over lower classifications, to candidates who have finished their 1st class Firefighter outlines. Final appointment shall be contingent upon compliance with the State Board of Medicine requirements.

RULE V

PROMOTIONAL PROBATION

Any person selected for promotion shall serve a probationary period of one year from the date of appointment to the higher position. If either the conduct or performance of duty, or both, of any probationer shall be found unsatisfactory, or if it is determined that retention would diminish efficiency and public service within the Department, the Fire Chief shall cause to be delivered to the probationer a written statement that the probationer has not satisfactorily completed probation and will be returned to the position from which he was promoted, or will be dismissed, in accordance with these rules.

A. The period of any person's probation may be extended by up to one half (1/2) the original probationary period if sickness or injury has prevented the probationer from serving the full probationary period in the position.

B. Any person who satisfactorily completes promotional probation shall retain the

higher rank and may thereafter be demoted only for cause or for a reduction in force or reduction in rank (See Rule VII). Probationers shall have the right to a Commission hearing upon demotion, and probationers shall also be accorded the same rights as other employees in the event of discipline leading to suspension or dismissal.

RULE VI
TEMPORARY APPOINTMENTS

Temporary appointments shall be made according to Article 20 (Working Out of Classification) of the Fire Fighters' Contract. Temporary appointments shall be made from the next lower classification of the same division when possible.

RULE VII
REDUCTION IN RANK

In the event a position has been filled by promotion from an established register, and later a person previously promoted *is* returned to previous rank or, if for any cause, the number of persons holding that rank decreased, then the last person promoted shall be returned to the rank and position held before promotion, but the person so reduced in rank shall be the first to be reappointed to the higher position before another person below him in the eligible register from which he was promoted or from an eligible register established subsequent thereto and positions appointed by the Fire Chief. .

RULE VIII
LAYOFF AND RECALL

Layoff is denned as any involuntary separation from employment not involving

delinquency, misconduct, or inefficiency. Whenever for lack of work, funds, change in organizational structure, needs of the city, or other cause, it becomes necessary for the City Council to reduce the number of persons, the following regulations shall apply. In the event that a person's return to duty within a rank, or any other cause, requires a reduction in the number of persons in that rank, the last person promoted shall be returned to the rank he held before. The person so demoted shall be the first reappointed to the higher classification before anyone else on the current eligible register.

A. The person last hired shall be laid off first (Idaho Code Section 50-1610).

B. The Fire Chief shall immediately notify the Commission in writing of said layoff, giving the names of those laid off, the date of appointment, and the reason for the reduction in force.

C. The names of those so laid off shall be entered on a recall register in inverse sequence to that of the layoffs.

D. When it is desired to again increase the number of persons, the Commission shall certify all those laid off in order of the recall register. A person so certified, who declines or who after ten (10) working days has failed to accept the recall, shall be considered permanently separated from the Service.

E. Recalls herein are subject to such medical examination and other conditions consistent with these rules as the Commission deems necessary.

F. Persons who are laid off prior to completion of their probationary period must, upon recall, complete the remainder of the probationary period.

RULE IX

REINSTATEMENTS

Reinstatement of former employees who have resigned from the Classified Service may be made only under exceptional or emergency circumstances and only if, in the opinion of

the Commission and the Fire Chief, the applicant possesses special qualifications or fitness for the position and his reinstatement would materially benefit the department.

Reinstatements, when considered, shall be subject to such examination and other conditions as the Commission deems necessary.

The period of time which has elapsed between resignation and reinstatement shall not be considered in determining seniority, and a waiver to such effect shall be signed at the time of application for reinstatement.

RULEX
WORK ASSIGNMENT

1. Employees shall comply with their existing job descriptions. Where changes in the job descriptions are made, the City and the Union shall bargain prior to implementation.

2. Employees shall be assigned work which is consistent with recognized appropriate work for professional fire fighters and be provided with training which will assist them in completing their assignments.

3. It is recognized that during the course of an emergency there are situations which may arise requiring extraordinary measures. With cause, the Mayor may declare "emergency conditions" lasting 72 hours or less, in which firefighters may be required to perform nontraditional functions.

RULE XI
DISCIPLINE AND COMMISSION INVESTIGATION

Section L CAUSE FOR DISCIPLINE, DISCHARGE, AND COMMISSION INVESTIGATION. In accordance with Idaho Code Section 50-1604, employees who have satisfactorily completed initial probation shall hold office, place, position or employment only during good behavior. Any such employee may be removed, discharged, suspended without pay, demoted, reduced in rank, or deprived of vacation benefits, or other special privileges, subject to the determination of the facts in each case by the Commission, for any of the following reasons:

A. Incompetency, inefficiency or inattention to, or dereliction of duty.

B. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, or any other act or omission or commission tending to injure the public service; willful failure on the part of the employee to properly conduct himself, violation of Fire Department Rules and Regulations and Standard Operating Procedures, or any other willful violation of the civil service rules and regulations.

C. Mental or physical unfitness for the position which the employee holds.

D. Dishonest, disgraceful, immoral or prejudicial conduct.

E. Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee or which prevents the employee from properly performing the functions and duties of any position under civil service.

F. Conviction of a felony or conviction of a misdemeanor involving moral turpitude.

G. Any other act or failure to act, which in the judgment of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

Section 2: PROCEDURES FOR DISCIPLINARY ACTION INVOLVING REMOVAL, SUSPENSION, DEMOTION, DISCHARGE, REMOVAL OR DEPRIVATION OF VACATION BENEFITS OR OTHER SPECIAL BENEFITS ONLY. All members of the classified service shall be subject to suspension with or without pay, for misconduct, incompetency, failure to observe the rules of the department, or for reasons enumerated in Section 1 above.

A. Suspension With Pay Pending Discipline.

1. Upon suspension with pay by the Fire Chief or supervisor, a written statement of such suspension and reasons therefore, in general terms, shall be served upon the employee and a duplicate filed with the Commission; provided that the supervisor may suspend a member of the classified service pending the written confirmation of the suspension by the Fire Chief, which confirmation must be within three work days, or the employee shall be immediately reinstated.

2. Service of charges. In the event personal service cannot be made as stated above, the charges shall immediately be sent through the United States mail, certified, return receipt requested, to the last known address to the employee. Proof of such mailing shall constitute service

whether or not the mail is actually received by the employee. Such notice shall be deemed effective when sent.

B. Discipline Procedures.

1. The Fire Chief or the designated supervisor will serve the employee with a written statement containing the accusation, in general terms, and file a duplicate with the commission. If personal service cannot be made, service is to be made via certified mail pursuant to Section 3 (A) (2) above.

2. A Due Process Hearing (Fire Chiefs Hearing) will be held pursuant to the Fire Department Standard Operating Procedure No. 5019. The Fire Chief will forward his decision on discipline to the Civil Service Commission within five (5) working days (Mon - Fri) of receiving the written recommendation of the Hearing Board.

3. The Commission shall meet within ten (10) work days (Monday through Friday) of receipt of the charges and make a written finding upon the charges and certify (agree or disagree with) the findings to the Fire Chief, with a copy to the employee and the Mayor and Employee Services Coordinator. The findings shall forthwith be enforced by the Fire Chief (Idaho Code Section 50-1609).

4. The Commission shall formally investigate any removal, suspension, demotion or discharge action taken by the Fire Chief or supervisor against an employee upon written demand filed with the Commission by the employee within ten (10) calendar days of the date upon which action was taken by the Fire Chief. Such investigations conducted by the Commission shall

be in accordance with the following procedures:

a. Investigations requested by the employee and conducted by the Commission shall be by public hearing.

b. The Commission shall notify the employee demanding an investigation, the Fire Chief, the Mayor and the Employee Services Coordinator of the time and place of the hearing, in writing.

c. The time set for such hearing shall not be less than five (5) work days from the date upon which the Commission received the written demand for a hearing but shall be within a reasonable time after receiving written demand for a hearing.

d. The employee shall be afforded an opportunity to be heard in person or by counsel and to present his defense.

e. In conducting the investigation, the Commission shall be confined to the determination of the question as to whether such removal, suspension, demotion or discharge was made for political or religious reasons, or was made in good faith and for cause.

f. The decision of a majority of the Commission shall be binding on the Fire Chief. During the investigation, the Commission shall have the power to administer oaths, to subpoena, and to compel attendance of all city employees and witnesses deemed necessary by the Commission. The Commission shall have the power to subpoena witnesses and the production of books, records, or papers which are pertinent to any matter under inquiry, and to examine such witnesses under oath in relation to any matters properly before the Commission.

Section 3. WRITTEN OR VERBAL REPRIMANDS. Rule XI does not apply to written or verbal reprimands.

RULE XII

RECORDS AND REPORTS

The Employee Services Coordinator shall maintain appropriate individual personnel files and certified eligible registers.

RULE XIII
VALIDITY OF RULES

Section 1: FORMER RULES REPEALED. All former rules and regulations not contained herein are repealed.

Section 2: VALIDITY. If any part of these rules and regulations is held by competent authority to be invalid, every other part thereof not so held shall continue in full force and effect as though such invalid part had not been included herein.

RULE XIV
AMENDMENTS

These rules may, from time to time, be added to, amended, or repealed in accordance with the same procedure established for their original adoption.

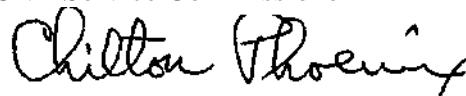
RULE XV
DEPARTMENT RULES

The Fire Chief shall establish those rules and regulations not inconsistent with the Commission Rules, for the proper regulations and discipline of his department personnel.

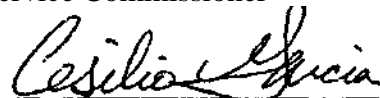
Be it resolved by the Civil Service Commission of the City of Pocatello, Idaho, that the foregoing rules and regulations are hereby adopted as a whole in accordance with the Idaho State Law and by approval of the City Council.

Approved this 17 day of January 1996 by the Civil Service Commission

JUDY HUNT
Civil Service Commissioner




CHILTON PHOENIX Civil
Service Commissioner



CESILIO GARCIA
Civil Service Commissioner

ATTEST:



NANCY CARLSEN,
Employee Services Coordinator

Approved this 17 ay of January, 1996, by the



PETER J. ANGSTADT,
Mayor

ATTEST:



PETER B.
McDOUKALL,

City Clerk