

# RICHMOND FIRE DEPARTMENT



## **BY LAWS**

APPROVED  
00-00-00

## By-Laws of The Richmond Fire Department

### **Article 1 The Organization**

Section 1: This organization will be known as Richmond Fire Department. Its purpose is to preserve and protect life and property for the Town and Village of Richmond, Vermont in the event of fire, or other emergency; and to promote the civic and social welfare of the community.

Section 2: The Richmond Fire Department is a wholly owned department of the Town of Richmond. The Town owns the property, firefighting apparatus and associated equipment. The members of the Department are deemed to be volunteers for the Town of Richmond who receive hourly wages for responding to emergency incidents and training at a rate set forth by the Selectboard of the Town of Richmond. This allows members to be eligible for coverage under the Town's Workers Compensation policy in the event of accident or injury.

Section 3: A nonprofit, The Richmond Fire Department, exists to raise funds to augment the Town of Richmond supplied budget via fundraising and donations for use as the members deem reasonable. Funds raised may be dispersed at the discretion of the membership by majority vote where a quorum is present but may not be used for salaries, building and equipment maintenance or capital purchases. Approval of the Selectboard is not required.

Section 4: Definition of Terms

a) Firefighter: Any firefighter, officer or probationary firefighter. Firefighters are subject to applicable provisions of law, including but not limited to, the Workers' Compensation Rules, set forth in the Personnel Guidelines of the Town of Richmond.

b) By Laws- the official rules governing the operation of the Richmond Fire Department. Bylaws identify the process for organizational decisions such as the selection of Officers, the creation of Committees and the conduct of Business Meetings.

### **Article 2 Classes of Membership**

Membership in this department will be divided into four classes: Probationary, Active, Lifetime and Honorary.

Section1: Probationary.

Probationary members serve a six (6) month probationary period. During this time, the potential member will attend as many training sessions and emergency calls as deemed reasonable by the Officers. The potential member will be assessed on their enthusiasm, willingness to learn and obedience to orders. A probationary member has no voting rights, nor holds an elected office. A probationary member may resign from the department ahead of the completion of their probationary period. At any time, prior to the conclusion of the probationary period, the Active members, by majority vote, may have the probationer expelled from the Department for

reasons of Neglect of Duty, failure to abide by the by-laws, disobeying a lawful command or bringing disgrace upon the Department. At the end of this period a vote of the active members, by Australian ballot, will be taken. The result of the vote can be acceptance as a full active member, extension of the probationary period for an additional three (3) months, or dismissal from the department.

Section 2: Active. Active members, who have completed their probationary status, are entitled to vote and hold elected office. Active members are entitled to all the rights provided to them by the employment laws of the State of Vermont and the Personnel Guidelines for the Town of Richmond in regards to dismissal and/or suspension. Any active member may resign by filing a written resignation with the department. Any active member may take a leave of absence, by filing written notification with the department, stating the reason and duration. See Article 8

Section 3: Lifetime. An active member in good standing, having attained their 25th anniversary of membership will be honored with the designation of Lifetime Member. No additional rights or responsibilities are granted with this designation.

Section 4: Honorary. Honorary membership may be granted to any person by a majority vote of the Active membership. An Honorary member will have no rights or responsibilities of any character.

### **Article 3 Membership Application Process**

The Richmond Fire department is an Equal Opportunity Employer. No applicant will be denied membership based on ethnicity, race, religion, sex or sexual orientation. The department adheres to the policies as set forth in the Town of Richmond Personnel Guidelines Section 4 Part A.

Section 1:

- a) Total Active and Probationary membership will consist of twenty-five (25) members plus Chief and First Assistant Chief.
- b) Active and Probationary members will be 18 years of age or over and meet such additional requirements as may be contained in any law or regulation applicable to this organization.

Section 2:

- a) Applications for Probationary membership will be made in writing on an approved form obtainable from the department.
- b) The applicant's references, driving record and criminal background will be checked by the Chiefs.
- c) An application that meets the approval of the Chiefs will be presented to the membership at any regularly scheduled monthly Business Meeting.
- d) An application will be considered approved by a majority vote of the members

present, by Australian ballot, provided a quorum is present.

e) A candidate rejected by vote of the membership must wait sixty (60) days before re-submitting an application. If the applicant is defeated a second time then the applicant must wait one year before re-applying for membership.

## **Article 4 Chain of Command**

### Section 1: Line Officers:

a) The line officers are: Chief of Department, Assistant Chief, three (3) Captains and one (1) Lieutenant.

b) The offices of Chief and Assistant Chief are appointed by the Selectboard of the Town of Richmond. All other officers are elected by the active membership. A majority of the active members, with a quorum present, will seat an officer.

c) In case of a vacancy of a line officer's position, the active membership will vote on a successor at the next regular business meeting. If the vacancy is that of the Chief or Assistant Chief, the vote represents a recommendation of confidence or no confidence in the Selectboard's nominee.

### Section 2: Officer Duties and Responsibilities

#### Section 2A: Fire Chief

a) Will have all the responsibilities as set forth in Article 5 Section 1 of these by-laws.

b) Will enforce the rules and regulations as set forth by the Selectboard of the Town of Richmond, the State of Vermont, the National Fire Protection Association and the Vermont Occupational Safety and Health Administration.

c) Will oversee establishment of, and compliance with, this department's Standard Operating Procedures and Guidelines.

d) Will have the authority to suspend any firefighter for cause pending a hearing conducted by the Line Officers.

e) Will insure that all fire department property and equipment is in good order and repaired at all times for service.

f) Will negotiate all mutual aid contracts affecting the Fire Department.

g) Will prepare an annual budget as required by the Selectboard.

#### Section 2B: Assistant Chief

a) Will have all the responsibilities as set forth in Article 5 Section 1 of these

by-laws.

- b) Will perform the duties of the Chief in his /her absence.
- c) Will assist the Training Officer(s) in the planning and execution of member training.
- d) Will maintain records and prepare reports as the Chief requires.

Section 2C: Captains

- a) Will have all the responsibilities set forth in Article 5 Section 1 of these by-laws.
- b) Will perform the duties of their superiors in their absence.

Section 2D: Lieutenant

- a) Will have all the responsibilities set forth in Article 5 Section 1 of these bylaws.
- b) Will perform the duties of their superiors in their absence to the best of his/her ability.

Section 2E: Training Officer(s)

- a) The Training Officer(s) will be selected from the ranks of the Line Officers by the Line Officers.
- b) Training Officer(s) will be responsible for implementing and coordinating the training program.

Section 2F: Officers

Officers have no role in the Chain of Command. They are solely to manage the affairs of the;

- a) President
- b) Vice President--Acts on the President's behalf in the President's absence.
- c) Secretary
- d) Treasurer

## **Article 5 Responsibilities of Members**

Section 1: Active Members:

- a) Required to perform the full duties of firefighters, including service at fires, other emergencies, attendance at meetings and training.

b) New members joining the department will complete, or be enrolled in, an approved Vermont State Firefighters course of instruction (or equivalent) within eighteen (18) months of joining the department. Individuals who have previously belonged to other departments will be allowed to transfer their attendance at such a course as long as they can present proof of completion.

c) Will attend a minimum of twenty (20) drills per year, or be subject to disciplinary action.

d) Will attend a minimum of 25% of the emergency calls.

e) Any active member missing three (3) consecutive regular business meetings, without just cause, will be subject to disciplinary action.

f) An active member who cannot fulfill his training and/or meeting requirements due to excused absence will not be subject to disciplinary action.

g) Any active member will be considered in good standing if he/she is not subject to any disciplinary action.

h) Members are responsible for all equipment issued to them. When membership in the Department is terminated, all Department property will be immediately returned to the Chief or Assistant Chief. The Chief is empowered to take any action necessary under the law to see that Department equipment is returned without delay.

h) All members will give obedience to the lawful orders of their Line Officers.

i) Work at fires and drills will be done in a quick, orderly, efficient and professional manner. Unless excused by an officer, members will return to the station with their apparatus and will not leave until all equipment is properly placed back in service.

j) A member will never appear at a meeting, training or emergency while under the influence of alcohol or any other drug.

k) All members will adhere to all relevant traffic laws and policies of the Department when responding to an emergency whether in a private vehicle or department apparatus. See Section 5 and Section 6 of this article.

l) All members are encouraged to assist in the development of the overall training program as well as individual training sessions.

m) Are encouraged to actively assist in the recruiting of new members to the department.

## Section 2: Probationary Members:

a) Probationary members will have all the responsibilities as set forth in Section 1 of this article.

Section 3: Lifetime Members:

- a) Lifetime Members will have all the responsibilities as set forth in Section 1 of this article.

Section 4: Honorary Members:

- a) Honorary members have none of the responsibilities as set forth for Active and Probationary members.

Section 5: Apparatus Drivers

a) Definitions:

i) DUE REGARD: What a reasonably careful person performing similar duties and under similar circumstances would act in the same manner for the safety of others.

ii) TRUE EMERGENCY: A situation in which there is a high probability of death or serious injury to an individual or significant property loss and you as an individual can reduce that probability.

iii) GROSS NEGLIGENCE: Reckless disregard of the consequences of an act to another person. It occurs when a person's actions, or lack of, results in the failure to exercise even a slight degree of care.

b) Apparatus being driven in an emergency response will be operated with DUE REGARD for the safety of others. Apparatus will be brought to a complete stop at controlled intersections before proceeding. These intersections would be intersections one would normally stop at during non-emergency driving. Uncontrolled intersections will be approached with caution and a slowing of vehicle speed. Speed can be higher than the posted speed limit during an emergency response only under favorable conditions. Favorable conditions for the purpose of this document are described as light traffic, good road conditions, and clear visibility. If favorable conditions exist, speed should be no greater than ten (10) MPH over the posted speed limit.

c) Complaints received for inappropriate emergency response driving, will be investigated by the Chiefs and if the complaints are deemed valid there will be a written and verbal warning to the member in which the complaint was directed. If a second complaint for emergency response is found to be valid, the individual will be suspended from fire department vehicle driving privileges for a period of thirty (30) days. A third complaint found to be valid will result in the member being permanently suspended from apparatus driving. A member can be terminated from the department by a majority vote of the officers before the accumulation of three (3) complaints if any offense is deemed Gross Negligence. A written copy of the warning and subsequent disciplinary actions will be placed in the member's personnel file.

Section 6: Responding to Alarms in Personal Vehicles

- a) Being authorized to operate a member's Personally Owned Vehicle (POV) as an



emergency vehicle is a privilege, not a right. Members receiving authorization to use emergency warning devices on their POV will operate in accordance with the appropriate sections of VSA Title 23 of the Motor Vehicle Regulations and the policies of this department. Members will submit for approval to the Department of Motor Vehicles, a Chief's authorized application for an Individual Light Permit. Members will carry the approved permit in their vehicle at all times and be prepared to submit the permit for inspection to any law enforcement official or authorized state motor vehicle inspection station employee.

b) Members responding to an emergency alarm will do so with Due Regard for the safety of others. Members will come to a complete stop at controlled intersections before proceeding. These intersections would be intersections one would normally stop at during non-emergency driving. Uncontrolled intersections will be approached with caution and a slowing of vehicle speed. Speed can be higher than the posted speed limit during an emergency response only under favorable conditions. Favorable conditions for the purpose of this document are described as light traffic, good road condition, and clear visibility. If favorable conditions exist, speed should be no greater than five (5) MPH over the posted speed limit.

c) Complaints received for inappropriate emergency response driving will be investigated by the Chiefs. If the complaints are deemed valid, there will be a verbal and written warning to the member in which the complaint was directed. If a second complaint for emergency response is found to be valid, the member will not be permitted to operate their POV for emergency response for a period of thirty (30) days. A third complaint found to be valid will result in the member being terminated from the department. A member can be terminated from the department by a majority vote by the officers before the three (3) complaints if the offense is deemed as Gross Negligence. Upon dismissal, the member will be requested to relinquish their light permit to the Chief and remove any visible warning devices. The Chief will notify the Richmond Police Department and Department of Motor Vehicles of the invalidation of the permit. A written copy of the warning and subsequent disciplinary actions will be placed in the member's personnel file.

## **Article 6 Meetings and Drills**

### **Section 1: Meeting Location**

Meetings and training of the department will be held at the fire station unless other notification is announced.

### **Section 2. Meeting Time and Date**

The regular business meetings of the department will be held on the first Monday of each month at 7:00 PM. If the first Monday is a legal holiday or otherwise committed, the meeting will be held on an alternate night chosen by a simple majority of the active members present.

### **Section 3: Order of Business**



a) The purpose of a regular business meeting is to transact business that is related to the fire department.

b) All meetings will be conducted in accordance with Robert's Rules of Order and these by-laws. The following agenda will be followed:

- 1) Call to Order.
- 2) Secretary's reading of previous month's minutes
- 3) Treasurer's report
- 4) Chief's report
- 5) Assistant Chief's report
- 6) Members comments
- 7) Adjournment

#### Section 4:

An abbreviated business meeting may also be held every third (3<sup>rd</sup>) and fourth (4<sup>th</sup>) Monday prior to training and will be limited to twenty (20) minutes in duration.

#### Section 5:

Special meetings may be held at the request of any active member for just cause. No special meeting will be held upon less than twenty-four (24) hours' notice, except in the cases of death of a member, a time essential situation or stated emergency. All calls for special meetings will state specifically the business for which the special meeting is desired, and no other business will be transacted at the special meeting.

#### Section 6:

The annual meeting will be the January business meeting. It is at this time that the elections of Line Officers, Administrative officers and Firefighter of the Year will be held.

#### Section 7: Training Sessions

- a) Training sessions will be held on the third (3<sup>rd</sup>) and fourth (4<sup>th</sup>) Monday of each month commencing at 1900 Hours and no later than 1920 Hours. If either or both of these dates are on or near holidays, adjustments to the schedule can be made by majority vote of members at the previous business meeting.
- b) Special training sessions may be called by the Chief for new equipment initiation, mutual aid drills, and full department drills.
- c) Officers may arrange to make extra drills available for make-up or extra training.

## **ARTICLE 7 Disciplinary Actions/Dismissals**

All disciplinary actions will be conducted in accordance with the policies as set forth in the Personnel Guidelines for the Town of Richmond Section 9 and relevant employment laws for the State of Vermont.

#### Section 1: Discipline of Officers

Disciplinary actions involving the Chief and/or Assistant Chief will be administered by the Selectboard of the Town of Richmond.

Section 2: Discipline of Line Officers

Disciplinary actions for Line Officers will be administered by the Chief and two (2) active members selected by the Active members.

Section 3: Discipline of Members

a) Disciplinary actions for members will be administered by the Line Officers. The member will meet with at least (3) Officers to discuss the situation which resulted in the action.

b) After meeting with the member, the Officers will discuss the matter and determine the disciplinary action to be taken. The member will be notified verbally and in writing of the disciplinary action to be taken. A written copy will be placed in the member's personnel file. Disciplinary action may include a verbal or written reprimand, suspension, or dismissal based on the seriousness of the offense.

## **Article 8 Leaves of Absence**

Section 1: A Leave of Absence (LOA) may be requested for illness or injury, employment, bereavement, maternity/paternity, deployment, schooling or other reasons. To remain a member in good standing, planned requests for leave will be submitted in writing to the Fire Chief for approval by the Line Officers at least two weeks prior to the planned start of the leave. The Fire Chief may grant emergency leave requests. All requests will provide a reason and estimated duration of time needed for the leave.

Section 2: Absences for up to thirty (30) consecutive days may be taken without being considered a Leave of Absence. For Leave requests of up to three (3) months, members may retain possession of their issued uniforms and equipment. Members are required to turn in their issued uniforms and equipment when leaves are expected to last longer than three months.

Section 3: Members who wish to return to active duty must state their intentions in writing to the Fire Chief for approval by the Line Officers. Members returning from leave are required to be up to date with training requirements and any mandatory training sessions that were missed while absent. Copies of current certifications and drivers' licenses (if applicable) must be on file as well.

Section 4: Members who take a LOA of six (6) months or greater are not permitted to respond to emergencies without first completing a competency review with the Training Officer(s) and the Chief. Exceptions may be considered if the member was engaged in firefighting or related work while on LOA.

Section 5: Members on medical leave due to illness or injury must submit written authorization from their care provider stating the member's fitness to return to full active duty.

Section 6: Members on non-medical leave may take up to a six (6) month leave, and request one six (6) month extension in writing to the Chief before they must return to duty or resign.

Section 7: Members will be moved to Inactive status in the event that their leave extends beyond twelve (12) months. Should the member desire to return to duty, the member must submit a letter of intent to the Fire Chief requesting they be reinstated to active membership status.

## **Article 9 Alcohol and Drugs**

Alcohol and drugs are not to be used on the property where the Fire Station is situated nor on any fire ground or training site. Any use of such is grounds for disciplinary action inclusive of dismissal.

## **Article 10 Quorum**

A quorum is fifty-one (51) percent of the total active membership at any meeting of members. If a quorum is not present at any meeting of members, a majority present may adjourn the meeting, no other business may be transacted.

## **Article 11 Policies and Guidelines**

New policies and Standard Operating Guidelines can be introduced or requested by any Active Member. The proposed policy can be written by any member(s) who wish to have input. The proposal will be submitted to the Line Officers for discussion and amended as deemed necessary. Once accepted, the proposal is submitted to the Membership to be voted on at the next monthly Business Meeting. Approval is required by a majority of members with a quorum present. Policies and guidelines may be amended or deleted in the manner prescribed above.

## **Article 13 Workplace Environment**

The Richmond Fire Department is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including harassment. Therefore, The Richmond Fire Department expects all relationships among persons in the workplace to be business-like and free of bias, prejudice, discrimination, and harassment. The Department adheres to the policies as set forth in the Personnel Guidelines for the Town of Richmond Section 12 Part J.

All members are expected to understand, acknowledge and comply with the Town's Ethics Policy. Section 12 Part E

## **Article 14 Decorum**

No member will appear at any meeting, training or other duty session of the Department, in any state of intoxication or under the influence of any drug (unless the drug is prescribed, used in the manner prescribed and does not interfere with job performance)., engage in disorderly conduct or otherwise bring disgrace upon the Department under penalty of dismissal. See Section 17, Part D of Personnel Policies for the Town of Richmond.

## **Article 15 Amendments**

These by-laws may be altered, amended or repealed and new by-laws may be adopted by a two-thirds (2/3) vote of the active members at any regular business meeting or special meeting called for such purpose. Proposed changes to these by-laws must be warned and then presented at a regular business meeting with a vote to consider ratification occurring no sooner than twenty-five (25) days afterward.

## **Article 16 Legal Waiver**

These by-laws are not intended to nor will they supersede any laws of the land present and future.

The Richmond Volunteer Fire Department by-laws were voted on and approved by the membership at the ( insert date ) membership meeting.

This document replaces any and all of the previous By-Laws and/or changes.

\_\_\_\_\_  
Dennis Gile- Chief

\_\_\_\_\_  
Gerald Levesque- Assistant Chief

\_\_\_\_\_  
Adam Wood- Captain

\_\_\_\_\_  
Mark Klonicke- Captain

\_\_\_\_\_  
Jacob Kilpeck- Captain

\_\_\_\_\_  
Eric Wood - Lieutenant

